



## SENATOR REX RICE

*LEGISLATIVE UPDATE*

**WEEK OF APRIL 29 - May 3, 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 123<sup>rd</sup> 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](mailto: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 29-May 3, 2019**

### *Third Reading and Sent to the House*

**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.

**S.613** – Endowment Fund: A bill to create a Development Office for the School of Science and Mathematics endowment fund. The fund must adopt an annual operations and capital budget. The fund budget and its fundraising goals must exclusively be based on the operation and capital goals of the school as provided to the foundation by the Executive Director and the head of the school. The fund shall not accept any donations that are restricted in their use unless the proposed restriction is approved by the board prior to its acceptance and unless the funds are being used for a purpose that is needed by the school.

**S.4287** – Public Service Authority (Santee Cooper): A joint resolution to provide the Department of Administration shall establish a process to conduct a competitive bidding process for the sale of some or all of the Public Service Authority (“Santee Cooper”) and receive management proposals that do not involve a sale but design to improve efficiency and cost-effectiveness of Santee Cooper’s electric operations. The process shall not be limited to individuals or entities that responded to the ICF Request for Expressions of Interest. Santee Cooper shall also submit a proposal as an alternative to a sale or management proposal, setting plans to reform, restructure and change operation. Nothing precludes the department from negotiation with entities to improve the proposal. The department shall procure professional services necessary; the services must not be an entity with whom the House of Representatives, Senate or Governor has previously engaged relating to Santee Cooper. The department shall conduct a thorough evaluation of all bids (Section 2), management proposals (Section 3), reform (Section 4), under strict parameters of evaluation included within. The department shall establish a process in which its professional services experts conduct confidential negotiations between Central Electric Power Cooperative, Inc. and each entity that submitted a bid or proposal after all have been submitted. The department shall require that negotiations operate in good faith, and other like requirements. The Office of Regulatory Staff shall provide commentary as to the impact on the retail customer for each bid and proposal and submit to the department and professional service experts – and must be considered by the General Assembly. Information received during the process and ensuing negotiations shall be confidential and handled with sufficient care to prevent disclosure and must not be released without written permission of the entity whose bid or proposal was recommended. The department shall require non-disclosure agreements which must be entered into by each individual or entity involved. At the conclusion, the department shall concurrently present a recommendation by its professional service experts of one bid for sale, one management proposal that consider to be in the best interest of the State, taxpayers and customers of Santee Cooper, as well as the recommendation of Santee Cooper’s proposal. Each must include justifications, contract with full terms, and supporting documents. The

proposed contracts must include covenants that the bidder will abide by the terms of its bid for sale or its proposal. The department must enter into a contract with each entity that establishes penalties for failure to proceed with the terms in the event the bid or proposal is selected by the General Assembly. The contract must include, but is not limited to, earnest money to be paid upon a recommendation of that entity is being made to the General Assembly and penalties for failure to finalize the terms of bid or proposal upon selection by the General Assembly. The department shall present to the Chairman of Senate Finance Committee, Chairman of the House of Representatives Ways and Means Committee the documents. The President of the Senate and the Speaker of the House shall convene their respective bodies to consider any legislation to effectuate the sale, management proposal, or reform, restructure and changes in operation of Santee Cooper. In the event of an approved sale, the net proceeds shall be deposited in the State Retirement Systems Group Trust. In the event the General Assembly approves a management proposal, the department must execute and documents necessary to effectuate the proposal. If any section, subsection, paragraph, et al. be held unconstitutional or invalid, the remaining portions of the act shall be held if the General Assembly would have approved the remaining portions of the act.

### *This Week in Committee*

#### Senate Judiciary Committee:

**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 implement 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.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

Senate Finance Committee:

**H.4413** – Continuing Authority FY '19-20: A joint resolution to enact continuing authority to pay recurring expenses of state government under the effective date for appropriations made for Fiscal Year 2019-2020.

Senate Labor, Commerce and Industry Committee:

**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.

Senate Banking and Insurance Committee:

**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.

**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.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.’

Senate Fish, Game and Forestry Committee:

**S.3383** – Land Rentals: A bill to provide that proceeds from land rentals and Wildlife Management Area payments are excluded from provisions of 48-23-260 which states the State Treasurer shall pay to any count containing state forest lands and amount equal to twenty-five percent of the gross proceeds received by the State in each fiscal year from the sale of timber, pulpwood, poles, gravel and other privileges on state forest lands in any county, and other related provisions.

**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.4019** – Hunting Island: A bill to remove references to residential areas, pledge revenues, mortgage or deed, and trustee duties for Hunting Island. The bill repeals 51-7-20 which relates to the lease of residential areas and covenants in lease for Hunting Island.

**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.4021** – State Parks Activities: A bill to remove the prohibition of swimming and rental or use of park cabins at state parks.

**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.

Senate Medical Affairs Committee:

**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.4119** – 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.