



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, JR., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.4967**. The legislation provides for comprehensive **RETIREMENT SYSTEMS REVISIONS** as a means of securing long term financial health for South Carolina's employee pension plans. The legislation revises eligibility criteria for the South Carolina Retirement System, which serves public school teachers and most state government employees, by requiring new employees to have at least thirty years of service in order to be eligible to retire at any age with full benefits. Current employees invested in the South Carolina Retirement System retain their twenty-eight year eligibility. The legislation increases the employee contribution rate by one percent for both the South Carolina Retirement System and the Police Officers Retirement System, corresponding to a one percent increase in the employer contribution rate recently approved by the Budget and Control Board. The employee contribution rate increase is to be phased in over the course of two years. The legislation eliminates the current provisions for awarding cost of living adjustments to retirees that tie COLAs to inflation, and, instead establishes benefit adjustment provisions that award an increase in retiree benefits, of up to 2.5%, in a year when criteria are met that show a satisfactory rate of return on pension system investments. Anti-spiking measures are included to disallow eleventh hour raises and steps taken at the end of service that can distort pension benefits. The legislation revises the method of calculating average final compensation for determining pension benefits by requiring a computation that uses the employee's five highest years of compensation, rather than the current three highest years. The legislation eliminates the addition of unused sick leave in the calculation of creditable service and provides that unused annual leave may not be added to the average final compensation. The legislation revises South Carolina Retirement System provisions so that overtime not mandated by the employer will no longer be considered earnable compensation, but these overtime revisions do not apply to the Police Officers Retirement System. The legislation discontinues the Teacher and Employee Retention Incentive (TERI) Program by closing the program to new employees. The legislation revises the General Assembly Retirement System by increasing the employee contribution rate by one percent and discontinuing provisions that allow legislators to begin drawing retirement benefits while continuing to serve in the General Assembly. The legislation provides that interest will not accrue on inactive pension accounts. The legislation provides for revisions that make the purchase of service credit actuarially neutral.

The House gave second reading approval to **H.4654**, a bill relating to the **APPLICATION OF THE POLLUTION CONTROL ACT** which regulates the discharge of sewage, industrial waste, and other pollutants through permitting programs at the Department of Health and Environmental Control. The legislation responds to a recent South Carolina Supreme Court ruling as it relates to who has standing to file a lawsuit under South Carolina's Pollution Control Act and whether the act addresses waters, such as Carolina Bays and other isolated wetlands, for which DHEC has no permitting program. The legislation specifies that no private cause of action is created by or exists under the Pollution Control Act. The legislation provides that Pollution Control Act permit requirements do not apply to: (1) discharges in a quantity below applicable threshold permitting requirements established by the department; (2) discharges for which the department has no regulatory permitting program; or (3) discharges exempted by the department from permitting requirements. The legislation specifies that these limitations

on permitting requirements must not be construed to impair or affect common law rights, repeal prohibitions or requirements of other statutory law or common law, or diminish the department's authority to abate public nuisances or hazards to public health or the environment, to abate pollution as defined in the Pollution Control Act, or to respond to accidental discharges or spills. The legislation specifies that it must be given retroactive effect and extinguishes any right, claim, or cause of action by any person except the State, State agency, State department, or State instrumentality in any action or claim arising under or related to the Pollution Control Act.

The House concurred in Senate amendments to **H.3793**, which addresses **SYNTHETIC MARIJUANA AND OTHER SYNTHETIC DRUGS**, and enrolled the bill for ratification. The legislation adds numerous materials, chemical compounds, mixtures and preparations, including those commonly known as bath salts, spice, and K2, to the list of Schedule I controlled substances, which are unlawful for members of the general public to purchase, sell, distribute, manufacture, or possess. The legislation also enhances the Department of Health and Environmental Control's authority to make changes to the schedules of controlled substances while the General Assembly is not in session and when changes occur in federal law regarding controlled substances.

The House concurred in Senate amendments to **H.3333** and enrolled the bill for ratification. The legislation makes revisions regarding **SMALL BUSINESS HEALTH INSURANCE COOPERATIVES** to encourage the use of provisions that allow small businesses to pool their resources as a means of negotiating favorable health insurance coverage for their employees. Notably, the legislation revises excess stop-loss coverage requirements for these multiple employer self-insured health plans or multiple employer welfare arrangements (MEWA). This legislation also makes revisions to insurers' securitization requirements and requirements for financial statements filed with the Department of Insurance.

The House concurred in Senate amendments to **H.3631**, and enrolled the bill for ratification. Relating to the requirements for conducting **PRESCRIBED FIRES**, this legislation further specifies supervision requirements for a prescribed fire manager, and it references specific regulatory and statutory provisions applicable to conducting a prescribed fire. This legislation also provides that a property owner or lessee or his agent or employee conducting a prescribed fire pursuant to these statutory provisions is not liable for damage, injury or loss caused by the resulting smoke of a prescribed fire unless gross negligence or recklessness is proven.

The House amended, approved, and sent to the Senate **H.3130**, legislation **PROHIBITING MINORS FROM SEXTING**. This legislation provides that it is unlawful for a child who is less than seventeen years of age to use a telecommunications device to knowingly transmit or distribute to another person a photograph or text message with a photograph attachment depicting a person who is less than eighteen years of age in a state of sexual activity or a state of sexually explicit nudity. A child adjudicated delinquent for this offense may only be sentenced to a maximum \$100 fine. A child who violates these provisions shall not be taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation or for failure to pay a fine. A child less than seventeen years of age who violates these provisions, or who receives or possesses a photograph transmitted by a telecommunications device or text message with a photograph attachment depicting a person who is less than eighteen years of age

in a state of sexual activity or sexually explicit nudity shall not be prosecuted under the state's child pornography criminal provisions unless, upon motion by the solicitor, the family court determines that it is in the interest of justice for the child to be prosecuted. A child less than seventeen years of age does not knowingly transmit or distribute the material by reporting the matter to a law enforcement agency, teacher, principal, or parent or by affording a law enforcement agency, teacher, principal, or parent access to the image.

The House returned **S.710**, which allows for **VETERAN STATUS DESIGNATION ON THE FRONT OF DRIVER'S LICENSES AND SPECIAL IDENTIFICATION CARDS**, to the Senate with amendments. Upon an individual's request, proof of eligibility and payment of a one dollar fee, this legislation allows the Department of Motor Vehicles to include a veteran status designation on the front of a driver's license or special identification card.

The House amended, approved, and sent to the Senate **H.4699**, legislation which provides for **ADDITIONAL CIRCUIT COURT JUDGES AND FAMILY COURT JUDGES**. This legislation increases the number of at-large circuit court judges from thirteen to sixteen. The legislation also adds three additional family court judges who shall be at large and must be elected without regard to their county or circuit of residence.

The House amended, approved, and sent to the Senate **H.4787**, the "**PORTABLE ELECTRONICS INSURANCE ACT**". The legislation provides for the licensure and regulation of vendors of insurance covering the repair or replacement of portable electronic devices. The legislation provides requirements relating to the sale of portable electronics insurance under a limited lines license, establishes disclosure requirements for vendors of such insurance to prospective consumers, provides licensure fees and surcharges, and establishes penalties for violations.

The House amended, approved, and sent to the Senate **H.4680**, a bill relating to **REDUCTION OF A SENTENCE WHEN A DEFENDANT PROVIDES SUBSTANTIAL ASSISTANCE TO THE STATE** in investigating or prosecuting another person or in averting danger for a Department of Corrections employee. The legislation eliminates the requirement that the assistance be provided after sentencing and clarifies that a defendant's sentence may be reduced below the minimum term of imprisonment provided by law under certain circumstances. Reduction of the sentence below the minimum term of imprisonment is in the court's discretion. A motion made pursuant to these provisions must be filed by the Attorney General or the circuit solicitor in the county where the defendant's case arose. The state must provide notice of these sentence reductions to the victim of the original offense.

The House amended, approved, and sent to the Senate **H.4603**. Current law prohibits an offender from participating more than once in a **SOLICITOR'S PRETRIAL INTERVENTION PROGRAM**. This legislation provides that a solicitor, in his discretion, may consent to allow an offender to participate in a pretrial intervention program more than once. However, a person may not be considered for intervention if he has previously been accepted into a pretrial intervention program for a criminal domestic violence offense.

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The House amended, approved, and sent to the Senate **H.4763**, a bill revising **PRENEED FUNERAL CONTRACT** provisions. This bill establishes a biennial term for preneed funeral contract licensure and provides for a \$250 initial licensure fee and a \$200 fee for each license renewal application. The Department of Consumer Affairs is directed to use half of the renewal fee for administration and deposit the other \$100 dollars of each license renewal fee into the Preneed Loss Reimbursement Fund, which is used to make reimbursements in cases of fraud where payments have been made in advance for contractual funeral services that were never provided. The legislation eliminates the provision that sets the maximum amount of the Preneed Loss Reimbursement Fund at five hundred thousand dollars with a five percent adjustment compounded annually.

The House amended, approved, and sent to the Senate **H.4008**, pertaining to **HOSPITALS**. This legislation provides that there is no monetary liability, and no cause of action for damages arising against, a hospital and certain entities and individuals linked to the hospital for undertaking or performing certain acts without malice. In addition, the act must have taken place after a reasonable effort to obtain the facts and a belief that the act was warranted by the facts. The act or proceeding must relate to: sentinel event investigations or root cause analyses prescribed by the Joint Commission or an appropriately accredited organization; investigation of medical staff member competence or conduct, disciplinary actions/proceedings or fair hearings; quality assurance reviews; medical staff credentialing process; reports to insurance carrier; quality of care reviews/investigations, or certain quality of care reports/statements. The legislation also includes provisions about the confidentiality of various proceedings, data, documents and records and information.

The House amended, approved, and sent to the Senate **H.4513**, relating to the **ADULT PROTECTION COORDINATING COUNCIL** under the auspices of the South Carolina Department of Health and Human Services (DHHS). This legislation revises the membership on the council and makes technical corrections. Duties of the council are subject to the appropriation of funding and allocation of personnel to carry out the functions of the council, and staffing for the council must be provided by DHHS. This legislation also revises the duties of the council. Among other things, it adds the requirement that the council annually prepare and distribute to the membership and the members of the General Assembly a report of the council's activities and accomplishments for the calendar year.

The House approved and sent to the Senate **H.4726**, legislation relating to the powers of public service district and special purpose district commissions, including the power to assess the cost of the **ESTABLISHMENT AND CONSTRUCTION OF A SEWER LATERAL COLLECTION LINE**. This legislation provides that if a residential subdivision received conceptual approval from the Department of Health and Environmental Control for septic tank use and subsequently five or more lots in the subdivision were denied permits by the department, an assessment may be levied on the abutting parcels in the subdivision for the actual costs of the sewer lateral collection lines, transmission lines, and associated infrastructure. It further provides that a letter or certificate of the department establishes these conditions authorizing the assessment.

The House approved and sent to the Senate **H.5026**, a bill relating to hearings and proceedings before the **ADMINISTRATIVE LAW COURT**, which eliminates an obsolete

reference exempting appeals from the Department of Employment and Workforce to the court.

The House refused to concur in Senate amendments to **H.3527**, legislation that provides it is **UNLAWFUL FOR AN INMATE TO BE A MEMBER OF ANY INTERNET-BASED SOCIAL NETWORKING WEBSITE**.

The House refused to concur in Senate amendments to **H.3241**, a bill making **REVISIONS TO CHARTER SCHOOLS** provisions.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Wednesday, March 21, and reported out five bills.

H.4641, relating to **IN-STATE TUITION RATES FOR VETERANS AND THEIR DEPENDENTS**, received a favorable recommendation from the full Education and Public Works Committee. This legislation provides that a veteran who has been honorably discharged, and their dependents, who are not otherwise eligible for in-state tuition rates, are entitled to receive in-state tuition rates at state institutions provided that within two years of the date of discharge, they enroll at a state institution and have evidenced an intent to establish domicile in South Carolina. These individuals are eligible for in-state tuition rates as long as they remain continuously enrolled at a state institution or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution, subject to certain provisions concerning such transfers.

The full committee gave a favorable report to **S.833**, which pertains to **TUITION RATES FOR ACTIVE DUTY MILITARY PERSONNEL FOR CERTAIN COURSES**. This legislation provides that active duty military personnel may be charged less than the undergraduate tuition rate for South Carolina residents for courses that are presented on a distance basis, regardless of residency. The term 'active duty military personnel' includes, but is not limited to, active duty guardsmen and active duty reservists.

H.4888, legislation which makes **REVISIONS RELATING TO THE DEPARTMENT OF MOTOR VEHICLES**, received a favorable with amendment recommendation from the full committee. This legislation makes a variety of technical changes pertaining to the Department of Motor Vehicles. Among other things, this legislation updates numerous statutes to reflect that the Department of Motor Vehicles is no longer under the Department of Public Safety; and it repeals Title 56, Article 60, Chapter 3 relating to Shriners License Plates as there is another Shriners License Plate provided for in a different section.

The full Education and Public Works Committee gave a favorable report to **H.4092**, which relates to **SMOKING PROHIBITIONS AND PUBLIC INSTITUTIONS OF HIGHER LEARNING**. This legislation amends the Clean Indoor Air Act. Under this legislation

smoking is prohibited in buildings, or portions of buildings, and the outside areas immediately contiguous to these buildings owned, leased, operated, or maintained by a public institution of higher learning that the governing board of the institution has designated as nonsmoking.

H.4761, relating to **FARM TRUCKS AND COMMERCIAL MOTOR VEHICLES**, received a favorable with amendment report. Among other things, this legislation revises the definition of a farm truck; provides that certain commercial motor vehicles operating in intrastate commerce are exempt from state laws or regulations; provides that a commercial motor vehicle driver operating a farm truck in intrastate commerce who does not meet certain physical qualification standards may continue to be qualified to operate a commercial motor vehicle in intrastate commerce if certain conditions are met; provides that certain farm trucks operating solely in intrastate commerce are not required to have the name of the registered owner, lessor, or lessee stenciled or otherwise marked on the vehicle; and provides that the State Transport Police Division of the Department of Public Safety has exclusive authority in this State for enforcement of the commercial motor vehicle carrier laws.

JUDICIARY

The full Judiciary Committee met on Tuesday, March 20, and reported out seven bills.

H.4513, relating to the **ADULT PROTECTION COORDINATING COUNCIL** under the auspices of the South Carolina Department of Health and Human Services (DHHS), received a favorable with amendment recommendation from the Judiciary Committee. This legislation revises the membership on the council and makes technical corrections. Duties of the council are subject to the appropriation of funding and allocation of personnel to carry out the functions of the council, and staffing for the council must be provided by DHHS. This legislation also revises the duties of the council. Among other things, it adds the requirement that the council annually prepare and distribute to the membership and the members of the General Assembly a report of the council's activities and accomplishments for the calendar year.

The full committee gave a favorable with amendment report to **H.4699**, legislation which provides for **ADDITIONAL CIRCUIT COURT JUDGES AND FAMILY COURT JUDGES**. This legislation increases the number of at-large circuit court judges from thirteen to sixteen. The legislation also adds three additional family court judges who shall be at-large and must be elected without regard to their county or circuit of residence.

H.4494, relating to the **PURCHASE OF RIFLES OR SHOTGUNS**, received a favorable report. This legislation removes a requirement that the purchase of rifles or shotguns be made from a contiguous state.

H.4939, relating to **RETAIL DEALERS UNDER THE ALCOHOLIC BEVERAGE CONTROL ACT**, received a favorable with amendment report. This bill revises

provisions relating to discounts on alcoholic liquors or nonalcoholic items, so as to allow a retail dealer to offer discounts at the register through the use of premiums, coupons, or stamps, so long as the cost related to the discount is the sole responsibility of the retail dealer. This legislation also provides that a retail dealer may not sell barter, exchange, give, or offer for sale, barter, or permit the sale, barter, exchange or gift of alcoholic liquors without regard to the size of the container to another dealer, except as provided in Section 61-6-950 or between locations owned by the same retail dealer. This legislation further provides that certain violations of restrictions on retail dealers must result in a mandatory suspension of license or permit for a period of at least 30 days.

The Judiciary Committee gave a favorable with amendment recommendation to **H.3665**. This legislation **REPEALS SECTION 23-31-180, A STATUTE WHICH IS COMMONLY REFERRED TO AS A HANDGUN OR PISTOL "MELTING POINT LAW"**.

The full committee gave a favorable recommendation to **H.4915**. This legislation **REPEALS SECTION 19-11-50, A STATUTE WHICH PROVIDES A PROHIBITION AGAINST THE TESTIMONY OF A DEFENDANT BEING USED AGAINST HIM IN ANOTHER CRIMINAL CASE.**

H.4919 received a favorable with amendment report. Relating to **PUNISHMENT AND SENTENCING FOR MURDER**, this legislation provides that the State may seek a mandatory sentence of life imprisonment. The State shall give written notice to the defendant ten days prior to trial of its intention to seek sentencing pursuant to these provisions. If the State seeks a mandatory sentence of life imprisonment, the defendant must be sentenced to life imprisonment if he is convicted and the conviction meets the following criteria, the defendant is convicted of:(1) murder and also is found guilty of one or more of the following accompanying crimes:(a) criminal sexual conduct in any degree; (b) kidnapping;(c) burglary in any degree; or (d) robbery while armed with a deadly weapon; (2) two or more murders by one act or pursuant to one scheme or course of conduct; or (3) murder and the victim is a child eleven years of age or under. These provisions do not apply if the defendant is less than seventeen years of age.

H.4572, relating to **SURETY FOR BAIL BONDS**, received a favorable with amendment recommendation from the full committee. Current law provides a procedure through which a surety may be relieved of liability for a bail bond upon filing of an affidavit stating certain information when the defendant is incarcerated by the surety or a law enforcement agency as a result of a bench warrant. This legislation provides that once the affidavit has been filed, the surety is relived of all liability on the bail bond by the court unless otherwise directed by the circuit court.

The full Judiciary Committee also met on Thursday, March 22, and reported out one bill. **S.1227**, legislation which provides a **PROHIBITION ON CAMPING, SLEEPING, OR USE OF THE STATE HOUSE GROUNDS AND ALL BUILDINGS LOCATED ON THE GROUNDS FOR LIVING ACCOMMODATIONS PURPOSES**, received a favorable report. This legislation prohibits a person or group of persons from using the State House grounds or the buildings located on the grounds for: (1) camping, or other living accommodations purposes; (2) sleeping, or making preparations to sleep; (3) storing personal belongings that support camping or other outdoor living accommodations purposes; (4) building a campfire; (5) erecting tents or other structures used for camping or outdoor living accommodations; (6) digging or breaking ground without proper written authorization; or (7) cooking, or cooking activities that support

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camping or other outdoor living accommodations purposes. This prohibition applies regardless of the participant's intent or the nature of other activities in which the participant may be engaged.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, March 20, 2012.

The committee gave a favorable with amendment recommendation to **H.4739**, dealing with **LIFEGUARDS AT SWIMMING POOLS**. The legislation states that all Type A public swimming pools shall provide lifeguards as a condition of obtaining and maintaining operating permits. A public swimming pool of three thousand square feet or fewer must have one lifeguard for one to twenty-five patrons. The number of required lifeguards increases based on the square footage of pool and the number of patrons. In addition, a public swimming pool that is required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call, if necessary. The legislation also requires that all Type E swimming pools (at water parks) submit a lifeguard coverage plan to the Department of Health and Environmental Control for approval. Upon DHEC's approval, Type E public swimming pools must provide lifeguards in accordance with their approved plan.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.5062 SCHOOL MEAL PROVISION Rep. Limehouse

The bill outlines that no public school may purchase food or serve food at a school meal that has been treated with ammonia hydroxide or is otherwise considered to be what is commonly referred to in the public as "pink slime".

H.5071 HUNTING AND TAKING ANTLERED DEER Rep. Pinson

The bill adds that in open season for hunting and the taking of antlered deer, it is unlawful to hunt deer by aid of bait in Game Zones One and Two (Upstate).

EDUCATION AND PUBLIC WORKS

H.5047 AIKEN INTERSTATE SIGNAGE Rep. Taylor

This legislation requests that the Department of Transportation include "Aiken" on all existing and future signage that directs motor vehicle traffic to the City of Augusta, Georgia along the eastbound and westbound lanes of traffic at exit 107 on Interstate Highway 26, and along the northbound and southbound lanes of traffic at exit 16 on Interstate Highway 77.

H.5048 AIKEN INTERSTATE SIGNAGE Rep. Taylor

This legislation requires the Department of Transportation to include "Aiken" on all existing and future signage that directs motor vehicle traffic to the City of Augusta, Georgia along the eastbound and westbound lanes of traffic at Exit 107 on Interstate Highway 26, and along the northbound and southbound lanes of traffic at Exit 16 on Interstate Highway 77.

H.5050 ROADS IN CHARLESTON COUNTY Rep. Limehouse

This legislation removes from the state highway system Regatta, Grand Concourse, and Harbortowne Roads in Charleston County. This legislation opens a portion of Harbortowne Road, and it repeals Act 624 of 1986 relating to the adding of specific roads and portions of roads in Charleston County to the state highway system and the closing of the unpaved portions of a road in Charleston County.

H.5051 MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES

Rep. Limehouse

This legislation includes in the mission of four year colleges and universities unique doctoral degree programs that are not duplicative of any research university doctoral programs in that region. The legislation provides the term 'that region' includes the area within a seventy mile radius from the center of a research university main campus.

JUDICIARY

S.302 DEPARTMENT OF JUVENILE JUSTICE Sen. Fair

This legislation authorizes the Department of Juvenile Justice to grant probationers and parolees under the department's supervision up to a ten-day reduction of the probationary or parole term for each month they are compliant with the terms and conditions of their probation or parole.

S.1037 COMPENSATION FOR A WRONGFUL CONVICTION Sen. Anderson

This legislation provides that eligible persons who have been convicted of an offense, incarcerated for at least 90 days and were incarcerated solely on the basis of the conviction of the offense, and are innocent of the offense may file a claim for compensation. A person may only file a claim for wrongful conviction if the person's conviction was overturned by a court of competent jurisdiction and the matter has reached final judgment or the person has been pardoned. A person may file a claim for wrongful conviction to be heard before a judge in the circuit that exercised jurisdiction over the offense. The claim shall be awarded if the court finds by clear and convincing evidence that the claimant was wrongly convicted. An eligible person wrongly convicted must be awarded an amount equal to fifteen thousand dollars for each year, or a pro rata amount for the portion of each year, of the incarceration actually served. However, the award shall not exceed fifty thousand dollars. A person awarded compensation who is subsequently convicted of a felony is not eligible to receive any unpaid amounts of the award. The legislation establishes in the State Treasury the Wrongful Conviction Compensation Fund.

H.5043 NOMINATION OF A PARTY'S CANDIDATES BY CONVENTION

Rep. Clemmons

Relating to the nomination of a party's candidates by convention, this legislation further provides for the types of candidates who may be, rather than are required to be,

nominated by a party's state convention if a party nominates candidates by convention. The legislation provides that a party's candidates for county offices may be, rather than are required to be, nominated by a party's county convention if a party nominates candidates by convention. The legislation revises procedural and other requirements for nominations by convention, including the procedures required for the nomination by convention of candidates for the offices of Senator and members of the House of Representatives.

**H.5052 PROPOSED CONSTITUTIONAL AMENDMENT RELATING
QUALIFICATIONS FOR OFFICERS SERVING ON THE GOVERNING
BODY OF SOUTH CAROLINA STATE UNIVERSITY Rep. Govan**

This legislation proposes to amend the State Constitution so as to exempt an appointed or elected person serving on the governing body of South Carolina State University from the requirement of being a qualified elector. The proposed amendment also deletes archaic references relating to the qualifications for officers. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.5053 FORFEITURE OF BAIL BOND Rep. Bannister

Relating to the forfeiture of a bail bond for a defendant when he fails to appear at a related hearing to which he has been summoned, this legislation provides that when the forfeiture occurs, the court shall enter requisite information about the defendant into the National Crime Information Center Database. The legislation further provides that the clerk of court shall send true copies of the bench warrant to the surety company and bail bondsman within seven days after the bench warrant is issued. The bond must not be forfeited and the surety must be relieved of all liability if the State of South Carolina refuses to request extradition of the defendant if the defendant is in a jurisdiction outside of this State.

**H.5054 UNLAWFUL ACTS OF BAIL BONDSMEN OR RUNNERS
Rep. Bannister**

This legislation provides that no bail bondsman or runner may in no way communicate untrue, deceptive, or misleading information about its premiums, percentages, or fee offerings.

H.5064 VENUE IN CIVIL ACTIONS REGARDING THE SOUTH CAROLINA TORT CLAIMS ACT Rep. Whipper

Relating to venue in civil actions and actions that must be tried in the county where the defendant resides, this legislation deletes the exception to venue in civil actions regarding the South Carolina Tort Claims Act. Relating to venue in civil actions regarding the South Carolina Tort Claims Act, among other things, this legislation provides that jurisdiction for a civil action brought under the act is the same as that provided in Section 15-7-30 for all other civil actions.

H.5065 CONSTITUTIONAL CONVENTION Rep. Barfield

This is a concurrent resolution to make application to the Congress of the United States to call a constitutional convention pursuant to Article V of the Constitution of the United States for the purpose of proposing a constitutional amendment to require that an increase in the federal debt must be approved by a majority of the legislatures of the separate states.

H.5068 VICTIMS Rep. Forrester

This legislation provides that a spouse, parent, child, and lawful representative of certain victims have equal status and notification rights, unless the person is a suspect in the underlying crime.

H.5070 CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT IN CHILDCARE FACILITIES Rep. Erickson

Relating to criminal background checks for employment in childcare facilities, this legislation also prohibits such employment of a person who has been convicted of unlawful conduct toward a child, cruelty to children, or child endangerment.

H.5072 USE OF DEADLY FORCE AGAINST ANOTHER PERSON Rep. Sellers

Relating to the use of deadly force against another person who unlawfully enters a residence, occupied vehicle, or place of business, this legislation deletes the reference to the authorized use of deadly force in a person's place of business.

H.5073 CRIMINAL DOMESTIC VIOLENCE REGISTRY Rep. Allen

This legislation authorizes the Attorney General to create and administer a State Criminal Domestic Violence Registry in order to maintain a list of persons convicted of criminal domestic violence of a high and aggravated nature and criminal domestic violence third or subsequent offense. The legislation provides procedures that must be followed in the maintenance of the registry, and it provides for confidentiality of the identity of victims of domestic violence.

LABOR, COMMERCE AND INDUSTRY

S.102 PROHIBITION ON ABORTION COVERAGE OFFERED THROUGH A HEALTH INSURANCE EXCHANGE Sen. Verdin

This bill provides that abortion coverage may not be provided by a qualified health plan offered by a health insurer through a health insurance exchange created pursuant to the federal 'Patient Protection and Affordable Care Act'. This prohibition applies to group health plans as defined in the Employee Retirement Income Security Act of 1974 and health maintenance organizations. The limitation does not apply to an abortion

performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy, or when the pregnancy is the result of rape or incest.

S.1301 EXPANSION OF THE ELECTED GOVERNING BODY OF CERTAIN PUBLIC SERVICE DISTRICTS Sen. Fair

This bill establishes the manner and procedures by which an elected governing body of a public service district located wholly in one county which provides water, sewer, or fire service within its service area may be enlarged by additional members in order to ensure a representative governing body above a size of three.

H.5063 ENHANCED PENALTIES FOR UNEMPLOYMENT INSURANCE FRAUD

Rep. Sandifer

This bill revises unemployment insurance fraud provisions for both employers and for those collecting jobless benefits by imposing a new range of criminal penalties for violations. More serious felony offenses are reserved for repeat violations and fraud that involves larger dollar amounts. Offenders are also required to make full restitution to the Department of Employment and Workforce for any economic advantages or benefits fraudulently obtained. In addition to these criminal penalties, the legislation includes enhanced civil penalties for unemployment insurance fraud that makes a violator subject to a fine of up to five thousand dollars for a first offense, a five thousand to ten thousand dollar fine for a second offense, and a ten thousand to fifteen thousand dollar fine for a third or subsequent offense. Revenue from these civil penalties must be used to provide funds for the costs of enforcing and administering unemployment insurance fraud provisions and the Omnibus Insurance Fraud and Reporting Immunity Act.

WAYS AND MEANS

S.1101 REQUIREMENTS FOR CHARTS AND EXPLANATORY MATERIALS ON STATE APPROPRIATIONS Sen. Sheheen

This bill requires the Office of State Budget to develop a chart that accurately reflects the relative proportion of appropriations from a revenue source for each appropriations category to the total appropriations contained in the most recent annual appropriations act for those categories in the aggregate. For purposes of this subsection, 'appropriations' shall mean appropriations made. The Office of State Budget must also develop a separate chart that accurately reflects the relative proportion of revenue sources to the total revenue from those sources utilized in the most recent annual appropriations act. Revenue sources contained in this chart must be categorized as being derived from collections of retail sales taxes, individual income taxes, corporate income taxes and license fees, or miscellaneous revenue or other sources. The Office of State Budget must provide these charts, along with explanations, to the Department of Revenue no later than August first of each year, to the extent possible. The department must conspicuously display the charts, along with explanations, in its individual income tax return instruction booklet, prominently display a link to the charts on the homepage of its website, and encourage tax software providers to create a link to the charts displayed on its website in the email sent by providers when confirming the receipt of income taxes filed electronically.

H.5049 PROPERTY TAX ASSESSMENT APPEALS Rep. Merrill

This bill revises the appeal of a property assessment value. The legislation provides that the appeal must be based on the market values of real property as of December thirty-first of the tax year under appeal. The legislation revises property tax assessment notice provisions, so as to provide that in a year in which an assessable transfer of interest occurs due to a conveyance, if the assessor determines that fair market value is more than the purchase price, the assessor shall state with particularity, the basis for the increase in fair market value. The legislation provides that the taxpayer at least has thirty days of receipt of the tax notice to appeal, and requires the assessor to include a property tax refund assignment contract in certain cases. The legislation revises provisions governing an appeal to the county board of assessment appeals, so as to provide that in the case of a tie vote, the assessor's determination is overturned. The legislation provides that the county assessor shall have the burden of proof in a property tax appeal. The legislation allows a taxpayer to appeal the value once every five years, with certain exceptions.

H.5055 AUTHORITY FOR LOCAL GOVERNMENTS TO INVEST IN ISRAELI CORPORATE AND GOVERNMENTAL OBLIGATIONS Rep. Sellers

This bill authorizes political subdivisions to invest in obligations of an Israeli corporation, the State of Israel, or a political subdivision of the State of Israel, so long as the obligation is denominated in United States dollars and bears an investment grade rating of at least two nationally recognized rating services.

H.5069 PAYMENT METHODS FOR DEPARTMENT OF MOTOR VEHICLE SERVICES Rep. Thayer

This bill authorizes the Department of Motor Vehicles to accept uncertified checks for payment for its products and allows the department to contract for check validation services that verify the availability of funds in the underlying account. The legislation authorizes the department to refuse to provide a person any product or service until all fees owed to the department have been paid. The department is authorized to charge a thirty dollar fee to cover the costs associated with the fee collection and a processing fee for the use of credit cards. All processing fees that are collected must be placed in a special restricted account to be used by the department to defray its costs.

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