**Vol. 36 January 15, 2019 No. 02**

**CONTENTS**

**HOUSE WEEK IN REVIEW 02**

**BILLS INTRODUCED IN THE HOUSE THIS WEEK 02**

***NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.***

**HOUSE WEEK IN REVIEW**

On Tuesday, January 8, 2019, lawmakers gathered in Columbia to commence the 123rd South Carolina General Assembly. On Wednesday, the General Assembly took part in ceremonies for the inauguration of the Governor, the Lieutenant Governor, and the state’s other constitutional officers. During the week, committees began their work on legislation to report out for consideration by the full House.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

**H.3449 *HEMP REGULATIONS* Rep. Hiott**

This bill adds that the Department of Agriculture is responsible for the regulation of hemp in South Carolina and is authorized to disseminate regulations in order to remain in strict compliance with the standards and practices established by the United States Department of Agriculture (USDA) and the provisions of the Agricultural Improvement Act of 2018. The bill also deletes Sections 46‑55‑20 through 46‑55‑60 that deals with industrial hemp.

**H.3470 *ATLANTIC OCEAN MARINE SEISMIC TESTING TO LOCATE RESERVES OF OIL***

***AND NATURAL GAS* Rep Burns**

The legislation outlines that the state of South Carolina or political subdivisions or a state agency may not approve a plan or ordinance that would deter, prohibit, or otherwise impede the construction or the use of property or infrastructure of any kind to facilitate Atlantic Ocean marine seismic testing.

**H.3471** ***TRANSPORTATION OR STORAGE OF ATLANTIC OCEAN OFFSHORE OIL OR GAS***

**Rep. Burns**

Notwithstanding another provision of law, a state agency or a political subdivision of this state may not approve a plan or ordinance that would deter, prohibit, or otherwise impede the construction or the use of property or infrastructure of any kind to facilitate Atlantic Ocean marine seismic testing to locate reserves of oil and natural gas or the transportation or storage of Atlantic Ocean offshore oil or gas onto the land or within the waters of this state.

**EDUCATION AND PUBLIC WORKS**

[**H.3453**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3453&session=123&summary=B) ***LUNCH BREAKS* Rep. Martin**

This bill provides that public school classroom teachers and full-time librarians are entitled to at least a thirty-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students.

[**H.3458**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3458&session=123&summary=B) ***ADVERSE CHILDHOOD EXPERIENCES* Rep. Robinson**

This bill requires the Department of Health and Environmental Control to coordinate the state's response to adverse childhood experiences and their negative impact on health and well-being through comprehensive data collection and analysis, training, and collaboration with public and private stakeholders on research-based and evidence-based strategies to prevent adverse childhood experiences and mitigate their impact.

[**H.3462**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3462&session=123&summary=B) ***THREE-POINT LAP AND SHOULDER SEAT BELTS* Rep. Robinson**

This bill provides that school buses must be equipped with three-point lap and shoulder seat belts in numbers sufficient to allow all student passengers to use such belts.

[**H.3464**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3464&session=123&summary=B) ***PUBLIC SCHOOL FLEXIBILITY AND PARITY STUDY COMMITTEE* Rep. Robinson**

This joint resolution creates the "Public School Flexibility and Parity Study Committee".

**JUDICIARY**

**H.3448 *OFFICE OF FREEDOM OF INFORMATION ACT REVIEW* Rep. Taylor**

Creates an Office of Freedom of Information Act Review within the administrative law court. Sets out the general functions, powers, procedures, and duties of this new office and court. Also would exempt data from video or audio recordings made by law enforcement vehicle-mounted recording devices or dashboard cameras. Equitable remedies available to the general public to enforce provisions of the Freedom of Information Act would also be available to this office. Prevailing parties in actions brought under this act could recover their attorney fees.

**H.3450 *REDEFINING THE AGE OF JUVENILES IN SOUTH CAROLINA* Rep. Rutherford**

Proposes amending our state constitution, through appropriate procedures, for the separate confinement from older inmates, of juvenile offenders under the age of 18, instead of the current age of 17.

**H.3451 *SALES OF TOBACCO PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS TO MINORS* Rep. Rutherford**

Would prohibit the sale, furnishing, or provision of cigarettes or alternative nicotine products to a person under 21 years old. Current law applies only to anyone under 18 years of age. Also, anyone under 21 would be prohibited from purchasing, possessing, attempting to possess, or using any kind of fake ID to buy or possess tobacco products or alternative nicotine products. Prohibits distributing tobacco product or alternative nicotine product samples to anyone under 21.

**H.3454 *MINIMUM PEDIATRIC EMERGENCY TREATMENT INVENTORIES* Rep. Huggins**

Requires emergency medical responders and emergency medical technicians to maintain proper amounts of pediatric supplies and oxygen for use in emergency transport. Failure to do so would be considered gross negligence. Specified damage award limitations would not apply to civil actions brought pursuant to this legislation.

**H.3456 *SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2019* Rep. Hill**

The "South Carolina Constitutional Carry Act of 2019" allows anyone not prohibited from possessing firearms under state law, to carry a handgun under certain circumstances. Revises the definition of the term "concealable weapon." Anyone lawfully carrying a concealable weapon could enter a business serving alcohol so long as they do not consume alcoholic liquor, beer, or wine while carrying their weapon on site. Valid out-of-state concealable weapon permits held by a resident of another state would be honored by South Carolina. Current law only applies to reciprocal state permit holders. A property owner's right to allow concealed weapons on their premises would extend both to persons who possess-- and persons who do not possess-- a concealable weapons permit.

**H.3484 *MAKING TENANTS PAY RENT* Rep. Clemmons**

By modifying current legal definitions, requires a "tenant at will" and a "tenant at term" to pay compensation to the landlord.

**LABOR, COMMERCE AND INDUSTRY**

**H.3455 *REGULATION OF SWIMMING POOLS* Rep. Stavrinakis**

This bill revises classifications and subclassifications of contractor licenses subject to regulation by the South Carolina Contractors’ Licensing Board, so as to require the licensure of residential swimming pool contractors. The legislation revises the scope of regulated functions to include pool foundations.

**H.3467 *STATE MINIMUM WAGE* Rep. Robinson**

This bill provides that the minimum wage in this state is the greater value of either thirteen dollars or the minimum wage set by the federal Fair Labor Standards Act. The legislation revises provisions relating to the scope of authority to set minimum wage, so as to provide that a political subdivision of this state may not require a minimum wage that exceeds the one provided in the state statute. The legislation revises provisions relating to therapeutic patient employment, so as to provide that a patient employee must be paid the minimum wage provided in the state statute. The legislation revises provisions relating to Sunday work in machine shops and Sunday work in manufacturing or finishing of textile products, respectively, both so as to provide that Sunday work must be compensated at a rate no less than the minimum wage provided in state statute.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.3036 *DYLAN’S LAW* Rep. McCravy**

This bill enacts “Dylan’s Law” requiring neonatal testing to include certain genetic disorders and diseases. It also requires additional lysosomal storage disorders to be tested.

**H.3469 *FAMILY SUPPORT SERVICES PROGRAM* Rep. Robinson**

The legislation outlines that the intent of the Family Support Services Program, administered by the Department of Disabilities and Special Needs Family Support Services, is to provide that individuals and families should have the right to select a specific person or agency to provide services offered through the program. The legislation also describes “Service provider” which means a private or public agency or a person, who may include a person related by blood, marriage, or adoption to the individual or family qualifying to receive services under the Family Support Program, that provides services to the individual or family for compensation.

**WAYS AND MEANS**

**H.3452 *STUDENT LOAN FORGIVENESS FOR TEACHERS* Rep. Robinson**

This bill provides that, after five consecutive years of employment with a school district located in this state, a teacher who graduated from an accredited South Carolina four‑year college or university may apply for student loan forgiveness.

**H.3457 *NEW MUNICIPAL OPERATING MILLAGE* Rep. Kirby**

This bill provides that a municipality without an operating millage on January 1, 2019, or a municipality that incorporates after January 1, 2019, may impose an operating millage. After the operating millage is imposed, it is subject to the limitations on increases.

**H.3460 *“SOUTH CAROLINA GENTRIFICATION TRUST FUND”* Rep. Robinson**

This bill authorizes the governing body of a county or municipality to impose a one‑time impact fee on a private developer for each new residential and commercial unit constructed within the county or municipality. Fees collected are deposited exclusively in a newly-created “South Carolina Gentrification Trust Fund” to provide financial assistance for relocation to low income and fixed income individuals, churches, and groups adversely impacted and displaced by gentrification. A developer who dedicates at least fifteen percent of the housing development to low income housing is exempt from the impact fee. The legislation establishes a requirement for a five million dollar annual appropriation from the General Assembly. The legislation adds the “South Carolina Gentrification Trust Fund” to the list of check off options on the income tax return which taxpayers use to make voluntary contributions.

**H.3461 *“POVERTY ELIMINATION BANK”* Rep. Robinson**

This bill creates the “Poverty Elimination Bank” to fund poverty reduction initiatives in South Carolina. The legislation adds the “Poverty Elimination Bank” to the list of check off options on the income tax return which taxpayers use to make voluntary contributions.

**H.3466 *TAX CREDIT FOR EMPLOYING THE FORMERLY INCARCERATED* Rep. Robinson**

This bill makes provisions for allowing a five thousand dollar tax credit to any taxpayer that employs a formerly incarcerated individual as a full‑time employee for one year.

**H.3485 *DEPARTMENT OF ARCHIVES AND HISTORY FUNDING* Rep. Jefferson**

This bill implements recommendations arising from the House Legislative Oversight Committee’s review of the Department of Archives and History. The legislation revises provisions for the income tax credit for making qualified rehabilitation expenditures for a certified historic structure, so as to remove a provision allowing the Department of Archives and History to establish fees. The legislation provides that a taxpayer claiming the credit must pay a fee to the Department of Archives and History for the State Historic Preservation Grant Fund. The legislation charges the department with developing an application process. The legislation adds the Department of Archives and History to the list of check off options on the income tax return which taxpayers use to make voluntary contributions. Such voluntary contributions must be used by the department to purchase or preserve collections with significant historical value to the state.

**The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (http://www.scstatehouse.gov) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need*.* Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.**

***NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON THE VERTICAL MENU BAR).***