



SENATOR REX RICE

LEGISLATIVE UPDATE

WEEK OF MARCH 11 - MARCH 15, 2019

GREETINGS! As the South Carolina Senator of District 2, who has the great privilege of representing Pickens County, I would like to thank you for reaching out to me. I gladly welcome and encourage feedback from my constituents, and if you are receiving this, I have received an email or phone call from you concerning various legislative matters. As a way of communicating updated information during this 123rd Session of the General Assembly, I will periodically send out informational emails, such as this. I hope you find it helpful.

Please feel free to contact my Senate office with questions or if I can be of service to you. My assistant's email is deanahage@scsenate.gov or you can call 803-212-6116. If you need immediate assistance, you can reach me on my cell phone at 864-884-0408.

WEEK IN REVIEW: March 11-15, 2019

Third Reading and Sent to the House

S.214 -- Marketplace Facilitator Sales Tax: A bill to define “marketplace facilitator” as to further clarify that any person that engages in the business of facilitating a retail sale of tangible personal property -- including but not limited to any space, store, catalog, website, television, radio broadcast, or similar place -- is responsible for remitting the sales and use tax to the State. Each seller shall collect and remit the tax and obtain a retail license if the seller maintains a place of business; qualifies to do business; solicits purchases by an agent, independent contractor, or internet website; and meets constitutional standards for economic nexus with South Carolina.

S.525 -- Superb Account and Superb Financial Responsibility Fund: A bill to repeal the 2026 sunset of the environmental impact fee for the Superb Account and Superb Financial Responsibility Fund, Section 44-2-90. The accrued interest will continue to be applied to a respective account.

Given Second Reading

S.162 -- Failure to Register Motor Vehicle: A bill to increase the penalties for failure to register a motor vehicle to provide that a person who fails to register a motor vehicle is guilty of a misdemeanor and, upon conviction, is fined not more than five hundred (\$500) dollars or imprisoned for a period not to exceed thirty days, or both.

S.440 -- Textiles Communities Revitalization: A bill to amend the South Carolina Textiles Communities Revitalization Act to provide that the purpose of the credit related to new or rehabilitated buildings on contiguous parcels, do not include expenses that increase the square footage of the buildings that existed immediately preceding the time at which the textile mill became abandoned by more than two hundred percent.

S.463 – Pharmacists and Prescriptions: A bill to provide that a pharmacist dispensing medications may, absent of a prescriber's orders to the contrary, dispense medications in a 90-day supply. The provision does not apply to scheduled medications, psychotherapeutic drugs and medications subject to reporting under the prescription monitoring program. The bill does not supersede or invalidate any third party payor agreement.

S.475 – Tripletail Catch Limits: A bill to provide that it is unlawful for a person to take or have in possession more than three tripletail in any one day, not to exceed nine tripletail in one day on any boat.

H.3127 -- Mod Abatement and Remediation Study Committee: A bill to create the Mold Abatement and Remediation Study Committee to study the health effects of mold in public areas and to ascertain the best method for abatement of mold. The committee shall consist of three Senators appointed by the President of the Senate, three members of the House of Representatives appointed by the Speaker of the House. The members of the study committee shall seek assistance from agencies and members of the private sector including, but not limited to, the Department on Health and Environmental Control, State Department of Education, Association of Counties, Municipal Association, University of South Carolina Arnold School of Public Health, Association of General Contractors, Realtors and Home Builders. The report is due to the General Assembly by 12/31/19 at which time the study committee is dissolved.

H.3449 -- Hemp Cultivation: A bill to align the state hemp program with federal law expectations outlined in the federal Agriculture Improvement Act of 2018. The provision directs the State Department of Agriculture to submit a State Plan to the USDA for approval, as required by federal law. Included in the standards provides that the federally defined THC level for hemp means a delta-9 THC concentration of not more than 0.3 dry weight basis defined in 7 U.S.C. sec 5940 or whatever is greater; to cultivate an individual must hold a hemp license issued by the Department of Agriculture, undergo a state criminal records check, provide coordinates for locating fields or greenhouses used, and provide written consent for the Department to enter premises for inspections and compliance. No person convicted of any felony related to a controlled substance shall be eligible for a license in the ten years following conviction. Violations greater than negligence shall be reported to the Attorney General and chief of SLED. If the USDA disapproves the plan, an amended plan must be submitted. The SCDA may permit the additional, qualified 2019 applicants to begin growing hemp.

H.3595 -- Industry Partnership Fund Tax Credit: A bill to increase the Aggregate Credit Amount for Industry Partnership Fund Tax Credit. One hundred percent (100%) of the amount contributed to the Industry Partnership Fund at the South Carolina Research Authority (SCRA), or an SCRA-designated affiliate is eligible up to a maximum credit of two hundred fifty thousand dollars (\$250,000) for a single taxpayer, not to exceed an aggregate credit of nine million dollars (\$9M) for all taxpayers. Any member of the SCRA Board of Trustees or SCLaunch!, Inc is not considered a taxpayer and may not claim the credit.

H.3985 -- Internal Revenue Code: A bill to conform to changes of the Internal Revenue Code to the State Income Tax Laws, to update the Revenue Code to December 31, 2018 and to provide that if the Internal Revenue Code Sections adopted by the state are extended, the sections relating to South Carolina income tax purposes are extended in the same manner.

This Week in Committee

Senate Transportation Committee:

S.509 -- Nonfranchise Automobile Dealer License: A bill to provide that an initial nonfranchise automobile dealer license entitles a licensee to carry on and conduct business of a nonfranchise automobile dealer. The license of a nonfranchise automobile dealer expires annually the last day of the month of the year following its issuance. Renewal must not be granted unless the licensee submits satisfactory proof of at least four hours of attendance at DMV-approved continuing education

prior to the renewal. The provision does not apply to a franchised automobile dealer or a nonfranchised automobile dealer owned and operated by a franchised automobile dealer, nor does it apply to a nonfranchised automobile dealer whose primary business is salvage motor vehicles.

Senate Family and Veterans' Services Committee:

S.189 -- Child Torture: A bill to provide that it is unlawful to commit torture or allow torture to be committed against a child and further define terms. 'Torture' includes, but is not limited to, inflicting or participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of terrorizing the child or for the purpose of satisfying the sadistic, craven, cruel or prurient desires of the perpetrator or another person. A person is guilty of homicide by child abuse if the person causes the death of a child while committing torture or knowingly aids and abets another person to commit torture that results in the death of a child. Homicide by child abuse is a felony and a person who is convicted must be imprisoned for life or must be imprisoned for a term of not less than twenty years.

S.486 -- Electronic and Remote Notaries: A bill to allow notaries to notarize documents using an electronic/digital signature for an electronic document. The signor may physically appear in front of the notary. Additionally, remote online notarization will allow the notary and signor to be in two different locations if the signor appears in front using audio-visual technology, may be sent via email or other electronic means and provides additional security, and other items.

S.498 -- Children's Trust Fund: A bill to provide that the South Carolina Children's Trust Fund shall have access at any reasonable time to electronic information systems, records, reports and materials maintained by the Department of Social Services or the Department of Children's Advocacy for the purposes of bona fide research on child abuse or neglect, quantitative or qualitative evaluation of prevention programs to reduce child abuse or neglect, or the assessment of service needs and gaps for the prevention of child abuse or neglect. The Trust Fund shall adhere to all information security policies, standards, guidelines and procedures promulgated by the Division of Technology of the Department of Administration with respect to all records, reports and materials.

H.3180 -- Servicemembers Civil Relief Act: A bill to conform to federal law and expand protections for members of the Armed Forces and their families. Servicemembers who receive orders for a permanent change of station may cancel service contracts with providers who do not provide the same service in the area

where the Servicemember is being re-stationed. The provision applies to telecommunication services, internet services, television services, athletic or gym membership and satellite radio services. Additionally, Servicemembers or their families may file a civil action against companies that violate this section.

H.3438 -- Division of Veterans Affairs: A bill to re-establish the Division of Veterans Affairs, currently residing in the Department of Administration, as a cabinet-level agency under direct supervision of the Governor to be known as the Department of Veterans Affairs. The Agency head will be established as “Secretary,” and must be appointed by the governor and confirmed with Advice and Consent of the Senate, provide clarifying and conforming provision for the authorities of the Secretary and no longer required County Veterans Affairs Officers to be veterans or be a member of the SC Association of County Veterans Affairs Officers.

Senate Judiciary Committee:

S.11 -- Daylight Saving Time: A bill to provide that if the United States Congress authorizes states to observe daylight saving times year round, it is the intent of the South Carolina General Assembly that daylight saving time be the year-round standard of the entire state and all of its political subdivisions.

S.206 -- Nuclear Advisory Council: A bill to rename the Nuclear Advisory Council to the “Governor’s Nuclear Advisory Council,” and provide that the Council shall be responsible to the Director of the Department of Administration and report to the Governor.

S.413 -- Naval Criminal Investigation Authority: A bill to provide that Naval Criminal Investigative Service Agents are authorized to enforce the state’s criminal laws by federal law enforcement officers.

H.3420 -- Youth Access to Tobacco Prevention: bill to prohibit minors from entering retail establishments that primarily sell tobacco produces and/or alternative nicotine products, including use of mail, shipping or delivery that requires a signature over the age of eighteen released to the purchaser unless the Internet employ protections to ensure age verification. A retail establishment must conspicuously post on all entrances to the establishment that a person under eighteen years of age must not enter unless actively supervised and accompanied by an adult, age will be verified prior to purchase. If the United States Congress authorizes states to observe daylight saving times year