



SENATOR REX RICE

LEGISLATIVE UPDATE

WEEK OF MAY 6 - MAY 10, 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: MAY 6-10, 2019

Third Reading and Sent to the House

H.3035 – Election Managers: A bill to provide that all clerks appoint from election managers and chairmen of the board managers must be residents and registered electors of the respective counties in which they are appointed to work or in an adjoining county.

H.3036 – Neonatal Testing: A bill to add to the required Neonatal testing to include three diseases: Krabbe Disease, Pompe Disease, Hurler Syndrome. The department shall require additional lysosomal storage disorders to be tested at the recommendation of the Newborn Screening Advisory Committee. Additionally, establishes the Newborn Screening Advisory Committee to review the feasibility and advisability of including additional metabolic, genetic and congenital disorders in the neonatal testing.

H.3137 – Local Government Fund: A bill to amend the State Aid to Subdivisions Act, the Local Government Fund, to establish a process of distribution of funds. The bill deletes the provision relating to mid-year cuts. The revenues to the local

government will be adjusted proportionally to the same projected percentage change, but not to exceed five percent. The base is re-benchmarked at the current level of funding and then grows as the general fund grows.

H.3145 – Office of Regulatory Staff Authority: A bill to provide that the Office of Regulatory Staff is vested with the authority and jurisdiction to conduct audits of electric cooperatives in the same manner, terms and conditions authorized to conduct audits of regulated public utilities, and establish requirements for notice of special meetings and cooperative trustee elections.

H.3174 – Electric-Assist Bicycles: A bill to define “electric-assist bicycles’ and ‘bicycles with helper-motors.’ Manufacturers and distributors of e-assist bicycles shall apply a label permanently affixed to each e-assist bicycle indicating its wattage and maximum electrically assisted speed. If the wattage is modified or changed, a new label must be affixed stating the new wattage and maximum electrically assisted speed. For purposes of the section, e-assist bicycles or bicycles with helper motors and not mopeds.

H.3357 – Deaf or Hard of Hearing Registration: A bill to provide that the Department of Motor Vehicles may add a notation to a private passenger motor vehicle registration to indicate that the driver may be deaf or hard of hearing. Application must include a certificate from a licensed physician or licensed audiologist that certifies that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears. The notation would only appear when a law enforcement check is run on the vehicle's license plate to alert the officer that the driver may be deaf or hard of hearing.

H.3383 – State Forest Land Revenues: A bill to exclude proceeds from land rentals and wildlife management area payments from the proceeds of state forest land revenues to be shared with counties. The State Treasurer must pay to a county containing state forest lands an amount equal to twenty-five percent of the gross proceeds received by the state, except for the gross proceeds from land rentals.

H.3586 – 911 Communications Center: A bill to update terms and definitions regarding the Public Safety Communications Center that pertain to a 911 system. The Revenue and Fiscal Affairs Office shall be responsible for creating, updating

and implementing a comprehensive strategic plan to address changing technology, services and operating efficiency and effectiveness. The bill provides standards that must be implemented by the legacy 911 or NG9-1-1 systems. The local government must provide the RFA Office a copy of the audited report regarding compliance within sixty days of the completion of the audit.

H.3601 – Public Disorderly Conduct: A bill to allow procedures for conditional discharge for first time offenders relating to public disorderly conduct. The court without entering a judgment of guilty and with the consent of the accused may defer further proceedings and be placed on probation with terms and conditions. A nonpublic record must be forwarded and retained by SLED solely for the purpose of use by the courts in determining whether a person has committed a subsequent offense. Upon dismissal and discharge, the person may apply to the court for an order of expungement a fee of \$150 must be paid before a person may be discharged and proceedings dismissed, in which the funds shall be transmitted to the Prosecution Coordination Commission.

H.3602 – Health Care Decisions: A bill relating to the persons who may make health care decisions for a patient who is unable to consent, to add a person who has an established relationship with the patient, acting in good faith and who can reliably convey the patient's wishes but is not a paid caregiver or provider of health care services to the patient. The person must sign and date a notarized acknowledgement form provided by the hospital or other facility where the patient is located.

H.3621 – Athletic Trainers: A bill to change the definition of "athletic trainer" and to revise the required examination, and impose penalties for violation of the act. In addition to other requirements, an athletic trainer means an allied health professional with specific qualifications. To add industries in which a person is engaged as an athletic trainer if the person is employed on a salary or contractual basis by: a physician's office, an industry, performing arts group, the military, a governmental agency or a bona fide organization which employs or serves a physically active population. The department is authorized to suspend, deny or revoke an athletic trainer's certification and impose a civil monetary penalty, against any person for violation of a regulation promulgated to this chapter.

H.3662 – Code of Laws: A bill to provide for the preparation and publication of the revised volumes of the Code of Laws.

H.3703 – Board of Physical Therapy Examiners: A bill to increase the amount of times an applicant may take the examination, upon failure, from three times to six

times. If the applicant fails the examination for a fifth time, the applicant must take courses the board may require and furnish evidence of completing these courses before taking the examination for the sixth time.

S.3728 – Prescription Monitoring Program: A bill to require hospital emergency department physicians and pharmacist to submit certain information to the Department of Health and Environmental Control for inclusion in the prescription monitoring program when a person is administered an opioid antidote for an opioid overdose. The health care facility shall report within 30 days of discharge electronically or by facsimile. DHEC shall cross reference individuals with the prescription monitoring program. First responders additionally shall report within 30 days of administration, the Bureau of EMS shall submit report to the Bureau of Drug Control, cross reference individuals, review by practitioner or authorized delegate and maintain data on antidote administrations. Under the bill, opioid antidotes to controlled substances are added to the monitoring program.

H.3754 – Timeshare Instrument A bill to define the term “timeshare instrument” as it relates to vacation time sharing plans and add related provisions. The bill adds an Article ‘Vacation Time-sharing Plan Extension and Termination Act’ to establish requirements in executing a contract related to vacation time shares, including voting interests, use of a timeshare instrument, notice of termination, actions for damage and more.

H.3760 – Joint Underwriting Association: A bill to combine the Joint Underwriting Association and the Patients’ Compensation Fund into one single market of last resort. An assessment of 2-6% will be applied on malpractice policies, 1% of which must be passed through directly, and the remainder of which can be recouped through premiums if insurers choose to do so and the Director approves. The Board will set the assessment level annually, and the funds will be split between the debts of the entities. The bill requires two declinations to cover a new policyholder and premium surcharge that will cap out at 10% and will incentivize those who can find insurance in the private market. The Board will be reconfigured to balance health care providers and medical malpractice insurers – adding two consumer seats and the Department of Insurance Director will chair.

H.3785: Board of Accountancy: A bill to update requirements of the Board of Accountancy to remove obsolete language relating to conditional technology implementation and conform to other elements of the Code. The Board must complete same number of hours of continuing education as licensed certified public accountants: six hours in ethics, two in board-approved South Carolina Accountancy Rules and Regulations. The bill deletes old language that provides investigations, inquires, and proceedings are confidential; new language provides all evidence, including records of hearing panel, must be made part of the record and open to the public unless necessary to protect confidential information and/or necessary to protect confidential information by a client or their representative.

H.3789 – Driver’s Licenses: A bill to expand options to prove veteran’s status, raises validity period for certain types of licenses and ID cards, allows the Department of Motor Vehicles to charge differing amounts for licenses depending on the validity periods. Members of the Armed Services and their dependents DL validity is extended from 4 years to 8 years. Veteran’s status extends to both national guardsmen and members of the reserve components who qualify. Establishes two options for commercial driver’s license: HAZMAT endorsement valid for 5 years upon individual which passes TSA threat assessment or without HAZMAT endorsement valid for 8 years, and additional conforming changes.

H.3821 – Advanced Practice Registered Nurses: A bill to enact the “Advanced Practice Registered Nurse Act” to provide that APRNs may certify the manner and cause of death pursuant to the provisions of the State Code of Laws. APRNs may have prescriptive authority on Schedule II narcotics for patients in long-term care facilities, all other restrictions of law remain the same.

H.3973– FGMF: A bill to provide it is unlawful for a person to knowingly mutilate, attempt to mutilate, or facilitate the mutilation of a female who is under the age of eighteen years of age or who is unable to consent. A person who violates is guilty of a felony and upon conviction must be fined not more than twenty thousand dollars or imprisoned not more than twenty years or both.

H.3916 –Failure to Register Motor Vehicle: A bill to increase the penalties for a person who fails to register a motor vehicle from one hundred dollars to five hundred dollars; or imprisonment for a period not to exceed thirty days or both.

H.3986 – Palmetto ABLE Savings: A bill to rename the “South Carolina ABLE Savings Program” the “South Carolina Stable Account Program,” and make conforming changes.

H.4004 – POST Act: A bill to enact the “Physician’s Orders for Scope of Treatment (POST) Act.” The South Carolina Department of Health and Environmental Control must administer, create access and manage improvements to the POST form, develop process to identify patients utilizing POST and other advance directives, develop educational efforts for public and health care professionals and promulgate necessary regulations. The POST form must be a uniform document based on the standards recommended by the National Physical Order for Life-Sustaining Treatment (POLST) paradigm and must include certain criteria. A POST may be revoked at any time by an oral or written statement by the patient or patient’s legal representative.

H.4010 – Heritage Trust Program: A bill to remove the maximum acreage limitation under the Heritage Trust Program, deleting that not more than one hundred fifty thousand acres total of real property shall be acquired in fee under the provisions.

H.4011 – Water Resource Planning: A bill relating to the Department of Natural Resources Duties in regards to the water resources planning and coordination to make changes to reflect the duties of the Department. Inclusions added to the responsibilities for the Department to consider: studies on saltwater intrusion into groundwater and surface water, and measures to protect the state’s fisheries and other aquatic resources.

H.4012 – Land, Water and Conservation Division: A bill to redefine references in statute of Land Resources and Conservations Districts Division to the “Land, Water, and Conservation Division” to make conforming changes. To additionally delete the requirements of the Department to transmit to the Governor certain requirements and forms.

H.4013 – State Geological Survey Unit: A bill to change certain requirements for the state geologist, powers and duties of the state geologist. The person must be hired by the Director of the Department of Natural Resources and have at least eight years of practical work experience, academic, governmental, or industrial in geology. The unit shall make surface and subsurface data available to governmental agencies, private business, and the public by disseminating published geological information as bulletins, maps, economic reports, and related series and open file reports. When appropriate, the unit shall provide unsolicited advice to the other state and governmental agencies concerning geologic hazards including but not limited to earthquakes, ground liquefactions, sinkhole development and collapse, landslide development, and coastal vulnerability.

H.4020 – PRT Duties: A bill to add to the powers and duties of the Department of Parks, Recreation and Tourism to provide the department must promote economic diversity in all areas of the State by extending to them the full benefits of tourism and recreational development; and to coordinate and act as a liaison with regional tourism organizations, local chambers of commerce and development agencies. Additionally, repeals Article 3 of Chapter 1, Title 51 of the 1976 Code, the Division of Community Development.

H.4133 – Community Development Tax Credits: A bill to allow a tax credit of fifty percent of any cash donation to a community develop corporation or community development financial institution, delete an aggregate credit provision and set an annual limit. The provision allows financial institutions with tax liabilities to invest in community development corporations for the purpose of receiving a tax credit. The provisions of the South Carolina Community Economic Development Act are extended until June 30, 2030.

H.4239 – Trawling Restrictions: A bill to provide that a certain area is closed to trawling from May 1 through September 15, and remove that area is closed to trawling year round.

H.4243 – Professional Sports Teams Credits: A bill to define and include ‘professional sports team’ to taxpayers eligible for the new job tax credit. Additionally, increases the amount of initial job credit from eight thousand dollars to twenty-five thousand dollars for Tier IV counties, and from four thousand dollars

to twenty thousand dollars for jobs created in Tier III counties. The provisions relating to ‘professional sports team’ shall sunset by July 1, 2022.

H.4244 – Road Hazards: A bill to redefine. A ‘service contract’ includes a contract or agreement for a separately stated consideration to perform one or more services: repair or replacement of tires and wheels on a motor vehicle damaged as a result of coming into contact with road hazards; removal or dents, dings or creases that can be repaired using paintless dent removal; replacement of a key or key fob in the event that it becomes inoperable, lost or stolen; and other services consist with the chapter approved by the director. A ‘road hazard’ means a hazard that is encountered while driving a motor vehicle including, but not limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps. Additionally, it establishes ‘theft protection program’ and ‘theft protection program warranty.’

H.4245 – Misrepresentation of Meat: A bill to provide that it is unlawful for a person to engage in any misleading or deceptive practices, labeling, or misrepresenting a product as “meat” or “clean meat” that is cell-cultured meat/protein, or not derived from harvested production livestock, poultry, fish or crustaceans. A person who violates is guilty of a misdemeanor, and upon conviction, must be imprisoned not more than one year, or fined not more than one thousand dollars or both.

H.4380 – Ridesharing Safety: A bill to update provisions relating to ridesharing applications, safety and inspections of Transportation Network Company (TNC) vehicles. A TNC vehicle must include an illuminated TNC provided sign displaying the company’s proprietary trademark or logo that is patently visible so as to be seen in the darkness. All TNC dress and signage must be returned to the TNC when a driver ceases to be employed by or work for the TNC. A TNC that does not receive back signage shall report the name of the driver to the Office of Regulatory Staff. A person who misrepresents himself as an authorized TNC driver is guilty of a misdemeanor and shall be fined not more than five hundred dollars, imprisoned not more than thirty days or both. Additionally, a person who knowingly engages in the use of a TNC trade dress of application in the

furtherance of a criminal activity is guilty of a misdemeanor and shall be fined not more than one thousand dollars, imprisoned not more than three years or both.

Given Second Reading

H.3079 –Trespass Notice: A bill to allow a different method of posting notice of trespassing. An owner may accomplish requirement of posting trespass by marking boundaries with a clearly visible purple-painted marking, with size requirements. These marks must be affixed to immovable, permanent objects including, but not limited to, trees and fence posts. When any owner or tenant shall post a notice in this manner, it shall be deemed conclusive against the person making entry for purpose of trespassing.

H.3576 –SC Wins: A bill to establish an additional SC Workforce Industry scholarship equal to the cost of tuition and mandatory fees after applying all other scholarships or grants not to exceed \$2500 per year for no more than 3 years if enrolled in an associate degree program and no more than 2 years if enrolled in a diploma or certificate program. The SCWP would be available to students who are receiving the Lottery Tuition Assistance Program Scholarship (LTAP) and who are majoring in a critical workforce area program or students who are receiving LTAP and meet the USDA income eligibility requirements for meals regardless of major. A student, during their freshman year, must be enrolled in at least six credit hours of instruction each semester, including three hours in one of the critical workforce areas. The financial need based recipient must be enrolled in six credit hours of instruction for the purpose of meeting the required minimum level of instruction in the student’s major courses.

H.3755 –Automobile Coverage: A bill to update definitions, remove certain requirements for renewal of an automobile coverage policy and define the term “reduction in coverage.” The requirement for renewal policy to provide types and limits of coverage at least equal to those contained in the policy or being superseded is deleted. ‘Reduction in coverage’ means a change by the insurer

which results in a removal of coverage, diminution in scope of less coverage or the addition of an exclusion. Reduction in coverage does not include any change, reduction or elimination of coverage made at the request of the insured. Notice of Reduction in Coverage does not amend, extend or alter coverage provided in a policy.