



SENATOR REX RICE

LEGISLATIVE UPDATE

WEEK OF APRIL 8 - APRIL 12, 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: April 8-12, 2019

Third Reading and Sent to the House

S.7 -- Tort Claims: A bill to increase the limits from a loss, under the Tort Claims Act, from a single occurrence for persons to five hundred thousand dollars and total sum arising out of a single occurrence to one million dollars. Additionally, a party who files an offer of judgement shall be allowed to recover administrative, filing or other court costs, and eight percent interest on the amount of the verdict from the date of the offer.

S.17 -- Certifying Coroner and Sheriff Candidates: A bill relating to the duties of the county boards of voter registration and elections are responsible for certifying that county's candidates for country coroner and country sheriff.

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.203 -- Consolidation: A bill to provide criteria for school district consolidation under certain circumstances. On or before August 1, 2022, any local school district that meets characteristics shall be eligible to receive appropriated funds for the purpose of consolidating with other districts within its county. Among the standards is a school in which if the daily membership is less than one thousand five hundred, and located within Tier IV county in the 2018 tax year. Eligible districts must submit a preliminary consolidation plan and timeline to the Department of Education for review and use of funds. The eligible district may not incur new bond indebtedness, spend existing district reserves, dispose of district assets or increase the salary of any district employee without prior approval by the Department, unless otherwise directed by the General Assembly.

S.276 – Threatening with Dangerous Weapon: A bill to provide that it is unlawful for a person to threaten, solicit another to threaten, or conspire to threaten to cause damage, serious bodily injury, or death. This bill also provides it unlawful to cause damage to or destroy a building or other real or personal property by use of a dangerous weapon on any premises or property owned, operated, or controlled by any post-secondary institution, in a church, in any publicly owned building or recreational park areas or in a public gathering place. A person charged may, as a condition of his bond hearing and any subsequent bond hearing, undergo a mental health evaluation. If the evaluation reveals the person needs mental health treatment, then the court shall require him to undergo mental health treatment or counseling. The Department of Mental Health shall study the scope of applications and financial impact of this act and shall annually make a report to the General Assembly containing its finding by January 1 beginning in 2020.

S.281 – Service Animals: A bill to provide that it is unlawful for a person to intentionally misrepresent an animal as a service animal or service animal in-training for the purpose of obtaining any right provided to a disabled person, and provide penalties. Inquires made in order to investigate are limited to those inquiries allowed by the Department of Justice. A uniform traffic ticket may be used for the arrest. Landlords may request documentation to verify tenant’s lawful use of a service animal, which shall be deemed sufficient if it establishes an individual has a disability and the animal will provide disability-related assistance or support.

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.

S.342 – Alcohol Server Training: A bill to enact the “Responsible Alcohol Server Training Act” by implementing and enforcing mandatory alcohol server training and education programs to businesses to obtain alcohol server certificates. This requires servers of all alcoholic beverages for on-premises consumption in licensed or permitted businesses to obtain alcohol server certificates, and to require fees from providers of training programs and from applicants for alcohol server certificates. Training programs must only be either online or in the classroom. Topics covered in this bill include, but are not limited to, state laws regulation alcohol purchasing, liquor liability issues, impaired driving or driving under the influence, information on blood alcohol concentration and factors that change this, the effect alcohol has on the human body and human behavior, methods of refusing to serve or sell alcoholic beverage to individuals under twenty-one years of age and intoxicated individuals, methods for properly and effectively checking the identification of an individual, for identifying illegal identification, and life consequences, like losing education scholarships, relating to minors use.

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.

S.439 -- Port Cargo Tax Credit: A bill increase the maximum amount of tax credits allowed to all qualifying taxpayers from eight million to fifteen million dollars for

each calendar years, as it relates to cargo volume, port transportation, transportation of freight, good and materials.

S.480 – Fingerprint Background Checks: A bill relating to South Carolina Law Enforcement Division to provide that an agency authorized to conduct fingerprint background checks in this state may conduct a federal fingerprint review to provide that SLED, upon request, may submit the fingerprints collected by agencies to the Federal Bureau of Enforcement Division. SLED and the FBI may retain collected fingerprints and search any retained fingerprints later pursuant to an appropriate inquiry.

S.595 – Childcare Facility Registry: A bill to prohibit a childcare facility from employing a caregiver or other staff that is registered or required to register on the National Sex Offender Registry, State Sex Offender Registry, or Central Registry, and State Child Abuse and Neglect Registry.

S.601 – Childcare Facility Background Checks: A bill to provide restrictions on foster care or adoption placements to add background check requirements from each employee of a residential facility where children in foster care may be placed. No child in custody of the Department of Social Services may be placed in a foster home, adoptive home or residential facility if the person has a substantiated history of child abuse or neglect or has pled guilty or nolo contendere or has been convicted to offenses outlined in the section.

S.649 – Real Estate Background Checks: A bill to provide that certain real estate professionals must undergo criminal background checks for initial applications for licensure and for licensure renewals, as well as property managers and property managers-in-charge. Each of the provisions is effective for initial license applications or renewals due on or after July 1, 2020.

S.666 – Golf Carts: A bill to provide that a municipality with a land area of approximate 3.87 square miles and a population estimated as of July 1, 2017, to be between ten and eleven thousand persons by the United States Census Bureau's Population Estimate Program that is located within a county that had a population of two hundred twenty-six thousand seventy-three persons according to the 2010 United States Census may enact an ordinance allowing the operation of a permitted golf cart for up to sixty minutes after sunset on locally owned roads for which the

posted speed limit is twenty-five miles an hour or less if the golf cart has operable headlights and brake lights.

Given Second Reading

S.293 – Concealable Carry for Church Services: A bill allow for the carry of a concealable weapon on leased premises of an elementary or secondary school if a church leases the school premises or areas within a school for church services or official church activities, upon express permission given by the appropriate church official or governing body. The provision does not apply during any time students are present as a result of curricular or extracurricular school sponsored activity taking place on the school property.

S.444 – Circuit Court Docket: A bill to clarify the role of the circuit solicitor in the development, dissemination, and execution of the General Sessions court docket plan, and to provide that the ability of the circuit solicitor to administer the docket may not interfere with a defendant’s right to a speedy trial. When a case has not otherwise been scheduled for trial within one year of indictment, the chief administrative judge, circuit solicitor or defendant may call for a status conference to identify and discuss each party’s preparation level and obstacles slowing or preventing the case for preparation. The chief administrative judge shall schedule the status conference no later than sixty days following the request.

H.3398 – Tucker Hipps Transparency Act: A bill to remove the sunset provision of the Tucker Hipps Transparency Act as established by Act 265 of 2016 to required public institutions of higher learning to maintain a report of factual findings of violations of the institution’s Conduct of Student Organizations by fraternity and sorority organizations formally affiliated with the institution.

H.3929 – School Make Up Days: A joint resolution to waive additional makeup days in addition to the three days forgiven in statute during the 2018-2019 School Year due to snow, extreme weather conditions or other disruptions requiring schools.

This Week in Committee

Senate Finance Committee:

S.678 – Local Government Fund: A bill relating to the Local Government Fund to provide that in any fiscal year in which general fund revenues are projected to increase or decrease, the appropriation to the LGF must be adjusted by the same projected percentage change, but not exceeding five percent. The adjustment must be determined by the Revenue and Fiscal Affairs Office with the Board of Economic Advisors' most recent projection of recurring general revenue.

Senate Labor, Commerce and Industry Committee:

S.394 – Auxiliary Containers: A bill to provide that any regulation regarding the use, disposition, sale or imposition of any prohibition, fee, imposition or taxation of auxiliary containers must be done only by the General Assembly. The article supersedes and preempts any ordinance enacted by a political subdivision that purports to regulate at the retail, manufacturer or distributor level. The provision does not limit any recycling program, or ordinance pertaining to the use of auxiliary containers on exempted properties such as state, county, or municipal park or properties including coastal tidelands, wetlands, public beach, river or other body of water.

S.506 – Housing Authority Commissioners: A bill to provide that a county legislative delegation may adopt a resolution declaring that there exists a state of emergency with regard to a municipal housing authority that if convincing evidence or action or failure to act in which residents are subjected to unreasonably hazardous conditions or being subjected to conditions that led to the death or one or more residents, the commissioners are immediately suspended from office for ninety days. During this period of suspension, the mayor, or the mayor's designee, shall exercise the powers and duties of the housing authority. Concurrently, the council of the municipality shall conduct an independent investigation into the circumstances under which the state of emergency was declared. Commissioners shall have the right to be heard in person or by counsel during the mayor's investigation. If the council determines the authority took action or failed to take

action meeting the conditions, the commissioners are immediately removed from office and the council shall appoint new commissioners.