

Under the Dome – Legislative Report
February 2, 2018 | 04-2018

This week, the House of Representatives passed [H.4375](#) regarding revisions to the Base Load Review Act while the Senate focused committee action and a floor compromise on [H.3653](#), the manufacturing nuisance bill.

Senate Judiciary Subcommittee – Extended Debate on S.217, Personhood bill

Tuesday morning, the full Senate Judiciary Committee convened its first meeting of the year with a highly ambitious agenda of legislation, including the Personhood bill ([S.217](#)), Affordable Housing ([S.346](#)), Constitutional Carry ([S.449](#)) and a bill establishing an Illegal Immigration Enforcement Unit under the State Law Enforcement Division ([H.3318](#)). All but seven minutes of the nearly two-hour long meeting was focused on extended debate over S.217, which would enact the Personhood Act of South Carolina and find that a human being is a person at fertilization.

With 21 of the Senate’s 28 Republican members of the Senate listed as co-sponsors of the bill and many of them serving on the Judiciary Committee, debate was at times deeply personal and emotional. Several attorney members of the Committee noted the bill, if enacted, would certainly be challenged in court and that other attempts at similar measures throughout the country have time and time again been ruled unconstitutional. The Committee voted 19 – 4 to carry the bill over and allow members time to work on amendments to ensure all aspects of concerns are considered, such as the life of the mother, people seeking fertility treatments and ultimately whether the bill could even be considered Constitutional. There was brief discussion with an update from Senator Gerald Malloy (D – Darlington) on the Constitutional Carry bill before it too was carried over along with the affordable housing and Immigration Task Force bills so members could attend their respective caucus meetings.

Senate Compromise on Manufacturing Nuisance

Tuesday afternoon, the Senate resumed compromise discussions on H.3653, the manufacturing nuisance bill. Several Senators spoke of the inability to prevent someone from filing a lawsuit, whether or not the bill could pass a constitutionality test and basic rights as a citizen and business operating in South Carolina and the United States. The Senate adjourned Tuesday and reconvened Wednesday to consider the [compromise amendment](#)

which says industrial/manufacturing plants cannot be deemed a nuisance if they are operating and abiding by all local, state and federal laws and regulations and their licenses and permits are current. In offering the amendment, Senate Majority Leader Shane Massey (R – Edgefield) said the language requires “fact finding” and gave the new Volvo plant in Berkeley County as an example. Volvo is building its facility in a rural area, but residential development will almost certainly follow, and those choosing to move next door to the plant cannot later sue Volvo under nuisance laws. “Reasonable” plant expansions are defined in the amendment as having no substantial change which affects a landowner’s use and enjoyment of property. The amendment was adopted, and H.3653 received second reading. The bill received third reading on Thursday and was returned to the House with the question of concurrence in the Senate amendments. Should the House concur, H.3653 will be enrolled for ratification.

V.C. Summer Nuclear Project – Base Load Review Act revisions in the House

Wednesday afternoon, [H.4375](#) regarding revisions to the Base Load Review Act (“BLRA”) was amended and received second reading in the House by a vote of 119 – 1. Speaker of the House Jay Lucas (R – Darlington) explained the amendment below and received a standing ovation by his colleagues for his comments about the “nuclear premium” currently being imposed upon ratepayers. Speaker Lucas said this is the most difficult issue he has dealt with during his time in the General Assembly. “This is not my amendment. It is the amendment of the 123 other members of this House who continue to make ratepayers the most important,” said Speaker Lucas who then described the five provisions of the amendment.

The amendment essentially repeals the BLRA prospectively, and nothing in the amendment would prohibit SCANA and Dominion Energy from moving forward with their petition for a merger. Nor would it prohibit future BLRA petitions from being filed. Speaker Lucas said there is one petition currently left under the BLRA – the abandonment provision. The utility must prove it was a “prudent decision,” and even if a decision was prudent, imprudent costs are also considered. Those terms are unfortunately not defined in the BLRA, according to Speaker Lucas, so the Public Service Commission does not have guidance on how to make a decision regarding whether or not the decision to abandon was prudent. The amendment guarantees fraud, concealment, and non-disclosure of a material fact by a utility should never be rewarded and that ratepayers shall be immune from the misdeeds of a utility in this state.

Speaker Lucas explained that on January 12, 2018, SCANA in its filing chose to request relief to allow certain rates to be put into effect without notice and without a hearing. SCANA has brought a petition under three different parts of the SC Code of Laws, but this one allowing certain rates to be put into effect was filed under the experimental rate section. SCANA has chosen to file under this provision, according to Speaker Lucas, because it does not require notice and does not require a hearing.

The Speaker went on to say that in reviewing what SCANA has filed under and what the options are in giving ratepayers relief, it makes sense that the ratepayer should also get the benefit of the doubt when the statute is applicable to them. What should the experimental rate be? The House Utility Ratepayer Protection Committee (HURPC) believes it should be 0%. The amendment proposes an **experimental rate** of 0%.

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Speaker Lucas asked what in that 18 – 19% do ratepayers find offensive? The ROI – return on investment, or profit. “I do not think anyone in this chamber believes SCANA deserves a profit from 2008 until now because of how they have handled this situation,” said the Speaker. He continued in his comments explaining, “The amendment also suspends the provision in statute that says if there is a rate the utility is trying to get, and they don’t get that rate, and they decide to take the matter to court, it allows the PSC’s rate to stand and will stop the \$444 million every year for a plant in Jenkinsville that will never be completed while SCANA drags this state through appeal, after appeal, after appeal.”

Speaker Lucas also noted the House has not forgotten about Santee Cooper and the electric co-op ratepayers, but those bills will be addressed a little later. *****The House Utility Ratepayer Protection Committee will meet next Thursday, February 8th immediately upon adjournment of the House to hear presentations from Central Electric Power Cooperatives and The Electric Cooperatives of South Carolina.**

Amendment #3 below was unanimously adopted.

Reps. LUCAS, SIMRILL, McCOY, OTT and RUTHERFORD propose the following Amendment No. 3 to H. 4375 (COUNCIL\SD\4375C006.NL.SD18):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 58-33-220 of the 1976 Code is amended by adding appropriately numbered items to read:

"() 'Imprudent' or 'imprudence' includes, but is not limited to, lack of caution, care, or diligence as determined by the commission in regard to any action or decision taken by the utility or one acting on its behalf including, but not limited to, its officers, board, agents, employees, contractors, subcontractors, consultants affecting the project or any other person acting on behalf of or for the utility affecting the project. Imprudent or imprudence includes, but does not require, a finding of negligence, carelessness, or recklessness.

Imprudence on behalf of any contractor, subcontractor, agent, or person hired to construct a plant or perform any action or service on behalf of the utility shall be attributed to the utility.

Imprudence includes, but is not limited to, any one or more of the following:

(a) failure to timely disclose and provide to the commission or the Office of Regulatory Staff any report, study, analysis, or written communication material to a particular project prepared by a third party engaged or caused to be engaged by the utility and furnished to the utility which relates to the management, supervision, or oversight of the project, the budgeted costs of the project, the performance of contractors or subcontractors on the project, or the scheduled completion date of the project;

(b) inappropriate or poor management or oversight decisions in the construction of the project including, but not limited to, failure to keep knowledgeable utility management or supervisory personnel on the project site to ensure proper supervision and oversight of the project and its construction; and

(c) any other fact, factor, or relationship which indicates the lack of prudence as defined in this item as determined by the commission.

() 'Prudent,' 'prudence,' or 'prudency' means a high standard of caution, care, and diligence in regard to any action or decision taken by the utility or one acting on its behalf including, but not limited to, its officers, board, agents, employees, contractors, subcontractors, consultants affecting the project or any other person acting on behalf of or for the utility affecting the project.

To the extent a utility enters a contract with a third party that delegates some or all decision-making authority related to the project, the utility retains the burden of establishing the prudency of specific items of cost or specific third party decisions.

'Prudent,' 'prudence,' or 'prudency' also requires that any action or decision be made in a timely manner.

In determining whether any action or decision was prudent, the commission shall consider, including, but not limited to:

(a) whether the utility acts in a timely manner, with any passage of time which results in increased costs or expense prior to the utility acting or making the decision weighing against a finding of prudency;

(b) whether prior actions or decisions by the utility were imprudent and such imprudent actions led to a decision by the utility that could otherwise be prudent. Such circumstances weigh against a finding of prudency; and

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(c) any other relevant factors, including commission of a fraudulent act, which are deemed not to be prudent.

As used in item (c), 'fraud' includes, in addition to its normal legal connotation, concealment, omission, misrepresentation, or nondisclosure of a material fact in any proceeding or filing before the commission or Office of Regulatory Staff. Proceedings and filings to which the provisions of this paragraph apply include, but are not limited to, rate or revised rate filings, responsive filings, motions, pleadings, briefs, memoranda, document requests, and other communications before the commission or Office of Regulatory Staff."

SECTION 2. (A) Articles 4 and 5, Chapter 33, Title 58 of the 1976 Code are repealed on the effective date of this act.

(B) Notwithstanding the provisions of subsection (A), the provisions of Article 4 and 5, Chapter 33, Title 58, continue to apply only to projects or plants begun pursuant to an order issued under Article 4, Chapter 33, Title 58, and such provisions, including any amendments, shall remain in effect for any matters or petitions pending before the Public Service Commission related thereto.

SECTION 3. Title 58 of the 1976 Code is amended by adding:

"CHAPTER 34

Determination of Electricity Rates

Section 58-34-10. (A) The investor owned utility holding the majority interest in the V. C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina has entered into a merger agreement with an out-of-state investor owned utility. This merger agreement contemplates the continuation of rate increases imposed under the Base Load Review Act contained in Article 4, Chapter 33, Title 58.

(B) Pursuant to the authority vested in the General Assembly by Section 1, Article IX of the Constitution of this State, the General Assembly is required to regulate investor owned utilities in order to protect the public interest. The General Assembly has determined that Section 1, Article IX of the Constitution requires that the General Assembly exercise its authority to set certain utility rates for the purpose of protecting the public interest until a determination can be made by the appropriate regulatory and judicial authorities. This rate shall apply to all customers of the investor owned utility identified in subsection (A), which has imposed nine rate increases for the purpose of funding the V. C. Summer project.

Section 58-34-20. Within five calendar days after the effective date of this chapter, the Public Service Commission, by order, is directed to exercise its authority pursuant to Section 58-27-870(F) to provide an experimental rate that customers of the utility identified in Section 58-34-10 shall pay during the pendency of litigation currently before the commission, or any appeal therefrom or final resolution of any action in a court of competent jurisdiction, or until replaced by an order of the commission under Section 58-34-30. This experimental rate shall be the electric utility rates these ratepayers are paying as of the effective date of this section, reduced by all rate increases imposed under the provisions of the Base Load Review Act. The commission's order shall take effect five calendar days after it is issued and the commission shall serve an attested copy of the order upon all interested parties.

Section 58-34-30. Notwithstanding any other provision of law, the experimental rate set pursuant to Section 58-34-20 shall remain in full force and effect during the pendency of the matters before the commission. However, the commission shall monitor the net effect of the experimental rate and may alter the experimental rate, on its own motion, only if it determines that an adjustment to the experimental rate is necessary to satisfy constitutional requirements of utility ratemaking. If required to adjust the rate, the commission shall, under applicable provisions of law, determine the just and reasonable rates for these ratepayers after considering all factors and evidence. In determining such rate and in considering the constitutionally allowable zone of reasonableness in which rates may properly fall, the commission is directed to set the lowest possible rate within the zone of reasonableness. Nothing herein prevents the commission from adopting as its own rate the experimental rate directed by the General Assembly in Section 58-34-10 and ordered pursuant to Section 58-34-20.

Section 58-34-40. Any provision of Article 7, Chapter 27, Title 58 in conflict with the provisions of this chapter, including, but not limited to, Section 58-27-870(B), are suspended for purposes of the utility rates provided for by this chapter and for any pending matters related to V.C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina, pending before the commission on or after the effective date of this chapter. The suspension remains in effect during the pendency of any litigation or appeal concerning the experimental or interim rates directed by the General Assembly or ordered by the Public Service Commission pursuant to this chapter, or related issues surrounding the establishment of these rates, until a final determination of the matter, including any subsequent appeals, is made by the appropriate court.

Section 58-34-50. Section 58-27-930 and the time limitations contained in Section 58-33-240(A) and (E) are hereby suspended for purposes of the utility rates provided for by this chapter and for any pending matters related to V.C. Summer Nuclear Reactor Units 2 and 3 at Jenkinsville, South Carolina, pending before the commission on or after the effective date of this chapter. The suspension

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remains in effect during the pendency of any litigation or appeal concerning the experimental or interim rates directed by the General Assembly or ordered by the Public Service Commission pursuant to this chapter, or related issues surrounding the establishment of these rates, until a final determination of the matter, including any subsequent appeals, is made by the appropriate court.

SECTION 4. The provisions of this act must be liberally construed to further the legislative intent of the General Assembly to provide the maximum rate payer protection as more fully stated in this act.

SECTION 5. If any provision of this act is held or determined to be unconstitutional, invalid, or otherwise unenforceable by a court of competent jurisdiction, it is the intention of the General Assembly that the provision is severable from the remaining provisions of this act and that the holding does not invalidate or render unenforceable another provision of this act.

SECTION 6. This act takes effect upon approval by the Governor and applies to all cases, proceedings, petitions, or matters pending before the public service commission or in any other court or venue on or after the effective date of this act.

Renumber sections to conform.

Amend title to read:

TO AMEND SECTION 58-33-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE BASE LOAD REVIEW ACT, SO AS TO ADD CERTAIN DEFINITIONS; TO REPEAL ARTICLES 4 AND 5, CHAPTER 33, TITLE 58, RELATING TO THE BASE LOAD REVIEW ACT, AND TO PROVIDE A SPECIFIC EXCEPTION TO THIS REPEAL; BY ADDING CHAPTER 34 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND PROCEDURES UNDER WHICH ELECTRICITY RATES FOR CERTAIN RATEPAYERS WHO ARE PAYING ADDITIONAL CHARGES UNDER THE BASE LOAD REVIEW ACT FOR THE CONSTRUCTION OF NUCLEAR PLANTS OR PROJECTS SHALL BE REVISED AND DETERMINED; AND TO PROVIDE FOR PROCEDURES AND PROVISIONS OF LAW WHICH APPLY AND DO NOT APPLY IN REGARD TO THE ADJUSTMENT OF ELECTRICITY RATES AS PROVIDED BY CHAPTER 34.

Renumber sections to conform.

Amend title to conform.

V.C. Summer Nuclear Project – Senate Action this week

A Senate Judiciary Subcommittee was slated to consider S.754, the Senate BLRA bill and the two utility reform bills which passed the House last week on Tuesday upon adjournment of the Senate. However, session ran long with filibustering the manufacturing nuisance bill, and the meeting was postponed.

On Wednesday, Senate President Pro Tempore Hugh Leatherman (R – Florence), Senator Massey and others introduced a bill related to Sine Die Adjournment of the General Assembly (see below in bill intros) to allow for a special session addressing matters related to V.C. Summer along with a bill prohibiting the Public Service Commission from considering BLRA rates until 90 days after Sine Die Adjournment of the General Assembly.

2018 – Meetings and Events

[Latest Senate meeting posts](#)

[Latest House meeting posts](#)

Tuesday, February 6th	
House convenes at 12:00 noon	Live Stream
Senate convenes at 2:00 p.m.	Live Stream
House Education and Public Works Transportation and Motor Vehicle Joint Subcommittee – Second hearing re: H.4480, Wireless communication devices while driving	11:00 a.m. 433 Blatt – Live Stream
House Ways and Means Public Education and Special Schools Budget Subcommittee – Provisos from all education agencies	1.5 hours after the House adjourns 521 Blatt
House Ways and Means Healthcare Budget Subcommittee – Provisos / Department of Disabilities and Special Needs presenting budget request	3:00 p.m. 108 Blatt
Wednesday, February 7th	
House convenes at 10:00 a.m.	Live Stream
Senate convenes at 12:00 noon	Live Stream
House 3M Health and Environmental Affairs Subcommittee I – H.4603, Limit initial opioid prescriptions for acute pain management to a five-day supply / H.4492, Dosage limitations for certain controlled substances / H.4485, DHEC administrative decision appeals, Health Districts, etc.	9:00 a.m. 427 Blatt
House Judiciary General Laws Subcommittee – H.4705, Add religious counselors to mandated reporters of child abuse or neglect / H.3126, Parenting Plans	9:00 a.m. 516 Blatt
Senate Education K-12 Subcommittee – S.888, Teacher payments for unused annual leave / H.3427, Computer Science Education Initiative / Other Bills	9:00 a.m. 207 Gressette
Senate Medical Affairs Subcommittee – S.345, Independent practice for nurses	10:30 a.m. 105 Gressette
Full Senate Transportation Committee – State of the Department of Transportation presentation by Christy Hall, DOT Secretary	11:00 a.m. 209 Gressette

Thursday, February 8th	
House convenes at 10:00 a.m.	Live Stream
Senate convenes at 11:00 a.m.	Live Stream
South Carolina Energy Caucus	9:00 a.m. 110 Blatt
Full Senate Labor, Commerce and Industry Committee – AGENDA – S.812, Raffles conducted by nonprofits / S.870, Surety bonds for general and mechanical licensure / Other bills and proposed regulations	9:00 a.m. 308 Gressette
House Utility Ratepayer Protection Committee – presentations from Central Electric Power Cooperatives and The Electric Cooperatives of South Carolina	Upon adjournment of the House 110 Blatt – Live Stream

Future Meetings and Events

Additional Meetings May be Posted

Wednesday, February 14th – Happy Valentine’s Day!	
Senate V.C. Summer Nuclear Project Review Committee – Agenda TBD	9:00am 308 Gressette
House Ways and Means Committee Budget Schedule	*Subject to change at the discretion of the Chairman
February 6 – 8 Budget subcommittee meetings	
February 13 – 15 PROVISIO Subcommittee meeting	
February 20 – 22 FULL COMMITTEE budget deliberations	February 1 st – Deadline for proviso submittals
February 27 – March 1 Appropriation bills printed	
March 6 – 8 Appropriations bills placed on member desks	
March 12 – 15 HOUSE FLOOR budget deliberations	February 15 th : Board of Economic Advisors estimate due
Election Dates	
Friday, March 30th Filing deadline for House of Representatives – 2018 is an election year for all statewide candidates and the House of Representatives	
Tuesday, June 12 th – Primaries	
Tuesday, June 26 th – Primary Run-offs (if necessary)	
Tuesday, November 6 th – General Election	
Tuesday, November 20 th – General Election Run-offs (if necessary)	

Tuesday, April 10th	
Crossover Deadline for legislation	IMPORTANT: Legislation not passing one chamber before the crossover deadline is likely null and void, as a majority vote would be required for the receiving chamber to accept and take up the bill.
Thursday, May 10th	
Statutory Sine Die date – 5:00 p.m.	As noted above, any legislation not achieving passage by this date is null and void.

Newly Introduced Legislation January 30th – February 1st

RPL reviews all legislation introduced in the Senate and House each week. The list below includes bills of interest to our clients which will be tracked throughout the session. Please let us know if there are specific bills you would like receive updates on as they move through the legislative process, and feel free to call Ted, Hobart or Tara anytime at (803) 799-9993 or email tboone@rplfirm.com with questions or comments.

[All Senate bills introduced this week](#)

[All House bills introduced this week](#)

Firearms

[H. 4798](#) ([Word](#) version) -- Reps. Long, Hamilton, Chumley, Burns, Martin and McCravy: A BILL TO AMEND SECTION 23-31-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON'S RIGHT TO ALLOW THE CARRYING OF A CONCEALABLE WEAPON ON HIS PROPERTY, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT PRECLUDE A REAL ESTATE AGENT, A PROSPECTIVE PROPERTY PURCHASER, OR BOTH WHO HOLD A CONCEALED WEAPON PERMIT FROM CARRYING A CONCEALABLE WEAPON UPON CERTAIN PROPERTIES.

Healthcare – Notice of waiver of legal rights to patients entering into arbitration agreements with health care professionals

[S. 948](#) ([Word](#) version) -- Senators M. B. Matthews, Massey, Nicholson, Johnson and Williams: A BILL TO AMEND CHAPTER 48, TITLE 15 OF THE 1976 CODE, RELATING TO THE UNIFORM ARBITRATION ACT, BY ADDING SECTION 15-48-225, TO PROVIDE FOR A NOTICE OF WAIVER OF LEGAL RIGHTS TO PATIENTS ENTERING INTO ARBITRATION AGREEMENTS WITH HEALTH CARE PROFESSIONALS, TO PROVIDE THAT PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR A PATIENT WHO IS UNABLE TO CONSENT ARE PROHIBITED FROM EXECUTING ARBITRATION AGREEMENTS ON BEHALF OF A PATIENT, AND TO PROVIDE FOR A NOTICE OF WAIVER OF LEGAL RIGHTS.

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Healthcare – Enact the “Physical Therapy Licensure Compact”

[H. 4799](#) ([Word](#) version) -- Rep. Howard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 45, TITLE 40 ENTITLED THE "PHYSICAL THERAPY LICENSURE COMPACT"; TO PROVIDE FOR THE ENTRY OF SOUTH CAROLINA INTO THIS MULTI-STATE COMPACT, TO PROVIDE FOR THE STRUCTURE, FUNCTIONS, POWERS, AND DUTIES OF THE GOVERNING BODY OF THE COMPACT; TO PROVIDE THE OBLIGATIONS, BENEFITS, AND RIGHTS OF COMPACT MEMBERS; AND TO DESIGNATE THE EXISTING PROVISIONS OF ARTICLE 3, CHAPTER 45, TITLE 40 AS "GENERAL PROVISIONS".

Healthcare – Enact the “Physician Orders for Scope of Treatment Act”

[H. 4802](#) ([Word](#) version) -- Reps. Ridgeway, McCoy, Lucas and Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST) ACT" BY ADDING CHAPTER 80 TO TITLE 44 SO AS TO ENABLE CERTAIN PERSONS TO EXECUTE A POST FORM SIGNED BY A PHYSICIAN THAT SETS FORTH THE PATIENT'S WISHES AS TO LIFE-SUSTAINING CARE; TO REQUIRE HEALTH CARE PROVIDERS AND HEALTH CARE FACILITIES TO ACCEPT A POST FORM AS A VALID MEDICAL ORDER WHICH TAKES PRECEDENCE OVER AN ADVANCE DIRECTIVE AND TO COMPLY WITH THE ORDER, WITH EXCEPTIONS; TO ESTABLISH A PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST) ADVISORY COUNCIL AND TO PROVIDE FOR ITS MEMBERSHIP AND DUTIES; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PERFORM CERTAIN DUTIES WITH RESPECT TO OVERSEEING POST FORMS AND TO PROMULGATE REGULATIONS; TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY AND FROM DISCIPLINARY ACTION FOR CERTAIN PERSONS ACTING IN ACCORDANCE WITH PROVISIONS OF THE CHAPTER; AND FOR OTHER PURPOSES.

Healthcare – Speech-Language Pathologists and Assistants

[H. 4815](#) ([Word](#) version) -- Rep. Arrington: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-67-75 SO AS TO PROVIDE SPEECH-LANGUAGE PATHOLOGISTS AND SPEECH-LANGUAGE PATHOLOGY ASSISTANTS UNDER THEIR SUPERVISION SHALL ADHERE TO CERTAIN GUIDELINES; TO AMEND SECTION 40-67-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS, SO AS TO REVISE THE DEFINITION OF SPEECH-LANGUAGE PATHOLOGISTS; TO AMEND SECTION 40-67-30, RELATING TO THE SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY INTERNS AND ASSISTANTS, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 40-67-110, RELATING TO DISCIPLINARY MATTERS, SO AS TO PROVIDE THAT THE FAILURE TO ADHERE TO CERTAIN SUPERVISORY GUIDELINES AMONG THE FORMS OF CONDUCT ARE SUBJECT TO DISCIPLINE; TO AMEND SECTION 40-67-260, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR LICENSE RENEWAL, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-280, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR INACTIVE LICENSE REACTIVATIONS, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40-67-300, RELATING TO THE APPLICABILITY OF THE CHAPTER, SO AS TO LIMIT THE EXEMPTION FOR SPEECH-PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY THE FEDERAL GOVERNMENT OR THE STATE TO THOSE SO EMPLOYED BEFORE JANUARY 1, 2019, AND TO REMOVE AN EXEMPTION FOR PERSONS LICENSED UNDER TITLE 40 OR ANOTHER PROVISION OF LAW WHOSE SCOPE OF PRACTICE OVERLAPS WITH THE PRACTICE OF SPEECH PATHOLOGY OR AUDIOLOGY; TO REDESIGNATE CHAPTER 67, TITLE 40 AS "SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS"; AND TO REPEAL ACT 124 OF 2015 RELATING TO THE TEMPORARY EXEMPTION OF CERTAIN APPLICANTS

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FOR LICENSURE AS SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS FROM THE REQUIREMENT OF HAVING A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION.

K-12 Education – Require the General Assembly to provide for a high-quality education for all children of the state

[H. 4804](#) ([Word](#) version) -- Reps. Govan, Gilliard, Jefferson, Williams, M. Rivers, Allison, Lucas, Kirby, Robinson-Simpson, Clyburn, Brawley, Bamberg, Alexander, Dillard, Henegan, Spires, Stavrinakis, Anthony, Collins, McKnight, Thigpen, Mack, Anderson, Atkinson, Bernstein, Bowers, Brown, Douglas, Funderburk, Hart, Henderson-Myers, Hosey, Howard, King, Knight, Norrell, Pendarvis, Ridgeway, Rutherford, J. E. Smith and Weeks: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO FREE PUBLIC SCHOOLS, SO AS TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE FOR A HIGH-QUALITY EDUCATION FOR ALL CHILDREN OF THE STATE.

K-12 Education – School Nurses required to be an RN

[H. 4805](#) ([Word](#) version) -- Rep. S. Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-10-215 SO AS TO PROVIDE THAT BEGINNING WITH THE 2018-2019 SCHOOL YEAR, SCHOOL NURSES MUST HOLD CURRENT LICENSURE TO PRACTICE AS PROFESSIONAL REGISTERED NURSES IN THIS STATE, TO PROVIDE FOR THE RESPONSIBILITIES AND DUTIES OF SCHOOL NURSES, AND TO PROVIDE LICENSED PRACTICAL NURSES MAY NOT SERVE AS SCHOOL NURSES; AND TO AMEND SECTION 59-10-210, RELATING TO FUNDING SCHOOL NURSES IN ELEMENTARY SCHOOLS, SO AS TO MAKE CONFORMING CHANGES.

K-12 Education – Create the “South Carolina Adult High School Diploma and Industry Certification Charter School Pilot Program”

[H. 4808](#) ([Word](#) version) -- Reps. S. Rivers, Arrington, Davis, Cogswell, Sottile, McCoy, Gilliard, Bennett, Pendarvis, J. E. Smith and Mace: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-43-40 SO AS TO CREATE THE "SOUTH CAROLINA ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION CHARTER SCHOOL PILOT PROGRAM"; AND TO AMEND SECTION 59-63-20, RELATING TO THE AGE OF ATTENDANCE IN PUBLIC SCHOOLS, SO AS TO ALLOW ADULTS TO ATTEND PUBLIC SCHOOLS IN THE PILOT PROGRAM AND TO ELIMINATE WAIVERS OF THE STARTING AGES FOR KINDERGARTEN AND FIRST GRADE.

K-12 Education – Extend the deadline for the Seizure Safety in Schools Study Committee

[H. 4827](#) ([Word](#) version) -- Rep. Henderson: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE SEIZURE SAFETY IN SCHOOLS STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM JANUARY 31, 2018, TO JANUARY 31, 2019.

Law Enforcement – Wireless Communications Devices

[S. 957](#) ([Word](#) version) -- Senator Reese: A BILL TO AMEND SECTION 56-5-3890, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL USE OF A WIRELESS COMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE, SO AS TO REVISE THE DEFINITION OF CERTAIN TERMS, TO REVISE THE CIRCUMSTANCES WHEN IT IS UNLAWFUL TO USE A WIRELESS DEVICE, TO REVISE THE PENALTIES, TO CREATE THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF AN ELECTRONIC DEVICE, TO DELETE THE PROVISION THAT PROHIBITS A LAW ENFORCEMENT OFFICER FROM STOPPING A

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PERSON FOR A VIOLATION OF THIS SECTION UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL MAINTAIN STATISTICAL INFORMATION REGARDING CITATIONS ISSUED PURSUANT TO THIS SECTION; AND TO AMEND SECTION 56-1-720, AS AMENDED, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, SO AS TO PROVIDE THAT DRIVING UNDER THE INFLUENCE OF AN ELECTRONIC DEVICE FOR A SECOND OR SUBSEQUENT OFFENSE IS A TWO-POINT VIOLATION. ****Also see House companion bill [H.4480](#) introduced by Rep. Bill Taylor and others. The House Education and Public Works Transportation and Motor Vehicle Joint Subcommittee began taking testimony on H.4480 Wednesday after adjournment of the House and heard from several families who have lost loved ones, including bike riders who were killed when struck by a distracted driver texting while driving. The Joint Subcommittee will meet again next Tuesday, February 6th at 11:00 a.m. to continue receiving testimony and recommendations on how to make the State's existing law more enforceable.**

Local Government – Allow the imposition of a community charge on nonprofit hospitals and institutions of higher learning

[H. 4800](#) ([Word](#) version) -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO AUTHORIZE THE LOCAL GOVERNING BODY OF A COUNTY OR MUNICIPALITY TO IMPOSE A COMMUNITY CHARGE ON NONPROFIT HOSPITALS AND INSTITUTIONS OF HIGHER LEARNING, TO PROVIDE GUIDELINES FOR THE METHOD OF DETERMINING THE CHARGE, AND TO PROVIDE CERTAIN COLLECTION MEASURES.

Local Government – Magistrates must be a licensed attorney

[H. 4811](#) ([Word](#) version) -- Reps. S. Rivers, G. M. Smith, Elliott, Davis, Stavrinakis, Murphy, Jordan, Caskey, Fry, W. Newton, Bannister, Clemmons, Cole and Lowe: A BILL TO AMEND SECTION 22-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF MAGISTRATES, SO AS TO REQUIRE THAT A MAGISTRATE MUST BE A LICENSED ATTORNEY AND TO PROVIDE EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES.

State Government – Extend the provisions of the SC Abandoned Buildings Revitalization Act

[H. 4816](#) ([Word](#) version) -- Reps. J. E. Smith and Bernstein: A BILL TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE UNTIL DECEMBER 31, 2025.

State Government – Enact the “Savannah River Port Enhancement Zone Act”

[S. 950](#) ([Word](#) version) -- Senator M. B. Matthews: A BILL TO ENACT THE "SAVANNAH RIVER PORT ENHANCEMENT ZONE ACT"; TO AMEND SECTION 12-6-3360(E)(1) AND (M) OF THE 1976 CODE, RELATING TO THE JOB TAX CREDIT, TO PROVIDE FOR A SAVANNAH RIVER PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-6-3367(A) AND (B) OF THE 1976 CODE, RELATING TO THE MORATORIUM ON CERTAIN TAXES FOR CERTAIN TAXPAYERS, TO EXTEND THE MORATORIUM TO TAXPAYERS CREATING AT LEAST FIFTY NEW FULL-TIME JOBS IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-6-3375 OF THE 1976 CODE, RELATING TO THE TAX CREDIT FOR PORT CARGO VOLUME INCREASE, TO INCREASE THE MAXIMUM ANNUAL CREDIT AMOUNT FROM EIGHT MILLION TO NINE MILLION DOLLARS AND TO PROVIDE THAT ONE MILLION DOLLARS MAY BE AWARDED TO A NEW WAREHOUSE OR DISTRIBUTION FACILITY THAT MEETS CERTAIN REQUIREMENTS AND CREATES AT LEAST FIFTY NEW FULL-TIME JOBS IN A SAVANNAH RIVER PORT

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ENHANCEMENT ZONE; TO AMEND SECTION 12-10-80 OF THE 1976 CODE, RELATING TO JOB DEVELOPMENT CREDITS, TO ALLOW EIGHTY-FIVE PERCENT OF THE MAXIMUM CREDIT TO BE CLAIMED BY BUSINESSES LOCATED IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-14-60(A) OF THE 1976 CODE, RELATING TO THE INVESTMENT TAX CREDIT, TO DOUBLE THE AMOUNT OF THE CREDIT FOR ANY QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY LOCATED IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE; AND TO AMEND SECTION 12-36-2120(51) AND (67) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, TO EXTEND THE EXEMPTION FOR MATERIALS HANDLING TO A TAXPAYER THAT INVESTS AT LEAST TWENTY MILLION DOLLARS IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE AND TO EXTEND THE EXEMPTION FOR CONSTRUCTION MATERIALS TO A TAXPAYER THAT INVESTS AT LEAST FORTY MILLION DOLLARS, IN REAL AND PERSONAL PROPERTY, IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE.

Taxation – Local Accommodations Tax

[S. 945 \(Word version\)](#) -- Senators M. B. Matthews, Campbell, Campsen, Cromer and Hutto: A BILL TO AMEND SECTIONS 6-1-530 AND 6-1-730, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF REVENUE FROM THE LOCAL ACCOMMODATIONS TAX AND HOSPITALITY TAX, RESPECTIVELY, SO AS TO REDUCE A THRESHOLD FROM NINE HUNDRED THOUSAND DOLLARS IN ACCOMMODATIONS TAXES COLLECTIONS TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS.

Utilities - General

[H. 4730 \(Word version\)](#) -- Rep. Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-27-260 SO AS TO REQUIRE AN ELECTRICAL UTILITY THAT OPERATES A SOLAR FARM TO BUILD AND MAINTAIN A VEGETATIVE BUFFER AROUND THE FARM AND TO DEFINE NECESSARY TERMS.

[S. 955 \(Word version\)](#) -- Senators Alexander, Hutto, Setzler, Rankin, Massey and Leatherman: A JOINT RESOLUTION TO DIRECT THE PUBLIC UTILITIES REVIEW COMMITTEE TO RESUME SCREENING CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 2, 4, AND 6, AND TO ADVERTISE FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD BEGINNING NO LATER THAN FEBRUARY 16, 2018 THROUGH MARCH 2, 2018, AND TO ACCEPT APPLICATIONS FROM FEBRUARY 22, 2018 THROUGH NOON ON MARCH 5, 2018.

Utility Reform – Sine Die adjournment of the General Assembly / Extended session for matters regarding the V.C. Summer Nuclear Plant

[S. 953 \(Word version\)](#) -- Senators Leatherman, Setzler and Massey: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 10, 2018, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, STAND ADJOURNED TO MEET SUBJECT TO THE CALL OF THE SPEAKER OF THE HOUSE FOR THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE FOR THE SENATE AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN FRIDAY, NOVEMBER 9, 2018, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

Utility Reform – Prohibiting the Public Service Commission from issuing Base Load Review Act orders until 90 days after the General Assembly adjourns Sine Die / Allows Experimental Rate Orders

[S. 954](#) ([Word](#) version) -- Senators Leatherman, Setzler and Massey: A JOINT RESOLUTION TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM ISSUING AN ORDER FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT UNTIL NINETY DAYS AFTER THE SOUTH CAROLINA GENERAL ASSEMBLY ADJOURNS SINE DIE FOR THE 2018 LEGISLATIVE SESSION, BUT TO PERMIT AN EXPERIMENTAL RATE ORDER TO REVISE ELECTRIC RATES IN ACCORDANCE WITH CHAPTER 34, TITLE 58.

Utility Reform – Procurement of Low-Cost Energy

[H. 4796](#) ([Word](#) version) -- Reps. McCoy, J. E. Smith, Arrington and Ballentine: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 41 TO TITLE 58 SO AS TO PROVIDE FOR THE PROCUREMENT OF LOWEST-COST ENERGY FROM INDEPENDENT POWER PRODUCERS; AND TO AMEND SECTION 58-39-120, RELATING TO THE DEFINITIONS OF TERMS APPLICABLE TO CHAPTER 39, TITLE 58, SO AS TO REVISE THE DEFINITIONS OF "AC" AND "AVOIDED COSTS".



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