



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives overrode the Governor's veto on **S.191**, the "**SOUTH CAROLINA REDUCTION IN RECIDIVISM ACT OF 2010**", to allow the bill to become law. In order to reduce recidivism rates and protect potential victims from criminal enterprises, the legislation authorizes law enforcement officers to conduct warrantless searches and seizures on those who are on probation or parole. The legislation provides that, before an individual may be placed on probation, supervised furlough, or parole, he must agree in writing to be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of his person, any vehicle he owns or is driving, and any of his possessions by any probation agent employed by the Department of Probation, Parole and Pardon Services or any other law enforcement officer. The legislation also includes provisions that make written agreement to such warrantless searches and seizures a condition for the release from custody of juveniles and youthful offenders. Agreement to warrantless search and seizure does not apply in situations involving a Class C misdemeanor or an unclassified misdemeanor that carries a term of imprisonment of not more than one year. Before conducting a warrantless search or seizure of an individual, a law enforcement officer must verify the individual's probation, parole, supervised furlough, or conditional release status. Officers are required to make reports of all warrantless searches or seizures to their law enforcement agencies that include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. An officer who fails to make a required report is subject to the disciplinary policy of his agency, but, in the absence of a written agency policy on enforcement, the officer is subject to a one-day suspension without pay. Law enforcement agencies must submit the reported information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse. The department must report any finding of abuse to the State Law Enforcement Division for investigation.

The House overrode the Governor's veto on **H.3395**, a bill relating to **RESERVE FUND ENHANCEMENT AND PROCEDURES FOR ADDRESSING REVENUE SHORTFALLS**. The bill revises statutory provisions governing the use of the General Reserve Fund and the Capital Reserve Fund to conform them to any amendments to the South Carolina Constitution that change the amount required to be held in the General Reserve Fund and the replenishment of that amount. The legislation also revises the protocol for handling revenue shortfalls under which the Budget and Control Board is authorized to implement across-the-board budget cuts in situations when revenue collection falls below four percent of forecasts. The legislation establishes a more sensitive trigger of a two percent revenue shortfall, authorizes reductions in the third quarter of the fiscal year in addition to the first and second quarters, and shortens the time period in which the board is required to take action to avoid a year-end deficit from fifteen days to seven days. The legislation also provides for automatic budget cuts by requiring the Director of the Office of State Budget to reduce general fund appropriations uniformly by the requisite amount if the Budget and Control Board does not take unanimous action within seven days. Upon making the reduction, the Director of the Office of State Budget immediately must notify the State Treasurer and the Comptroller General of the reduction, and upon notification, the appropriations are considered reduced. The legislation provides that the Budget and Control Board may only recognize a deficit by a vote of at least four board members. The legislation provides

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that the Budget and Control Board's uniform appropriations reductions are subject to any bill or joint resolution enacted by the General Assembly.

The House gave second reading approval to **H.3645**, a bill providing for the **SUSPENSION OF DRIVING PRIVILEGES FOR SCHOOL DROPOUTS**. The legislation provides that school attendance or participation in an adult education program leading to a regular high school diploma or South Carolina High School Equivalency Diploma (GED) is a condition for holding a beginner's permit, conditional driver's license, special restricted driver's license, or regular driver's license for a person who is less than eighteen years of age. The legislation requires school district boards of trustees, governing bodies of private schools, and officials of the home school association to provide electronic notification within fourteen days to the Department of Motor Vehicles when an enrolled student who is at least fifteen but less than eighteen years of age has accumulated seven or more total unexcused absences, been expelled, or dropped out of school. The Department of Motor Vehicles must, in turn, notify the minor of the suspension of his license and driving privileges within ten days. The legislation establishes a procedure for appealing a suspension and allows a personal or family hardship waiver to be granted by the Office of Motor Vehicle Hearings if there is a medical condition of the student or a member of his immediate family that requires that he maintain a driver's license to receive or transport an immediate family member for treatments, or employment requiring the student to maintain a driver's license to support himself or his immediate family. A person who has appealed a suspension of his privilege to operate a motor vehicle may, upon payment of a one hundred dollar fee, obtain a special route-restricted driver's license that is valid until the final disposition of his appeal. The legislation's suspension of driving privileges end upon the date of the minor's eighteenth birthday.

The House amended, approved, and sent to the Senate **H.4243**, relating to **CHARTER SCHOOLS**. The legislation authorizes a state or local charter school sponsor to retain up to two percent of the total state and local appropriations for each charter school it sponsors to cover the costs for overseeing the school. The legislation establishes in the state treasury the Charter School Facility Revolving Loan Program, comprised of federal funds obtained by the state for charter school facilities, other funds appropriated or transferred to the fund by the state, and privately donated funds. The State Treasurer may approve loans from this program to applying charter schools for construction, purchase, renovation, and maintenance of public charter school facilities. The bill authorizes single gender charter schools. The bill provides that charter schools are eligible for federal-and state-sponsored leagues, competitions, awards, scholarships, grants, etc. to the same extent as all other public schools. The bill allows charter school students to compete for participate in extracurricular activities only at the student's resident school and only if the activities are not available at the charter school. The bill provides that students who reside within the former attendance area of a converted public school must be given enrollment priority at that charter school (in perpetuity). The legislation revises the necessary parental vote of a traditional public school to convert to a charter school, to a majority of returned premailed ballots issued to those parents/guardians who are eligible to vote and clarifies that parents or guardians have one vote for each household having students enrolled in the school seeking conversion. For the duration of a converted charter school's contract with a sponsor, the bill gives the converted charter the right to use the facility and equipment, etc. in the same manner as before the school converted with no additional fees or charges. The legislation establishes requirements for a charter school to provide notification to their sponsor of

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the charter school's enrollment procedures, the dates of the enrollment period, and of regular charter school board meetings. The legislation includes provisions authorizing an individual on leave from a local school district to participate in the South Carolina Retirement System while employed by a charter school. The current funding provisions for both state and locally sponsored charter schools are unchanged.

The House approved and sent to the Senate **H.3848**, a joint resolution which authorizes **SUSPENDING SALARY STEP INCREASES FOR TEACHERS AND ADMINISTRATORS**. The joint resolution provides that, for Fiscal Year 2010-2011, a local school district board of trustees may determine that all teachers employed by the district must be paid based on the years of experience on the school district salary schedule they possessed in Fiscal Year 2009-2010, without a negative impact resulting to their experience credit. This decision must be voted on by the local school district board of trustees in a public school board meeting with public notice posted on the school district website. Application of this provision must be applied uniformly for all teachers within the school district. The local school district board of trustees may not provide for an increase in salary for district administrators and school administrators and their compensation may not be higher than the actual amount received in Fiscal Year 2009-2010.

The House amended, approved, and sent to the Senate **H.3748**. The bill provides that the **INDEX OF TAXPAYING ABILITY** as calculated by the Department of Revenue for 2009 applies for the 2010-11 fiscal year. The bill creates the Index of Taxpaying Ability Study Committee to examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee also charged with examining the manner in which the index is calculated and the impact of property tax measures on the calculation. The study committee is composed of fourteen members, who are appointed as follows: (1) four members appointed by the President Pro Tempore of the Senate, and four members appointed by the Speaker of the House of Representatives. Appointees shall possess experience in business, school district finance, or economics, and must include representatives from the Department of Education, the Department of Revenue, and the Office of Research and Statistics as well as members of the business and education communities; (2) one member of the Senate appointed by the Senate President Pro Tempore; (3) one member of the Senate appointed by the Senate Majority Leader; and (4) one member of the Senate appointed by the Senate Minority Leader; and (5) Three members of the House of Representatives appointed by the Speaker of the House of Representatives. No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

The House amended Senate amendments to **H.3161**, legislation **INCREASING COURT FEES AND ASSESSMENTS**, and returned the bill to the Senate. The legislation increases numerous fees and assessments for filing cases, making motions, and other judicial proceedings. The legislation also requires the Administrative Law Court's Office of Motor Vehicle Hearings to employ at least five hearing officers, an attorney to advise the hearing officers, and support staff in the performance of their duties, and other support and supervisory staff as deemed necessary by the chief judge. The Office of

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Motor Vehicle Hearing filing fee is increased from one hundred to two hundred dollars to accommodate the cost of the support staff.

The House amended, approved, and sent to the Senate **H.3839**, the “**MUNICIPAL FINANCE ACCOUNTABILITY ACT OF 2010**”. The legislation establishes the Municipal Finance Accountability Commission composed of: (1) the State Treasurer; (2) the Chairman of the Senate Finance Committee or member of Senate Finance Committee designated by the Chairman; (3) the Chairman of the House Ways and Means Committee or member of the House Ways and Means Committee designated by the Chairman; (4) four members appointed by the Governor upon the recommendation of the Municipal Association of South Carolina of which at least one must be a current or former elected municipal official and at least one must be a current or former city manager, administrator, or municipal finance officer currently or formerly serving in this State. The remaining two members appointed by the Governor must be elected municipal officials, city managers or administrators, municipal finance officers currently or formerly serving in this State, or independent accountants licensed by the South Carolina Board of Accountancy who practice in the field of municipal accounting. The legislation requires municipalities to submit annual financial reports and audits to the commission. For as long as these financial reports and audits are not submitted as required, State Aid to Subdivisions and other funds distributed to a municipality by the State Treasurer are to be held in escrow. The legislation authorizes the commission to take steps to restore a municipality to fiscal stability if the commission finds that a municipality: fails to make timely payments on its outstanding general obligation debt or revenue debt; fails in its responsibilities regarding employee income withholdings, contributions for social security, pension or retirement plans or other employee benefits; fails to make required reports; or shows substantial evidence of fiscal mismanagement or impending fiscal instability.

The House approved and sent to the Senate **H.4350**, a bill **REQUIRING CERTIFICATION OF FUNCTIONING SMOKE DETECTORS FOR THE SALE OF A PREVIOUSLY-OWNED MANUFACTURED HOME**. This bill revises criteria required for a manufactured home, so as to provide that, for a sale of a previously owned manufactured home, the buyer must certify he has determined at least two functioning smoke detectors are in the home.

The House amended, approved, and sent to the Senate **H.3854**, relating to the conduct of **DEPARTMENT OF WORKFORCE APPELLATE PANEL ELECTIONS** by the General Assembly. This bill prohibits pledges of support for candidates by members of the General Assembly until after the qualifications of all candidates for that office have been determined by the Department of Workforce Review Committee and the review committee has released formally to the General Assembly its report regarding the qualifications of all candidates for the office. The legislation provides that a member of the General Assembly may not trade a thing of value, including a pledge to vote for legislation or for another candidate, in exchange for another member's pledge to vote for a candidate for the Department of Workforce Appellate Panel. A violation of these provisions is a misdemeanor subject to a fine of up to one thousand dollars or imprisonment for up to ninety days.

The House approved and sent to the Senate **H.4352**, legislation establishing a **MICROENTERPRISES STUDY COMMITTEE**. This joint resolution establishes a study committee to review and make recommendations concerning the need to foster the

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development of microenterprises and microbusinesses, which are sole proprietorships, partnerships, or corporations that have fewer than five employees and generally lack access to conventional loans, equity, or other banking services. The legislation provides for the study committee's membership and requires the study committee to report its findings and recommendations to the General Assembly no later than January 20, 2011, at which time the study committee is abolished.

The House approved and sent to the Senate **H.4893**, a bill designating the first Thursday in May of each year as the "**STATE DAY OF PRAYER**".

The House approved and sent to the Senate **H.4798**, a bill designating the **HONOR AND REMEMBER FLAG** as the official state flag to honor fallen soldiers of this state.

The House amended, approved, and sent to the Senate **H.4269**, a bill **EXTENDING THE EXPIRATION DATE OF THE CONSERVATION BANK ACT** provisions and other related dates pertaining to the closure of the Conservation Bank Act and Conservation Bank Fund. The legislation provides for a ten-year extension such that provisions set to expire in 2013 are extended until 2023 and provisions expiring in 2016 are extended until 2026. The legislation also provides that, beginning July 1, 2010, before the Conservation Bank Trust Fund or the Department of Natural Resources may acquire or accept real property on behalf of the State to be placed and held in a public program or to be put to a recreational or wildlife use by the general public, the department or conservation bank trust fund shall insure that a means is provided in the transaction agreements for the seller or donor, or department or trust fund, to reimburse the county and property taxing jurisdictions in the county in which the property is located for the ad valorem tax revenue lost each year as a result of removing the property from the property tax rolls.

The House amended, approved, and sent to the Senate **H.4559**, the "**UTILIZATION OF UNUSED PRESCRIPTION DRUGS ACT**". The legislation requires the Department of Health and Environmental Control, in consultation and cooperation with the Board of Pharmacy, to develop and implement a voluntary program consistent with public health and safety through which unused prescription drugs may be transferred from health care facilities to charitable clinics for the purpose of redispensing the medication to residents who are medically indigent.

The House amended, approved, and sent to the Senate **H.3393**, relating to the **ADMINISTRATION OF INFLUENZA VACCINES BY PHARMACISTS WITHOUT A DOCTOR'S PRESCRIPTION**. The legislation requires the Board of Medical Examiners to issue a written protocol for the administration of influenza vaccines to adults aged eighteen and over by pharmacists without an order of a practitioner no later than January 1, 2011. The written protocol must include provisions authorizing pharmacists to administer without an order of a practitioner those medications necessary in the treatment of adverse events. In order to assist and advise the Board of Medical Examiners in establishing this written protocol, the legislation establishes a Joint Pharmacist Administered Influenza Vaccines Committee to consist of seven members with experience regarding influenza vaccines. The committee is comprised of two physicians selected by the Board of Medical Examiners, two pharmacists selected by the Board of Pharmacy, and two advanced practice nurse practitioners selected by the Board of Nursing. One member of the Department of Health and Environmental Control designated by the Commissioner of the Department also shall serve on the committee.

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The House amended, approved, and sent to the Senate **H.4413**, the "**LICENSURE OF IN-HOME CARE PROVIDER ACT**". This bill requires the South Carolina Department of Health and Environmental Control to establish a licensure program for in-home care providers. "In-home care" means assistance with activities of daily living and personal care. "In-home care" does not mean skilled care or specific therapy for an illness or injury. DHEC's in-home care licensure program must be at least equivalent to Medicaid Scope of Services for Personal Care II Services. The program will include application and renewal procedures; criminal background checks for licensed applicants; requirements for bonding, recordkeeping and reporting. The department may charge for the application process. The regulations will also include criteria that a licensee's employee, agent, independent contractor or referral must satisfy before providing in-home care services. These criteria must include, but are not limited to, personal information, completion of a minimum education requirement, completion of minimum training and continuing education requirements and screening for communicable diseases and sanctions that may be imposed for violations.

The House amended, approved, and sent to the Senate **H.4616**, a bill establishing a **VOLUNTARY CONTRIBUTION ON HUNTING AND FISHING LICENSES FOR FEEDING THE HUNGRY**. The legislation provides that, in addition to regular hunting and fishing license fees, the purchaser of the license may add a voluntary contribution in any amount to the fee of each license or license renewal beginning July 1, 2010, to be used for programs for feeding needy individuals. The legislation provides that seventy-five cents of each dollar of this voluntary contribution must be used for a program established by this legislation in each of the state's game zones for direct grants to feed needy citizens in that locality, purchase of perishable and nonperishable food items for distribution to local citizens, and underwriting other programs designed to provide food to needy adults and children. Twenty-five cents of each dollar of the voluntary contribution must be retained by the Department of Natural Resources to promote these programs and for the promotion and utilization of state tax credit provisions encouraging the donation of deer for processing for ultimate distribution to charitable organizations engaged in distributing food to the needy. The legislation establishes a three-member committee within each game zone to administer these feed the hungry efforts. All members must be appointed by the Governor upon recommendation of the county legislative delegations representing that game zone. The members shall serve at the pleasure of their appointing authority and without compensation, mileage, or per diem.

The House approved and sent to the Senate **H.4695**, a bill establishing a procedure for the **CONVERSION OF A NONPROFIT CORPORATION TO A FOR PROFIT CORPORATION**. The bill includes additional conditions for the conversion of a public benefit or religious corporation to a for profit corporation.

The House amended, approved, and sent to the Senate **H.4608**, a bill revising provisions governing the operation of **CAPTIVE INSURANCE COMPANIES**. The legislation establishes new requirements governing assets of a sponsored captive insurance company that are assigned to a protected cell.

The House amended, approved, and sent to the Senate **H.4663**, a bill pertaining to **AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM REQUIREMENTS**. The legislation provides that a building code provision that requires an automatic residential

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fire sprinkler system be installed in a new one-family or two-family dwelling may not be enforced. The legislation provides certain prospective homeowners may choose whether to have an automatic sprinkler system installed. The legislation includes provisions to make the installation of an automatic sprinkler system approved by the International Residential Code available where required by that code. The legislation specifies the instances where these provisions control even when they conflict with another law or local ordinance.

The House amended, approved, and sent to the Senate **H.3122**. This bill revises provisions relating to the **FAILURE OF A TAXPAYER TO MAKE A REPORT OR FILE A RETURN**, as required by law, so as to further provide for the information the Department of Revenue must consider when making an estimate of the tax liability of the taxpayer under these circumstances.

The House approved and sent to the Senate **H.3561**, a joint resolution relating to **SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009-2010**.

The House amended, approved, and sent to the Senate **H.4260**, a bill revising requirements for **PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY**, so as to provide that notice must also be posted by the petitioning party along the street, road, or highway, subject to approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway.

The House amended, approved, and sent to the Senate **H.4049**. Relating to methods of **SATISFACTION OF MORTGAGE, DEED OF TRUST, OR OTHER WRITTEN INSTRUMENT SECURING THE PAYMENT OF MONEY AND BEING A LIEN UPON REAL PROPERTY**, this bill requires certain instruments in writing to be acknowledged pursuant to the Uniform Recognition of Acknowledgments Act.

The House gave second reading approval to **H.4506**, relating to the **STATE FARMERS' MARKET SITE LITIGATION**. This joint resolution makes certain findings by the General Assembly in regard to the settlement of litigation involving a site acquired by the State of South Carolina in Richland County for the proposed State Farmers' Market. The resolution confirms and validates the use of specific tracts of land received by the South Carolina Research Authority, and Richland County as part of the settlement, and the use of certain revenues to meet obligations continuing under the settlement.

The House approved and sent to the Senate **H.4215**, relating to the **REQUIRED NOTICE WHEN APPEALING A DECISION OF A MAGISTRATE**. This bill provides that an appellant must serve a notice of appeal of a decision of a magistrate upon the officer or attorney who prosecuted the case in addition to the magistrate who tried the case.

The House approved and sent to the Senate **H.4505**, relating to **REGISTER OF DEEDS**, received a favorable recommendation from the Judiciary Committee. This bill includes registers of deeds in the list of persons who may accept payment by credit or debit cards.

The House amended, approved, and sent to the Senate **H.4562**, dealing with **PUBLIC WEIGHMASTERS**. The bill requires persons to be licensed and registered to work as weighmasters and employees designated by a registered and approved public

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weighmaster are covered under these provisions. Beginning on July 1, 2011, all registrations for public weighmasters are valid for one year and must be renewed annually on the anniversary date of the registration approval. All registration fees for public weighmasters shall be set by regulation.

The House appointed a conference committee to address differences with the Senate on **S.328**, a bill relating to the **INOCULATION OF PETS AGAINST RABIES**.

The House amended, approved, and sent to the Senate **H.4589**, a bill **EXEMPTING CATTLE STOCKYARD OWNERS AND OPERATORS FROM ANIMAL WASTE MANAGEMENT TRAINING AND CERTIFICATION REQUIREMENTS**. Currently an operator of an animal facility and waste utilization area must be trained and certified according to South Carolina Department of Health and Environmental Control Regulations on the operation of animal waste management.

The House amended, approved, and sent to the Senate **H.3815**, regarding **LICENSURE AND REGULATION OF COSMETOLOGISTS**. This bill provides that the holder of an individual cosmetologist license who practices in a booth rental or as an independent contractor may not be charged a license fee or license renewal fee other than the fee charged for individual licensure or licensure renewal. However, an individual's license must be designated as 'booth renter'. The legislation provides that the statutory definition of "beauty salon" does not include a rental booth or a part of a salon in which an independent contractor practices under an individual license.

The House approved and sent to the Senate **H.4820**. In 2011 and 2012, this joint resolution provides that the **ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE** for vehicles in the manufacturer's employee benefit program and for the testing, distribution, evaluation, and promotion of its vehicles is \$699. Twenty dollars of each fee is credited to the general fund of the state and the balance to local governments. The entire fee amount is to be credited to the general fund of the state for nonresident participants in the employee benefit program.

The House approved and sent to the Senate **H.4821**. Relating to **MANUFACTURER LICENSE PLATES** for motor vehicles, this bill increases from 400 to 500 the number of these plates that may be issued to a manufacturer. The bill also increases from 10 to 20 days the maximum number of consecutive days that vehicles with these plates may be used in connection with civic and sporting events.

The House approved and sent to the Senate **H.4865**, a bill designating the **SOUTH CAROLINA PECAN FESTIVAL** in Florence County as the Official State Pecan Festival.

The House approved and sent to the Senate **H.4715**, a joint resolution authorizing the State Budget and Control Board to transfer ownership of the **JEFFERSON NATIONAL GUARD ARMORY** to Chesterfield County.

Joint Resolution **H.3280**, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT ALLOWING THE GOVERNOR TO APPOINT THE STATE SUPERINTENDENT OF EDUCATION**, was rejected, having failed to receive the two-thirds affirmative vote necessary for approving a proposed amendment to the South Carolina Constitution.

The House recommitted to the Ways and Means Committee **H.4245**, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT AUTHORIZING CHARITABLE AND NONPROFIT ORGANIZATIONS TO CONDUCT RAFFLES**. This joint resolution proposes to amend the South Carolina Constitution's prohibition on lotteries so as to provide that the General Assembly may allow raffles to be conducted by charitable or nonprofit organizations and by general law must define the type of organization allowed to conduct raffles, provide the standards for the conduct and management of the raffles, provide penalties for violations, and provide for any other law necessary to assure the proper functioning, honesty, integrity, and charitable purposes for which the raffles are conducted.

The House committed to the Judiciary Committee **H.4270**, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT AUTHORIZING CHARITABLE ORGANIZATIONS TO CONDUCT RAFFLES**. This joint resolution proposes to amend the South Carolina Constitution's prohibition on lotteries so as to provide that the General Assembly may allow raffles to be conducted by charitable organizations and by general law must define the type of organization allowed to conduct raffles, provide the standards for the conduct and management of the raffles, provide penalties for violations, and provide for any other law necessary to assure the proper functioning, honesty, integrity, and charitable purposes for which the raffles are conducted.

The House recommitted to the Judiciary Committee **H.3853**, a bill establishing a statewide **MIDDLE COURT PROCESS**.

The House recommitted to the Judiciary Committee **H.4540**, which makes **COMPREHENSIVE REVISIONS PERTAINING TO DEPARTMENT OF SOCIAL SERVICES (DSS) ABUSE AND NEGLECT PROCEEDINGS AS WELL AS ADOPTION**.

The House recommitted to the Labor, Commerce and Industry Committee **H.4546**, a joint resolution establishing the **SELF-DIRECTED SEMI-INDEPENDENT AGENCY PILOT PROJECT**.

The House recommitted to the Ways and Means Committee **H.3246**, a bill to provide that **DIRECT EMPLOYEES OF THE SOUTH CAROLINA ATHLETIC COACHES ASSOCIATION ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS**.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Wednesday, April 28, 2010, and the following bills were reported out:

S.1261, dealing with the **HARVESTING TIMBER ON LANDS HELD BY THE DEPARTMENT OF NATURAL RESOURCES**, was given a favorable with amendment

recommendation by the full committee. The bill outlines that the lands which were used for agriculture or managed forestland before acquisition by the department must be managed and the timber harvested to provide optimum fish and wildlife habitat. The Department must use Best Management Practices as prescribed by the South Carolina Forestry Commission. It further states that managing or harvesting timber on a historical or archeological site using Best Management Practices does not constitute a disturbance of the historical or archeological site. The bill also requires the Department of Natural Resources to coordinate the cutting and sale of such timber with the State Forester for approval. The bill provides procedures for the harvest and sale of timber if an emergency or natural disaster occurs necessitating immediate harvesting of timber. The bill authorizes the director of Natural Resources, rather than the board, to execute deeds and contracts required to carrying out this emergency procurement provision.

The full committee gave a favorable recommendation to **S.932**, known as the “**HOG BILL**”. The bill outlines that it is unlawful to release pigs into the wild. A permit is required to remove a hog from the wild alive; the cost of this permit is \$50. The permit will require the captured hogs to be tagged permanently. The tagged hogs can only be moved to a permitted hog hunting enclosure within the county where the hog was caught. Hog hunting enclosures that receive permitted and tagged hogs, removed from the wild, must also obtain a permit issued by the Department of Natural Resources. The permit for the hog hunting enclosures is \$50. The bill also states that hogs may be hunted at night with an artificial light that is attached to the hunter’s helmet or hat or be part of a belt system worn by the hunter. Hogs may not be hunted at night from a vehicle or with a centerfire rifle or shotgun, unless permitted by the department. A person who violates this provision is guilty of a misdemeanor and upon conviction must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both. The bill also repeals Section 50-11-380 which is a firearms restriction on hunters in Game Zone 1.

S.452, relating to the “**SOUTH CAROLINA WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT**”, was given a favorable with amendment recommendation by the full committee. This bill makes comprehensive revisions regarding permitting to Surface Water Withdrawals and Reporting Act. The bill provides for new definitions; and provides that all surface water withdrawals, with certain exceptions, must be permitted. A permit may not be issued to a new applicant unless the Department of Health and Environmental Control determine that the applicant’s proposed use is reasonable to the regulations. The legislation provides for exemptions for emergencies, farm pond, mining, evaporation, hydropower, wildlife management, and special purpose districts. Registration continues for agricultural operations. Permitting is required for existing users, new users, and inter-basin transfers. The term of permit for a new user is 20 to 40 years and the term of permit for existing users is 30 to 40 years. The bill outlines that public water systems’ term of permit is up to 50 years based on debt recovery. The bill addresses minimum flow based on mean annual daily flows. The bill provides for nonconsumptive surface water withdrawal and it permitting. Among many other things, the bill provides for an application procedure for surface water withdrawers that own and operate a licensed impoundment or new surface water withdrawers that withdraw water from a licensed impoundment.

The full committee gave a favorable recommendation to **H.4888**. This joint resolution adopts proposed “**TAILORING RULE**”, which will substantially raise the threshold levels

for greenhouse gas emissions that trigger major source permit review, provided by the U.S. Environmental Protection Agency in South Carolina. Upon its adoption by the EPA, this bill will give the Department of Health and Environmental Control, the Air Quality Division, sufficient time to promulgate appropriate regulations.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Wednesday, April 28, and reported out two bills.

S.286, relating to **DENTAL HEALTH SCREENINGS**, received a favorable with amendment report. The bill requires the Department of Health and Environmental Control (DHEC) to implement in three to five counties of need a targeted community program for dental health education, screening and treatment referral in public schools for children in kindergarten, third, seventh and tenth grades or upon entry into a South Carolina school. Unless a child's parent or guardian completes an exemption form, the student must present to the school an acknowledgement that a dental screening has been performed by an authorized practitioner. Dental screenings would be performed in a school setting. If indicated, the child's parent or guardian would be notified, and the oral health coordinator would facilitate further treatment for the child. Any treatment must be provided free to the child; however, the provider may bill Medicaid. Program guidelines are to be promulgated in regulations. Implementation would be contingent upon funding and upon regulations being effective. There is no mandatory financial obligation to DHEC, the Department of Education, or school districts within the counties chosen to participate if adequate funding is not appropriated or made available. The legislation is effective July 1, 2010, and it deletes provisions relating to a pilot dental program for school children.

The full committee gave a favorable with amendment recommendation to **H.4280**. This bill authorizes the Department of Motor Vehicles to issue **SOUTH CAROLINA HIGHWAY PATROL-RETIRED ('SCHP-RETIRED') LICENSE PLATES** to a person who has served as a South Carolina Highway Patrolman or State Trooper and who honorably retired. An application for this license plate must include certification from the South Carolina Highway Patrol that the applicant honorably retired. Only one license plate may be issued to a person. Any person issued this license plate who is convicted of a crime involving dishonesty or moral turpitude shall surrender the special license plate to the Department of Motor Vehicles within three days of the conviction. The legislation includes criminal penalties for fraudulently obtaining the license plate, misusing the license plate and failing to surrender the license plate as required.

JUDICIARY

The full committee did not meet this week.

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.1340 WILDLIFE Sen. Cromer

This bill makes comprehensive revisions with regards to wildlife. It adds new definitions of certain wildlife, fish and plant species. The bill revises bird, game animals and fish classifications. It also defines individual rivers, creeks, lakes, bays, sounds, harbors, and reservoirs. It also repeals several sections of the statute.

S.1171 DRIVER'S LICENSES Sen. Hutto

This bill revises the definition of certain terms in the driver's licenses statute. "State" is defined as to include the Commonwealth of Puerto Rico. The bill also modifies the definition of "conviction" and includes that "home jurisdiction" means the jurisdiction which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle. In addition, the bill modifies the definition of hazardous material. It also modifies the description of a class vehicle. The bill provides for graduated fines for violations of out of service orders as it relates to driving a commercial vehicle.

S.1271 FIREARM USE TO KILL OR ATTEMPT TO KILL ANY ANIMAL DURING ANY SEASON IN SELF-DEFENSE Sen. Campsen

A person may use a firearm if he or she is not prohibited by law from possessing a firearm, or may use any other deadly weapon at any time and during any season to kill or attempt to kill any animal if the person reasonably concludes it is necessary for the purpose of self-defense, defense of another person, or defense of domestic animals. Any person who uses deadly force against a big game animal or alligator in defense of persons or domestic animals as provided for in this section must immediately report the incident to the Department of Natural Resources.

S.1294 FURBEARING ANIMAL SEASON Sen. Peeler

The bill outlines that it is lawful to trap coyotes from December first of each year to March first of the succeeding year. The bill also states that it is lawful to take coyotes by other lawful means during the general open hunting seasons established for furbearing

animals. The bill changes the trapping for furbearing animals for commercial purposes to December first to March first of each year.

EDUCATION AND PUBLIC WORKS

S.1347 SCHOOL FLEXIBILITY PROVISIONS Sen. Hayes

This joint resolution provides school assessment flexibility by allowing schools and school districts to electronically provide 2010 school and district report cards. The joint resolution provides that writing assessments shall be administered to only grades five and eight. A school or school district shall not be required to publish school and district report cards in a newspaper. Schools may offer WorkKeys to tenth grade students using funds appropriated for PSAT and plan assessment. The joint resolution allows certain South Carolina teacher loan recipients to receive a one-year grace period. The State Department of Education must allocate the funds from savings generated to school districts according to the Education Finance Act. The joint resolution provides for a task force that shall examine end-of-course assessments.

S.1363 PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS Sen. Hayes

This bill provides that teachers receiving certification prior to July 1, 2010, shall receive an increase in pay for the life of the certification. The bill further provides that teachers receiving certification on or after July 1, 2010, only shall receive an increase in pay for the initial ten years of the certification, and only teachers who apply for certification prior to July 1, 2010, may receive a loan for the application fee.

H.4904 TOURISM-ORIENTED SIGNAGE PROGRAM Rep. Loftis

This bill authorizes the Department of Transportation to create and supervise a statewide program related to providing directional signs along the state's major highways and interchanges leading to tourism oriented facilities engaged in educational or tourism activities.

JUDICIARY

S.790 CIVIL NO-CONTACT ORDERS Sen. L. Martin

This legislation outlines a procedure for the issuance of emergency and permanent civil no-contact orders under certain circumstances. The circuit court and family court have jurisdiction over an action seeking a permanent civil no-contact order; a permanent civil no-contact order remains in effect for the life of the complainant. The magistrates court has jurisdiction over an action seeking an emergency civil no-contact order. An emergency civil no-contact order remains in effect until a hearing on a permanent civil no-contact order.

S.973 "ELECTRONIC SECURING AND TARGETING OF ONLINE PREDATORS ACT (E-STOP)" Sen. Campsen

This bill requires a sex offender who is required to register with the sex offender registry to provide information regarding the offender's Internet accounts and Internet access providers and Internet identifiers. If any changes to this information occur, the sex

offender must notify the sheriff's office in writing within three business days. The sheriff must notify the South Carolina Law Enforcement Division (SLED) within three business days of the changes. There are penalties for failing to provide the information or knowingly and willfully giving false information regarding an Internet account or Internet identifier. The legislation allows an interactive computer service to request from SLED a list of all registered sex offenders or information regarding specific sex offenders. SLED may charge a reasonable fee to cover the cost of copying and distributing this information. The legislation outlines how an interactive computer service may use the information. The legislation includes provisions pertaining to the liability of SLED and interactive computer services. For certain sex offenders, the bill requires a judge to order as a condition of probation or parole that the person is prohibited from using the Internet for certain reasons, including accessing social networking sites.

The bill makes other changes to the sex offender registry. Among other things, the bill requires a person classified as a Tier III offender by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA) to register every 90 days. For changes in address, the bill reduces the time frame for notifying the sheriff's office from ten to three business days. The bill increases penalties for failing to provide required information and for willfully and knowingly providing false information. The legislation also makes changes to what the SLED protocol manual should include.

**S.1177 TESTIMONY GIVEN TO A STANDING COMMITTEE,
SUBCOMMITTEE OF A STANDING COMMITTEE, OR A STUDY
COMMITTEE OF THE SENATE OR HOUSE OF REPRESENTATIVES
IS ENTITLED TO THE PROTECTIONS OF THE
WHISTLEBLOWER
STATUTE Sen. Fair**

An employee who gives testimony in good faith alleging waste or wrongdoing to any standing committee, subcommittee of a standing committee, or study committee of the Senate, or the House of Representatives, or a joint committee of the General Assembly is given the protections of the Whistleblower statute. These protections are not extended to an employee who makes unfounded allegations or gives testimony not made in good faith.

S.1185 "SOUTH CAROLINA FAMILY LAW MEDIATION ACT" Sen. Malloy
With certain exceptions, this legislation provides that all issues in domestic relations matters are subject to court ordered mediation. A party or the court may move to dispense with or defer mediation due to exceptional circumstances. Among other things, the court must order that the mediation conference or conferences shall be conducted no sooner than 180 days after the filing of the action, unless, in the court's discretion, the mediation conference should commence at an earlier date, and concluded no later than 270 days after the filing of the action. The South Carolina Supreme Court shall establish the minimum number of hours that parties must participate in mediation. No final hearing in any domestic relations action shall be scheduled or heard prior to the completion of mediation, unless the matter is exempt or by order of the Chief Judge for Administrative Purpose of the Family Court upon a showing of exceptional circumstances. All mediation must be conducted in accordance with the procedures established in the South Carolina Family Court Alternative Dispute Resolution Rules.

S.1187 REIMBURSEMENT OF PROPERTY OWNERS FOR THE TAKING OF LAND FOR PUBLIC USE Sen. Leatherman

Relating to reimbursement of property owners for the taking of land for public use, this bill provides that reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations may be paid in an amount up to \$50,000, notwithstanding a lower limitation imposed by federal regulations.

S.1188 "SOUTH CAROLINA FAMILY COURT HEARING OFFICER ACT" Sen. Malloy

This bill allows hearing officers to be assigned all uncontested domestic relations matters by the Chief Administrative Judge for the circuit in which the hearing officer serves. Any person appointed to serve as a hearing officer must be a member of the South Carolina Bar in good standing with a minimum of ten years experience in family court matters. Certain retired judges can be appointed as hearing officers without having the minimum ten years of experience in family court matters. Hearing officers must receive a minimum of six hours of continuing legal education on family court matters and shall be subject to additional standards as the South Carolina Supreme Court deems appropriate. The legislation outlines the types of cases that may be assigned and outlines the authority of hearing officers. No matter directly appealable to the Supreme Court shall be subject to referral to any hearing officer. The legislation includes provisions for appeals. Hearing officers shall not be barred from the private practice of law in family court. However, they shall not preside over any matter in which they have participated as a lawyer. All applicable Rules of Family Court and Rules of Civil Procedure shall apply in all proceedings presided over by a hearing officer.

S.1234 COMMITTEE TO STUDY AND DEVELOP A PLAN TO CONSOLIDATE THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES Sen. Fair

This legislation creates a committee to study and develop a plan to consolidate the functions of the Department of Corrections and the Department of Probation, Parole and Pardon Services. The plan must include an estimate of cost savings that may be realized from the consolidation of both agencies. The legislation provides for the composition of the committee and requires the report of the committee to be submitted to legislative officials by December 31, 2010.

S.1299 COMMITTEE TO STUDY ALL RELEVANT PROVISIONS OF LAW AND MAKE RECOMMENDATIONS TO THE MEMBERS OF THE GENERAL ASSEMBLY REGARDING THE ISSUES OF WHEN A MAYOR OR COUNCILMAN FORFEITS HIS OFFICE, AND HOW A VACANCY IN THE OFFICE OF MAYOR OR COUNCILMAN SHOULD BE FILLED Sen. Scott

This bill creates a committee to study all relevant provisions of law and make recommendations to the members of the General Assembly regarding the issues of

when a mayor or councilman forfeits his office, and how a vacancy in the office of mayor or councilman should be filled. The legislation provides for the composition of the committee and requires the report of the committee to be submitted to legislative officials by January 1, 2011.

S.1300 JURY SERVICE BY EDUCATORS Sen. Shoopman

This bill allows a public or private school employee, a person primarily responsible for the elementary or secondary education of a child in a home or charter school, or a person who is an instructor at an institution of higher learning including a technical college selected for jury service during the school term to request and have his service postponed to a date that does not conflict with the school term. School term means the instructional school year, generally from September 1 until May 30 or not more than 190 days. The bill provides that a person selected for jury service who requests postponement must provide certain evidence of educational responsibilities during a home or charter school term coinciding with the dates of jury duty. The legislation makes technical changes regarding excusing jurors for good cause.

S.1348 ESTATE TAX Sen. Campsen

Relating to the estate tax, this legislation provides that the will or trust of a decedent who dies in 2010 that contains certain formulae shall be deemed to refer to the federal estate tax law as it applied on December 31, 2009.

**H.4905 REPORTING OF CAMPAIGN EXPENDITURES BY PERSONS RUNNING FOR AN OFFICE ELECTED BY THE GENERAL ASSEMBLY
Rep. Funderburk**

This bill relates to the reporting of campaign expenditures by persons running for an office elected by the General Assembly. This bill requires the reporting of unpaid invoices or bills received or paid by the candidate or a person on his behalf for communication through television, radio, telephone, print publication, including mail, or electronic means made by or on behalf of a candidate that is designed to influence the outcome of an election. These invoices or bills are considered campaign expenditures for the quarter in which the communication occurs.

H.4915 EXPENDITURES THAT MUST BE CONTAINED IN A CERTIFIED CAMPAIGN REPORT Rep. Ott

Relating to information regarding expenditures that must be contained in a certified campaign report, this bill deletes a reference to campaign funds and requires that all expenditures be listed in the report.

H.4919 ILLEGAL ALIENS ENFORCEMENT Rep. Bedingfield

This bill provides procedures for verification of a person's immigration status under certain circumstances, and it provides for the warrantless arrest of persons suspected of being present in the United States unlawfully. The bill creates the offense of wilful failure to complete or carry an alien registration document under certain circumstances, and it provides penalties for the various degrees of the offense. The bill creates the offense of unlawfully hiring and picking up workers at different locations while impeding traffic. The bill also creates the offense of entering motor vehicles stopped in rights-of-way to be hired to work at a different location if the vehicle blocks or impedes traffic. The bill provides penalties for violations of these new offenses.

LABOR, COMMERCE AND INDUSTRY

S.1073 COLLATERAL RECOVERY Sen. Thomas

This bill establishes provisions requiring those who engage in collateral recovery to be licensed and regulated by the Department of Consumer Affairs.

H.4917 AVAILABILITY OF RESTROOMS IN RETAIL BUSINESSES

Rep. Williams

This bill provides that the restroom facilities in any place of business in this State of a retailer selling tangible personal property must be available for use by purchasers or prospective purchasers entering this place of business upon their request. Where there is more than one restroom in that place of business, a restroom may be designated for use by one particular sex.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H. 4894 DENTAL SERVICE FEES Rep. Loftis

This bill adds that a contract between a dental plan of a health care entity and a dentist or oral surgeon, for the provision of services to patients, may not require that a dentist or oral surgeon provide services at a fee set by the health care entity unless the services are covered services under the subscriber agreement. The bill provides definition for "covered person", "covered services", and "dental plan".

WAYS AND MEANS

S.749 OFFICE OF RAILROADS/ OFFICE OF PUBLIC TRANSIT Sen. Cleary

This bill establishes an Office of Railroads and an Office of Public Transit within the Department of Transportation's Division of Intermodal and Freight Programs and provides for the responsibilities of these offices.

S.1129 TEMPORARY LOTTERY TICKET SALES LICENSE Sen. Ryberg

This bill provides that a person who purchases or acquires by lease, divorce decree, or eviction a retail business which sells lottery tickets, upon initiating the application for licensure and contract, may be issued a temporary lottery ticket sales license at the time of the purchase if the applicant currently holds a valid retail lottery ticket sales license and contract for another retail location and meets other requirements. The legislation establishes a fee of twenty-five dollars for each temporary license.

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