



SENATOR REX RICE

LEGISLATIVE UPDATE

WEEK OF MARCH 18 - MARCH 22, 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 18-22, 2019

Third Reading and Sent to the House

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.132 -- Physician Assistance Act: A bill to define "physician assistant" or "PA" and to define scope of practice between a PA and physician. The bill creates a Physician Assistant Committee as an advisory committee to the board to evaluate qualifications for licensure and make recommendations to the board. The committee will consist of nine members appointed by the Board of Medical Examiners -- three licensed PAs with minimum of three years of patient care, two who must be consumers, and three physicians licensed to practice in the state. PAs may perform certain tasks within the written scope of practice -- health histories and exams, medical treatments, diagnosing studies, educating patients, consultations, issuing medical orders and obtaining consent, pronounce and certify cause of death, sign death certificates. A scope of practice agreement must be signed by PA and

physician done at least annually, made available to the board and if failed to do so deemed misconduct by the PA. Other conditions apply within this section.

S.136 -- Electronic Prescriptions: A bill to add “electronic” to references to written prescriptions. A practitioner may not dispense controlled substance in Schedule II without the written or electronic prescription. The provision provides exceptions if a documented technological or electronic failure occurs, if dispensed by a Federal pharmacy, for the practice of veterinary medicine, elements of the prescription are not supported by technology or for a patient discharged from hospital, emergency room or urgent care. The act takes place January 1, 2021.

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.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.474 – Spadefish Catch Limits: A bill to provide that it is unlawful for a person to take or have in possession more than ten spadefish in any one day, not to exceed thirty spadefish in one day on any boat.

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.

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.

Given Second Reading

S.109 -- Electric Fences: A bill to provide add the definition of "electric fence" to the South Carolina Alarm System Business Act. An "electric fence" means an electrified fence with a height not to exceed ten feet or two feet higher than the perimeter fence equipped with an energizer that does not exceed twelve volts DC. The charge produced must meet and not exceed the International Electrotechnical Commission Standard. No electric fence may be used without a surrounding non-electrical fence or wall not less than five feet high. Electric fences shall be permitted on property not zoned exclusively for residential use and must post 'Warning -- Electric Fence' signs within intervals not more than sixty feet. Electric fence does not mean an electrified fence erected for agricultural or wildlife habitat management purposes.

S.259 -- Resilience Resolving Fund Act: A bill to create a fund for a loan program to aid state/local governments in purchasing flooded properties and restoring the floodplain by prohibiting future development. The fund is governed by the Department of Administration's South Carolina Disaster Recovery Office under the supervision of the Director of the Department of Administration and the Governor. Eligible recipients include the state and local governments and land trusts operating

within the state accredited by the Land Trust Accreditation Commission. The authority is authorized to make and service below-market interest rate loans and grants to eligible recipients for the purchase of flooded properties and land to complete floodplain restorations; enter into, accept, and enforce loan agreements; apply and receive additional funding from federal, state and private sources and charitable contributions; and execute the necessary contracts and policies for administering the program; and other provisions of the fund.

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.

S.573 -- National Multistate Licensing System: A bill to provide the Board of Financial Institutions may participate in the Nationwide Multistate Licensing System, requiring check cashing business and deferred presentment lenders to fulfill their licensing paperwork requirements using the NMLS. The process shifts toward a fully electronic process resulting in faster turn-around times for licenses and greater efficiencies at the Board. All fees will be handled directly by the System for processing background and credit checks as well as collecting applications and providing documents to the Board.

S.579 -- Rate Increase Limitation: A bill to clarify that for automobile insurance, an insurerer must wait six months before it can request an additional rate increase. Provisions align the number of increases with the average auto policy length of six months. The bill provides more flexibility to respond to market conditions. Nothing in the bill restricts the Director's prerogative to review all filings and rates to see if rates are excessive, too low or unfairly discriminatory.

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.

This Week in Committee

Agriculture and Natural Resources:

S.107 -- Dams: A bill relating to dams to define regulated dam as a reservoir where failure of such dam would cause damage to human life or property of others, exempts low hazard (Class III) dams whose failure would only cause minimal property damage. The bill would require dam owners to provide DHEC with contact information and a completed dam owner safety checklist on a prescribed schedule and report changes within 30 days. Owners may request a waiver if the department determines they impose a significant hardship on the owner. Provisions maintain that owners must have an emergency plan in place to notify emergency officials and DHEC if the dam has failed or is near failure. The bill also includes other language relating to repairs of dams, inspection by DHEC, exemptions for agricultural, fishing and recreational dams that pose no significant danger to human life or property and establishes a refundable tax credit for dam repairs required by DHEC.

Banking and Insurance Committee:

S.133 -- Flood Damage Mitigation: A bill to expand the South Carolina Hurricane Damage Mitigation Program, established within the Department of Insurance, to include flood damage. Adding to the use of grants will be raising the dwelling above the minimum required elevation standards, the adding of vents to enclosures, installing breakaway walls, and relocating the dwelling further from the flood source. On July 1, 2019 and July 1, 2020 the amount of remitted premium tax the department may use to implement the program is increased by one percent so that when fully phased in on July 1, 2020 the department may use three percent of the remitted premium taxes to implement the program.

S.580 -- Life and Health Guaranty Association: A bill to update the Life and Accident and Health Insurance Guaranty Association. Among the changes: add Health Maintenance Organizations to the association, to establish that assessments related to long-term care contracts will be split 50/50 between health insurers and life insurers, and to add language that spells out how reinsurance is handled during

an insolvency or impairment. The bill also clarifies who can receive benefits from the association and the limits on those benefits.

Senate Finance Committee:

S.185 -- Angel Investor Act: A bill to extend the sunset of the High Growth Small Business Job Creation Act of 2013, commonly referred to as the Angel Investor Act, to repeal on December 1, 2025.

S.530 -- Consolidated Procurement Code: A bill to update the Consolidated Procurement Code. The update clarifies that the notification shall occur to the Director of the Division of Procurement Services; further define terms such as “information technology,” “information resources,” “database,” “software,” and more; provide that a business day does not mean Saturday, Sunday nor state or federal holiday; provide use of ‘public funds;’ and other related awards and items.

S.621 -- Industrial Development Bonds: A bill to amend the code relating to the issuance and refunding of bonds by the Jobs-Economic Development Authority to conform to recent finalized regulations promulgated by the U.S. Department of the Treasury that modify the requirements for public notice, public hearings, and approval of private activity bonds. These regulations are required as part of the Tax Equity and Fiscal Responsibility Act of 1982. A public hearing is held required to federal law to enable interest on such bonds to be excluded from gross income for federal tax purposes. Notice of a public hearing must be provided to the public and clerk of county council or municipal council.

S.647 -- Tax Credits for Donation of Wild Hogs: A bill to add wild hogs to the eligibility for a nonrefundable tax credit for processing donated for charitable distribution. No portion of the wild hog may be used by a commercial enterprise. The amount of the credit is seventy-five dollars for each carcass processed and donated. The credit must be claimed in the year earned and may not be carried to any other taxable year.

S.655 -- Job Tax Credits for Professional Sports Teams: A bill to add ‘professional sports teams’ to qualifying entities eligible to receive job tax credits. ‘Professional sports team’ means a team or club included in a professional league such as the National Football League, National Association for Stock Car Racing or the National Basketball Association, primarily engaged in live sporting events before a paying audience with an annual payroll for federal tax purposes of not less than one hundred ninety million dollars and not less than one hundred fifty employees.

H.4157 -- Statewide Voting System Solution: A joint resolution to extend the deadline to submit offers for a solicitation for a statewide voting system solution for the South Carolina Elections Commission to April 4, 2019 and create a special evaluation panel to evaluate and score the offers.

Fish, Game and Forestry Committee:

S.575 -- Wild Turkey Tags: A bill to revise the seasons for hunting wild turkey in the four Game Zones; provides for a one turkey limit during the first ten days of a season. The bill establishes a \$10 fee for set of turkey tags for residents and \$50 fee for set of tags for nonresidents. Persons under the age of 16, lifetime licensees and gratis licensees have no cost. Additionally, 'Youth Turkey Day' for persons under the age of 18 is established the Saturday preceding the start of a game zone turkey season. The bag limit is one male wild turkey.

H.3750 -- Deer Hunting Tags: A bill to provide that a resident who purchases a South Carolina Hunting License and a Big Game Permit must receive at least two antlerless deer tags.

Senate Medical Affairs Committee:

S.303 -- Transport of Persons of Mental Illness: A bill to provide that a state or local law enforcement officer responsible for transporting a patient believed to have a mental illness must be part of the therapeutic transport unit and have undergone mental health and crisis intervention training to provide that a physician is responsible for the patient's care and must notify a friend or relative that they may transport the patient to the facility, and that the friend or relative freely chooses to assume the responsibility and liability for the transport. Officers in a therapeutic transport unit should dress in civilian clothes and use an unmarked sedan to the extent possible when transporting a patient.

H.3274 -- Political Subdivisions Cigarette Ordinances: A bill to provide that political subdivisions of the state may not enact any laws, ordinances or rules pertaining to the ingredients, flavors or licensing of cigarettes, electronic cigarettes, tobacco products or alternative nicotine products. Laws, ordinances or rules enacted prior to January 1, 2019 are exempt from the preemption imposed.

Senate Transportation Committee:

S.401 -- Construction of the State Highway System: A bill to provide that an entity undertaking a highway improvement project bears the cost of relocating water and sewer lines. Eligibility for payment of relocation costs to be placed under control of a general contractor, unless the utility ops out pursuant to certain parameters.

Nothing prohibits or limits payment for relocation when a public utility has prior right to situate lines in present location. The Act applies to transportation improvement projects for which no more than 25% of preliminary engineering funds have been spent as of the effective date.

S.593 -- Commercial Advertisement Benches: A bill to delete the expiration date of permits to a regional transit authority or public transit operator to install and maintain benches upon which commercial advertisements are placed provided that each bench will be located on of the applicant's bus stops, within the right-of-way of a public road a, and the applicant otherwise meets all relevant federal statutory and regulatory requirements.

H.3310 -- Surrender of Certificates of Title: A bill to provide that if an insurance company or its agent is unable to obtain the certificate of title from the claimant within thirty days after acceptance by the claimant an offer in a settlement of total loss, the insurance company may submit an application to the department for a salvage certificate of title. The application shall include evidence that the insurance company or its agent has fulfilled its settlement with and made two or more written attempts to obtain the certificate of title from the claimant.