



South Carolina House of Representatives

Legislative Update

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

Vol. 29

April 3, 2012

No. 12

CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	09
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	17

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 amended, approved, and sent to the Senate **H.4894**, a bill providing **TAX DEDUCTIONS AND TAX CREDITS FOR K-12 SCHOOL CHOICE INITIATIVES**. The legislation authorizes a yearly income tax deduction for parents or legal guardians who teach their children or wards at home in an amount of up to two thousand dollars per home school student for instruction-related expenditures. The legislation authorizes a yearly income tax deduction for parents or legal guardians of up to one thousand dollars paid on behalf of their child or ward to attend a public school outside the student's resident school district. The legislation authorizes a yearly income tax deduction for parents or legal guardians of up to four thousand dollars for tuition they pay for a child or ward to attend a private school within this state.

H.4894 also provides tax credits for contributions made to a nonprofit scholarship funding organization that awards scholarship grants towards tuition at private schools to expand K-12 educational opportunities for children of families that have limited financial resources or exceptional needs. Grants may be awarded by the nonprofit scholarship funding organization in an amount not exceeding five thousand dollars per year or seventy-five percent of the cost of tuition, whichever is less, for children who are eligible for the federal free or reduced school lunch program or whose families meet the requirements for federal Medicaid benefits to attend a private school in this state. Additionally, grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or seventy-five percent of the cost of tuition, whichever is less, for students with significant cognitive, mental, physical, or emotional disabilities to attend a private school in this state. Maximum limits are placed upon yearly totals of scholarship contribution tax credits. The tax credit allowed for contributions to nonprofit scholarship funding organizations may be used against income taxes, insurance premium taxes, or bank license fees so long as the tax credit does not offset more than sixty percent of the taxpayer's liability for a particular year. In order to participate in the scholarship grant program, an independent school in the state, including those religious in nature, must meet eligibility criteria, such as: complying with the state's compulsory attendance requirements; not discriminating on the basis of race, color, or national origin; being a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools or the South Carolina Independent Schools Association; and, having an educational curriculum that includes courses set forth in the state's diploma requirements and where the students attending are administered national achievement and/or state standardized tests at progressive grade levels to determine student progress. The Education Oversight Committee is charged with determining independent school eligibility. Each year the EOC must post on its website a list with addresses and telephone numbers of nonprofit scholarship funding organizations in good standing which provide grants, and a list of approved independent schools which it has determined to be in compliance that accept grants for eligible students. Each year the EOC must also publish on its website student test scores, by category, on national achievement and/or state standardized tests for all grades tested administered by an eligible independent school receiving or entitled to receive scholarship grants. The legislation also provides that the state's public schools may offer the same tests as those the independent schools use for scholarship grant program eligibility purposes.

H.4894 requires the Education Oversight Committee to make a periodic report to the Governor and the General Assembly on the effectiveness these provisions. Current Members of the General Assembly are not eligible to take these tax deductions.

The House amended and gave second reading approval to **H.4043**, a bill that provides for the **DISQUALIFICATION FROM UNEMPLOYMENT COMPENSATION FOR FAILING TO PASS A PROSPECTIVE EMPLOYER'S DRUG SCREENING**. The legislation expands the criteria under which an individual is disqualified from receiving unemployment benefits for failure to seek work so that they include situations where an individual tests positive for illicit drugs in a screening required by a prospective employer as a condition of employment, refuses to take the drug test, or provides an adulterated specimen. The legislation disallows the use of blood, hair, or urine specimens collected for these screenings to be used to detect something other than illicit drug use, such as pregnancy or disease, by providing that it is unlawful for any biologic material obtained to be used for any other purpose than the specific testing required by these provisions. Misuse of this biologic material is a misdemeanor punished by a fine of ten thousand dollars for a first offense and fifty thousand dollars for a second or subsequent offense. An employer complying with legal requirements is not liable for any acts or omissions arising out of disclosure of test results to the Department of Employment and Workforce. Additionally, the legislation removes the word "criminal" from two of the provisions for disallowing jobless benefits for workers fired for cause, thereby lowering the burden of proof from a criminal burden to preponderance of the evidence burden. Also, the legislation revises provisions for disallowing jobless benefits for workers fired for insubordination so that the employee insubordination need not be limited to behavior specifically described in a written job description.

The House adopted the conference committee report on **H.3241**, a bill that revises the governance and operation of the state's **CHARTER SCHOOLS**, which are public schools organized in a manner that frees them from many state regulations to pursue innovative educational missions. Notably, the legislation:

- Authorizes the formation of single gender charter schools.
- Provides that charter school students are eligible to compete for and, if selected, participate in extracurricular activities not offered by the charter school at their resident public school. However, charter school students are eligible to compete for participation in activities governed by the South Carolina High School League at their resident public school if the charter school they attend is not a member of the High School League. A charter school is eligible for federally sponsored, state-sponsored or district-sponsored interscholastic leagues, competitions, awards, scholarships, grants, and recognition programs for students, educators, administrators, staff, and schools to the same extent as all other public schools.
- Affords the state's public and independent institutions of higher learning the option of sponsoring a charter school.
- Establishes in the State Treasurer's Office a Charter School Facility Revolving Loan Program for the construction, purchase, renovation, and maintenance of public charter school facilities.

Legislative Update, April 3, 2012

- Revises membership requirements for the boards of directors that govern charter schools. The legislation establishes two-year terms for electing board members and provides that half of a board's membership must be made up of individuals with K-12 education or business backgrounds, and at least half of the members must be elected by the employees and parents/guardians of students enrolled in the charter school, with parents/guardians having one vote for each child enrolled. Boards must have at least seven members all of whom must be South Carolina residents.
- Establishes new voting requirements that apply when there is a proposal to convert a traditional public school into a charter school and outstanding general obligation bond debt has been approved to construct or improve the facility within the previous ten years.
- Affords a converted charter school the right to occupy the facility and use the equipment, for the duration of its contract with a sponsor, in the same manner as before the school converted with no additional fees or charges.
- Provides that students who reside within the former attendance area of a traditional public school that is converted into a charter school must be given enrollment priority at the charter school.
- Allows a charter school to give enrollment priority to a sibling of a pupil who, within the last six years, attended the school for at least one academic year.
- Prohibits school districts from taking unlawful reprisals, such as pay reduction, dismissal, demotion, or suspension, against employees because of their involvement with an application to establish a charter school.
- Provides that the South Carolina Public Charter School District or public or independent institution of higher learning sponsor shall receive and distribute state funds to the charter school as provided by the General Assembly. The legislation includes other requirements for the timely distribution of funds to charter schools.
- Requires a county's local legislative delegation to be notified of charter school applications.
- Reduces from eleven to nine the membership of the board of trustees that governs the South Carolina Public Charter School District by eliminating two of the Governor's appointments.
- Establishes a mechanism that allows a local school district to create a school of choice that operates under exemptions from various state laws and regulations similar to the exemptions enjoyed by charter schools. Exemptions do not apply to: federal and state prohibitions on unlawful discrimination; pertinent health, safety, civil rights, and disability rights requirements; minimum student attendance requirements; state assessment requirements; and teacher certification requirements in the core academic areas, however, up to twenty-five percent of the teaching staff of the school may be employed if the individual

possesses a baccalaureate or graduate degree in the subject he is hired to teach.

The House approved **S.833**, which authorizes **DISCOUNTED TUITION RATES ON HIGHER EDUCATION DISTANCE LEARNING COURSES FOR ACTIVE DUTY MILITARY PERSONNEL**, and enrolled the bill for ratification. 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. Active duty guardsmen and active duty reservists are included among the active duty military personnel eligible to receive special tuition rates.

The House approved **S.1227**, legislation **PROHIBITING CAMPING ON THE STATE HOUSE GROUNDS**, and enrolled the bill for ratification. This legislation prohibits a person or group from using the State House grounds or the buildings located on the grounds for camping, sleeping, or conducting various campsite activities such as erecting tents, building fires for cooking, and engaging in unauthorized digging. This prohibition applies regardless of the participant's intent or the nature of other activities in which the participant may be engaged.

The House amended, approved, and sent to the Senate **H.3665**, a bill revising **FIREARMS PROVISIONS**. The legislation replaces the current prohibition on carrying a pistol or firearm into a business which sells alcoholic liquor, beer, or wine for on-premises consumption with new provisions that afford concealed weapons permit holders some legal authority to carry their firearms into bars, restaurants, and other establishments that serve beer, wine, or alcoholic liquor. The legislation provides that it is unlawful to: (1) carry a firearm into a business which sells alcoholic liquor, beer, or wine for on-premises consumption and refuse to leave or remove the firearm when requested to do so by the business; (2) consume alcohol while carrying a firearm in any such business; or (3) carry a firearm into any such business in violation of the establishment's posted policy of not allowing concealable weapons on the premises. The legislation also reduces penalties for a violation by lowering the term of imprisonment for this misdemeanor offense from three years to two years and eliminating the automatic revocation of violator's concealed weapon permit. Violators are also subject to pertinent penalties for certain trespassing provisions as well as pertinent penalties for violating posted policies disallowing concealable weapons. Additionally, the legislation repeals a statute commonly referred to as a handgun or pistol "melting point law" which designates as contraband a pistol or other handgun which has a die-cast, metal alloy frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit.

The House approved and sent to the Senate **H.4915**, a bill **REPEALING THE STATUTORY PROHIBITION AGAINST THE TESTIMONY OF A DEFENDANT BEING USED AGAINST HIM IN ANOTHER CRIMINAL CASE**.

The House amended, approved, and sent to the Senate **H.4919** a bill establishing **CONDITIONS UNDER WHICH THE STATE MAY SEEK A MANDATORY SENTENCE OF LIFE IMPRISONMENT FOR MURDER**. The legislation authorizes the State to seek a mandatory sentence of life imprisonment in instances when the defendant is convicted of murdering a child eleven years of age or younger, convicted of committing a pattern of multiple murders, or convicted of murder and also found guilty of one or more of the following accompanying crimes: criminal sexual conduct in any degree, kidnapping;

burglary in any degree, or robbery while armed with a deadly weapon. These sentencing provisions do not apply if the defendant is less than seventeen years of age. The State shall give written notice to the defendant ten days prior to trial of its intention to seek a mandatory sentence of life imprisonment under these provisions.

The House amended, approved, and sent to the Senate **H.4761**, a bill revising **FARM TRUCK AND COMMERCIAL MOTOR VEHICLE PROVISIONS**. The legislation revises definitions and other provisions so that farm trucks and certain smaller, lighter vehicles and trailers will not be subject to the more stringent requirements that new Federal Motor Carrier Safety Regulations impose upon commercial trucks. The legislation specifies that the Transport Police Division of the Department of Public Safety has exclusive authority in this State for enforcement of the commercial motor vehicle carrier laws, which include Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and size and weight laws and regulations.

The House amended, approved, and sent to the Senate **H.4641**, a bill relating to **IN-STATE TUITION RATE ELIGIBILITY FOR VETERANS AND THEIR DEPENDENTS**. 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 House amended, approved, and sent to the Senate **H.4572**, relating to **SURETY FOR BAIL BONDS**. 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 relieved of all liability on the bail bond by the court unless otherwise directed by the circuit court.

The House approved and sent to the Senate **H.4494**, relating to **OUT-OF-STATE PURCHASES OF RIFLES OR SHOTGUNS**. This legislation revises provisions authorizing purchases of rifles or shotguns in contiguous states under certain conditions by expanding the provisions so that they apply not only to contiguous states, but all other states.

The House amended, approved, and sent to the Senate **H.4939**, relating to **RETAIL DEALERS UNDER THE ALCOHOLIC BEVERAGE CONTROL ACT**. 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 House approved and sent to the Senate **H.4904**, a joint resolution authorizing **TEMPORARY COST SAVING PROVISIONS FOR K-12 EDUCATION**. The legislation provides that the State Department of Education is not required to provide printed copies of 2012 district and school report cards, providing instead that free printed copies of report cards are to be made available to parents upon request. Districts or schools are to notify parents about the report cards through e-mail links, newsletters, or other regular communication channels. The savings generated from waiving the report card printing requirements are to be distributed to school districts based on weighted pupil units. The legislation suspends the requirement of informing the community of the school's and district's 2012 report card results through a paid advertisement, and instead requires results to be provided to the editor of a newspaper of general circulation in the school's or district's area. The legislation authorizes high schools to offer state-funded WorkKeys to tenth grade students using funds appropriated for the assessment of PSAT or PLAN in the 2012-2013 general appropriations act, or for these purposes in prior years. The legislation provides for fiscal year 2012-2013 a one-year grace period for certain recipients of a South Carolina Teacher Loan.

The House approved and sent to the Senate **H.4905**, a joint resolution establishing **DEADLINES FOR SCHOOL DISTRICTS TO NOTIFY TEACHERS OF EMPLOYMENT DECISIONS** for the 2012-2013 school year.

The House amended, approved, and sent to the Senate **H.4786**, a bill relating to **SUBSTITUTE TEACHERS EMPLOYED BY TEMPORARY STAFFING AGENCIES**. The legislation revises provisions governing the payment of unemployment benefits so that they apply to substitute teachers employed by private temporary employment agencies that have contractual relationships with school districts in the same way that they apply to substitute teachers who are directly employed by school districts.

The House amended and gave second reading approval 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.

The House amended, approved, and sent to the Senate **H.4739**, a bill revising **LIFEGUARD REQUIREMENTS FOR PUBLIC SWIMMING POOLS**. The legislation replaces current requirements for lifeguards at state and local government pools that strictly tie lifeguard staffing requirements to pool size with new requirements that allow for more flexibility in that they also take into account the number of patrons using the pool.

The House amended, approved, and sent to the Senate **H.4888**, legislation which makes **REVISIONS RELATING TO THE DEPARTMENT OF MOTOR VEHICLES**. 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 House approved and sent to the Senate **H.4703**, a concurrent resolution affirming the **AUTHORITY OF THE STATE OF SOUTH CAROLINA IN DETERMINING APPROPRIATE ACTIVITIES AND USES OF RESOURCES IN STATE CONTROLLED WATERS**, regardless of any Coastal and Marine Spatial Plans created pursuant to the National Oceans Policy, and recognizing the critical role states and all ocean user groups must play in the creation of any Coastal and Marine Spatial Plans pursuant to the National Oceans Policy in federally controlled waters.

The House approved and sent to the Senate **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 House approved **S.1301**, a bill relating to the **EXPANSION OF THE ELECTED GOVERNING BODY OF CERTAIN PUBLIC SERVICE DISTRICTS**. 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.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday, March 27, 2012, and reported out four bills.

H.4943, relating to **NIGHTTIME HUNTING OF COYOTES, ARMADILLOS, AND FERAL HOGS ON PRIVATE PROPERTY**, was given a favorable with amendment recommendation by the committee. In an effort to take control of a growing population of feral hogs and coyotes, this bill allows for hunting of these animals during the nighttime hours from one hour after official sunset on the last day of February to one hour before official sunrise the first day of July of the same year. The bill allows for the taking to be with any legal firearm or archery equipment and may be with or without the aid of bait, electronic calls, artificial light, infrared, thermal or laser sighting devices, night vision devices or any device aiding the identification or targeting of such animals. The bill also revises penalties for importation of wildlife violations.

The committee gave a favorable with amendment recommendation to **H.4703**, a Concurrent Resolution dealing with the **NATIONAL OCEANS POLICY'S COASTAL AND MARINE SPATIAL PLANNING**. The Resolution states South Carolina's concern that the regional planning bodies designed to formulate regional Coastal and Marine Spatial Plans will not provide equal participation across Federal, state and tribal

authorities. It further states the importance of incorporating the best available data and actively engaging key stakeholders in the management decisions. The Resolution allows for South Carolina to have a leadership role in the development of any coastal and marine spatial planning efforts that occur in or adjacent to state waters. Without South Carolina's input, the planning could negatively impact the activities in waters owned and managed by South Carolina; particularly, the recreational fishing industry, causing a detrimental outcome on the coastal economies of the state. The Resolution affirms the authority of the State of South Carolina in determining appropriate activities and uses of resources in state controlled waters, regardless of any Coastal and Marine Spatial Plans created pursuant to the National Oceans Policy.

In an effort to encourage schools to serve locally grown and minimally processed farm foods, the committee gave a favorable recommendation to **H.4200**, creating the **SOUTH CAROLINA FRESH ON THE CAMPUS PROGRAM** within the South Carolina Department of Agriculture. The program must include, but is not limited to, identifying and promoting local farms to school programs; establishing a partnership with public and nonprofit resources to implement a public engagement campaign; encouraging school districts to develop and implement school nutrition plans which purchase and use locally grown farm fresh products; providing technical assistance for school food service directors and those involved; and promoting the benefits of purchasing and consuming fresh food products from this state.

In addition, the Department of Agriculture must establish a South Carolina Fresh on the Campus Program website and the State Department of Education must maintain a direct link to the program website.

The committee gave a favorable recommendation to **H.4054**, relating to **HUNTING MIGRATORY WATERFOWL**. The bill states that it is unlawful to duck hunt on Lake Keowee within two hundred yards of a dwelling. The bill provides a penalty for violation.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met on Wednesday, March 28, and reported out three bills.

S.1031 received a favorable with amendment report from the full committee. The legislation makes comprehensive revisions regarding the procedures for **VEHICLE DEMOLISHMENT**.

Disposal of a Vehicle with a Valid Title Certificate

The bill prohibits a person or entity from disposing of a vehicle to a demolisher or secondary metals recycler without a valid title certificate. The demolisher or secondary metals recycler is required to: (1) keep a record of the transaction; (2) surrender the title certificate to the Department of Motor Vehicles (DMV); and (3) report the vehicle to National Motor Vehicle Title Information System (NMVTIS) within 30 days. The demolisher or secondary metals recycler may demolish the vehicle following the transaction.

Alternatives to Having a Valid Title Certificate for Disposal of a Vehicle

The bill allows certain alternatives to having a valid title certificate for disposing of vehicle to a demolisher or secondary metals recycler.

If a person or entity has purchased a vehicle at a public auction, the person or entity may dispose of the vehicle to a demolisher or secondary metals recycler with a magistrate's order of sale. (A uniform magistrate's order of sale is to be designed by the Office of Court Administration.) The demolisher or secondary metals recycler is required to: (1) keep a record of the transaction; (2) surrender the magistrate's order of sale to the DMV; and (3) report the vehicle to NMVTIS within 30 days. The demolisher or secondary metals recycler may demolish the vehicle following the transaction.

If a vehicle is lawfully in the possession of a person or entity, is less than 12 model years old, has a valid registration plate affixed, or is operable, the person or entity may dispose of the vehicle to a demolisher or secondary metals recycler with a sheriff's disposal authority certificate. (A uniform sheriff's disposal authority certificate is to be designed by the State Law Enforcement Division.) The demolisher or secondary metals recycler is required to: (1) keep a record of the transaction; (2) surrender the sheriff's disposal authority certificate to the DMV; and (3) report the vehicle to NMVTIS within 30 days. The demolisher or secondary metals recycler may demolish the vehicle following the transaction.

If a vehicle is lawfully in the possession of a person, is 12 model years old or older, does not have a valid registration plate affixed, and is totally inoperable, the person or entity may dispose of the vehicle to a demolisher or secondary metals recycler with a form affidavit. (This form affidavit is to be developed by the DMV.) The demolisher or secondary metals recycler is required to: (1) electronically verify with the DMV whether the vehicle has been reported stolen; (2) keep a record of the transaction; (3) report the vehicle to NMVTIS before the end of the transaction day; and (4) hold the vehicle three business days before demolishing the vehicle.

Penalties

The bill provides criminal penalties for violations. First offenses are misdemeanors, and second and subsequent offenses are felonies. Falsifying an application, form or affidavit is a felony offense. In lieu of criminal penalties, the DMV's director may issue an administrative fine for each unintentional violation. Also, a vehicle used to transport a vehicle or vehicle parts, as applicable, illegally disposed of in violation of these provisions may be subject to seizure by law enforcement and forfeiture.

The full committee gave a favorable with amendment report to **H.5025**, relating to the **SOUTH CAROLINA STATE BOARD OF TRUSTEES**. This legislation reduces the number of board members at South Carolina State University from thirteen to nine. It revises the manner in which members of the board are elected. The General Assembly shall elect one member from each of the seven congressional districts, and one alumni member shall be elected by the National Alumni Association of the university. The Governor or her designee is ex officio, the ninth member of the board of trustees. This legislation further provides that the terms of all presently elected members of the board expire on June 30, 2012, at which time their successors elected as provided by this legislation shall take office.

H.5051 received a favorable with amendment recommendation from the Education and Public Works Committee. This legislation provides that the **MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES INCLUDES HIGHLY FOCUSED DOCTORAL DEGREES** that are not unnecessarily duplicative of any university doctoral program; reflect the unique research expertise of a cadre of faculty in the discipline sufficient to sustain doctoral level research at the four-year institution; and meet the needs of the State.

JUDICIARY

The Judiciary Committee met on Tuesday, March 27, and reported out several bills.

H.3209, legislation providing **PROTECTIONS FOR DOMESTIC ABUSE VICTIMS' PETS**, received a favorable with amendment report from the full committee. This legislation allows a court to prohibit harm or harassment to a pet owned, possessed, kept, or held by the petitioner for an order of protection from domestic abuse. This also includes pets belonging to any family or household member designated in the order as well as pets belonging to the respondent if the petitioner has a demonstrated interest in the animal. The legislation further provides that in ordering temporary possession of personal property, the court may order the temporary possession of pets.

The full committee gave a favorable with amendment report to **H.4738**, legislation relating to **RECONSIDERATION BY THE COURT OF ALIMONY UPON RETIREMENT OF SUPPORTING SPOUSE**. This legislation provides that retirement by the supporting spouse is sufficient grounds to warrant a hearing, if so moved by a party, to evaluate whether there has been a change of circumstances for alimony. The legislation provides that the court shall consider: whether the retirement was contemplated when the alimony was awarded; the age of the supporting spouse; the health of the supporting spouse; whether the retirement was mandatory or voluntary; whether retirement would result in a decrease in the supporting spouse's income; and any other factors the court sees fit.

H.3757, legislation making comprehensive revisions pertaining to **HUMAN TRAFFICKING**, received a favorable with amendment report. The legislation repeals current statutory provisions relating to trafficking in persons for forced labor or services and establishes various trafficking in persons offenses. The term "trafficking in persons" refers to when a victim is subjected to or a person attempts to subject a victim to sex trafficking; forced labor or services; involuntary servitude or debt bondage. Offenders may commit these offenses in a variety of ways. Violations of trafficking in person offenses are felonies, and additional penalties are provided if a victim is under the age of eighteen. A person who aids, abets or conspires with another person to violate these provisions is punished the same as the principal offender and is considered a trafficker. The legislation allows for criminal liability and loss of business licenses for business owners that use their businesses to participate or aid in human trafficking. The legislation provides for prosecution by the State Grand Jury when a trafficking in persons offense involves more than one county. With regards to victims, the legislation includes many provisions such as: allowing the victims of human trafficking an affirmative defense in certain criminal prosecutions; providing for mandatory restitution for victims; providing that victims of trafficking in persons are victims for purposes of the Victims' Bill of Rights

and are entitled to all appropriate forms of compensation available; allowing victims to bring civil actions; and creating the criminal offense of maliciously or with criminal negligence publishing, disseminating, or otherwise disclosing the location of a trafficking victim, a trafficking shelter, or domestic violence shelter. Among other things, the legislation establishes an interagency task force to develop and implement a State Plan for the Prevention of Trafficking in Persons and provides for the creation of public awareness programs on human trafficking issues.

H.4717, legislation allowing for the **EXPEDITED PLACEMENT OF A CHILD WITH CERTAIN RELATIVES, INCLUDING GRANDPARENTS, WHEN A CHILD REMAINS IN THE LEGAL CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES**, received a favorable with amendment report from the Judiciary Committee. If the family court makes a finding that continuing the child in the home would be contrary to the welfare of the child and a child remains in the legal custody of the Department of Social Services following the probable cause hearing in a child abuse or neglect case, this legislation provides that the family court may order expedited placement with a relative of the first or second degree, which includes a grandparent. The legislation further provides that the court shall consider the totality of the circumstances and certain characteristics of the relative and how these would impact the child. If the court places a child with a relative of the first or second degree, the relative must be named as a party for the duration of the case or upon further order by the court.

H.4945 received a favorable with amendment report from the Judiciary Committee. This legislation authorizes a person who is qualified to register to vote and who has a valid South Carolina driver's license or state identification card issued by the South Carolina Department of Motor Vehicles (DMV) to **SUBMIT AN APPLICATION FOR VOTER REGISTRATION ELECTRONICALLY ON THE WEBSITE OF THE STATE ELECTION COMMISSION** (commission). An application is effective upon receipt by the commission if it is received 30 days before an election to be held in the precinct of the person submitting the application. The applicant shall attest to the truth of the information provided and assent to the use of his signature from his driver's license or state identification card issued by the DMV. A person who submits an application electronically must include his: driver's license or state identification card number; date of birth; last four digits of his social security number; name and address; and any other information the commission considers necessary to establish the identity of the applicant. Upon submission of an application, the electronic voter registration system must provide immediate verification of the data with information on file with the DMV. Should there be a failure to match any of the required information with the DMV, the commission shall immediately notify the applicant of the failure and inform the applicant that his application for registration was not accepted. The commission may promulgate regulations necessary to effectuate these provisions. The legislation further provides that the commission shall establish and maintain a voter registration database that shall be made continuously available to each board of elections and to other agencies. State agencies shall provide any information and data to the commission that it considers necessary in order to maintain the database, except where prohibited by federal law or regulation. The commission shall ensure the confidentiality of the data and information. The name or address of a registered elector shall only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both. A county board of registration shall contact a registered elector by mail at the address on file to verify the accuracy of the information in the database, if a discrepancy is identified between information regarding the elector that is maintained in the database and

maintained by a state agency. The commission may enter into agreements to share the information or data with other states or groups of states.

The full committee gave a favorable with amendment recommendation to **H.4128**, legislation authorizing **GOLD AND SILVER AS LEGAL TENDER**. To the full extent allowed by the United States Constitution, this legislation allows minted gold and silver coins as legal tender for payment of any debt public or private. The legislation further provides that no person may be compelled to accept or tender gold or silver coin, minted or otherwise. A transaction for the purchase of gold or silver coin is not subject to ad valorem or sales tax imposed by South Carolina.

H.4128 also establishes a nine-member **JOINT COMMITTEE FOR THE ADOPTION OF AN ALTERNATIVE FORM OF CURRENCY**. This committee is composed of three Senators appointed by the Chairman of the Senate Finance Committee; three members of the House of Representatives appointed by the Chairman of the Ways and Means Committee; and three representatives of the business community, one being a certified public accountant, appointed by the Governor. The committee must make a detailed and careful study of the need, means and schedule for establishing an alternative currency within the State of South Carolina. The committee must report its findings to the General Assembly and Governor by June 30, 2012, at which time the committee will be dissolved. These findings and recommendations must be published and made available to the public.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on March 28 and gave a favorable report on **H.5063**, which provides **ENHANCED PENALTIES FOR UNEMPLOYMENT INSURANCE FRAUD**. 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.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military and Public and Municipal Affairs Committee met on Tuesday, March 27, 2012, and reported out four bills.

The committee gave a favorable with amendment recommendation to **H.4687**, regarding the **ELECTRONIC TRANSMITTAL OF DEATH CERTIFICATES**. The bill states that all

death certificates must be electronically filed with the Bureau of Vital Statistics. Death certificates must be transmitted electronically between the funeral home director and the physician, coroner, or medical examiner certifying the cause of death in order to document the death certificate information. Required signatures on death certificates must be provided by electronic signature. An individual who acts, without compensation, as a funeral director on behalf of a deceased family member or friend; physicians certifying fewer than twelve deaths per year; or funeral homes that perform fewer than twelve funerals per year are exempt from the requirement.

The committee gave a favorable recommendation to **H.4705**, which requires hospitals to provide **EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE TO PARENTS OF NEWBORNS**. Pertussis is a highly contagious bacterial disease that causes uncontrollable, violent coughing, also known as whooping cough. As a result of a recent comeback of this disease, the bill outlines that during the postpartum period and prior to discharge, each hospital shall provide parents of newborns information on pertussis and the availability of a vaccine to protect against pertussis. This educational information must include, but is not limited to, information on the Center for Disease Control's recommendation that parents receive the tetanus, diphtheria, and pertussis vaccine during the post partum period to protect their newborns from the transmission of pertussis. The bill further outlines that hospitals are not required to provide or pay for a vaccination against pertussis.

S.1213, regarding the "**SOUTH CAROLINA MEDAL OF VALOR ACT OF 2012**" was given a favorable with amendment recommendation by the committee. The bill creates the South Carolina Medal of Valor to be awarded to a South Carolinian, or an individual with certain ties to South Carolina, who was killed either while serving in or deploying to a combat zone. The South Carolina Medal of Valor is awarded on behalf of the people of the State of South Carolina and is presented to the families of these fallen service members.

The committee gave a favorable recommendation to **S.872**, regarding the **RETIREMENT OF SOUTH CAROLINA NATIONAL GUARD OFFICERS AND ENLISTED MEN**. The bill extends the retirement honorary promotion provisions to honorably discharged service members who are removed from the National Guard due to medical conditions.

WAYS AND MEANS

The full Ways and Means Committee met on March 27 and reported out several bills.

The committee gave a report of favorable with amendments on **H.4997**, a bill providing for **INDIVIDUAL INCOME TAX RELIEF**. This bill revises individual income tax provisions by eliminating the current four, five, and six percent income brackets and providing instead for incomes to be taxed through a revised and consolidated structure consisting of only three brackets of 0%, 3.75%, and 7%. The legislation includes provisions to ensure that no individual income tax burden increases as a result of these changes.

The committee gave a report of favorable with amendments on **H.4996**, which provides for **SMALL BUSINESS INCOME TAX RELIEF**. This bill reduces from five percent to

three percent the tax rate for income derived from pass-through trade and business arrangements, such as sole proprietorships, partnerships, and "S" corporations. The reduction is to be phased in over the course of four years under a gradual schedule that reduces the tax rate by 0.5% per year.

The committee gave a favorable report on **H.4626**. This bill creates the **BREAST CANCER AND COLORECTAL CANCER SCREENING AND TREATMENT TRUST FUND** and redirects to this new fund half of the annual five million dollars of cigarette surtax revenues that current law assigns to the Smoking Prevention and Cessation Trust Fund. This annual fund deposit of two and one-half million dollars in cigarette surtax revenues must be used by the South Carolina Department of Health and Environmental Control for the sole purpose of establishing a statewide breast cancer and colorectal cancer screening and treatment program.

The committee gave a report of favorable with amendments on **H.4640**, a bill revising **RESIDENT VENDOR PREFERENCES UNDER THE STATE'S CONSOLIDATED PROCUREMENT CODE**. Current laws governing the award of government contracts for goods and services do not allow resident vendor preferences to apply in contracts that exceed five hundred thousand dollars. The legislation allows in-state businesses and all others that qualify for resident vendor status to receive their preferences, up to the allowed maximum, on these larger contracts. The legislation makes other procurement code revisions, eliminating certain provisions that tie preferences to South Carolina and United States end products, and enhancing the preference allowed on bids by certain large employers, manufacturers, and other business located in South Carolina by providing for such bids to be decreased by nine rather than seven percent.

The committee gave a favorable report on **H.4802**, the "**SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT**". The legislation establishes incentives for the renovation and redevelopment of abandoned buildings located in South Carolina by providing conditions under which a taxpayer making qualifying investments in a building abandoned for at least five years can receive a tax credit equal to twenty-five percent of actual rehabilitation expenses against income tax and/or property tax liability.

The committee gave a favorable report on **S.6**, a bill providing for the **RATIFICATION OF THE STATE CONSTITUTIONAL AMENDMENT ENHANCING THE RESERVE FUNDS**. The legislation provides for the ratification of the amendment to the South Carolina Constitution approved by voters at the last general election to increase the holdings requirement of the General Reserve Fund and revise the use of the Capital Reserve Fund.

The committee gave a favorable report on **H.4957**. This joint resolution provides that, in 2013 and 2014, 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 seven hundred two dollars. The legislation provides that twenty dollars of each fee is credited to the General Fund of the state and the balance to local governments. In the case of employees participating in the benefit program who reside outside of this State, the entire fee must be credited to the General Fund of the state.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

**S.1299 *MEMBERSHIP OF THE SOUTH CAROLINA COMMISSIONERS OF
PILOTAGE FOR THE UPPER COASTAL AREA* Sen. Cleary**

This bill increases the number of members on the Commission from six to eight.

H.5112 *PETROLEUM FUEL DEALERS* Rep. Hiott

This bill adopts national standards to provide consistency, and it streamlines the registration process for petroleum fuel dealers.

EDUCATION AND PUBLIC WORKS

S.1268 LICENSE PLATES ISSUED TO AN AUTOMOBILE MANUFACTURER FOR VEHICLES USED IN A BENEFIT PROGRAM Sen. Peeler

This legislation provides that the standard license plate issued to an automobile manufacturer for vehicles used in a benefit program for the manufacturer's employees or for testing, distribution, evaluation, and promotion, the registration fee for applications filed in 2013 and 2014 is seven hundred two dollars. In accounting for the revenue of this fee for applications filed in 2013 and 2014, twenty dollars is credited to the general fund of the State and the amount required to be remitted to a local government is six hundred eighty-two dollars. In the case of employees participating in the benefit program who reside outside of this State, the entire fee must be credited to the general fund of the State.

JUDICIARY

S.45 BOND Sen. McConnell

This legislation provides that in determining whether someone should be released on bail information the court should consider, if it is available, includes whether the source of funds used to post bail were derived from criminal activity. If a person has been previously released on bail pending trial and during the released the person is charged with a violent offense, and a court finds, by a preponderance of the evidence, that no condition or combination or combination of conditions will reasonably assure the person's appearance as required or the safety of another person in the community, this legislation requires that the court deny the person's release pending trial. The legislation further provides that circuit courts, at their discretion, may review and reconsider bond for general session offenses set by summary court judges. After a circuit court judge has heard and ruled upon a defendant's motion to reconsider a bond set by a summary court judge, further defense motions to reconsider may be heard by the circuit court only upon the defendant's prima facie showing of a material change in circumstance. The circuit court may hear further defense motions to reconsider based upon the length of time the defendant has been held for trial. Motions by the State to revoke or modify a bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought. If the State's motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, or imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency bond hearing within 48 hours.

S.263 VEHICULAR HOMICIDE Sen. Knotts

This legislation establishes the misdemeanor offense of vehicular homicide as well as provides for the felony offense of reckless vehicular homicide. The legislation further provides that a person must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol or drugs if the person is the driver of a motor vehicle involved in a motor vehicle incident resulting in the death of another person.

S.300 DEPARTMENT OF JUVENILE JUSTICE Sen. Fair

This legislation authorizes the Department of Juvenile Justice to allow any child adjudicated delinquent for a status offense, a misdemeanor offense, or violation of

probation or contempt for any offense who is temporarily committed to the department's custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child must not be conducted because the child presents an unreasonable flight or public safety risk to his home community.

S.1125 DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS Sen. Bright

This legislation makes revisions relating to disqualification for unemployment benefits so as to provide that a person discharged from employment for misconduct is ineligible for benefits for twenty weeks beginning with the date the person filed a benefits request. A finding of discharge for misconduct may not be made for discharge resulting from circumstance relating to an extreme hardship, emergency, sickness, or other extraordinary circumstance. 'Misconduct' is limited to conduct evincing such wilful and wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to his employer. However, mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies, or ordinary negligence in isolated instances, or good-faith errors in judgment or discretion are not misconduct.

S.1054 REPORTING SUSPECTED CHILD SEX ABUSE Sen. Rose

This legislation provides that a person, unless otherwise excluded by law or by rules of professional conduct, who has received information that gives the person reason to believe that a minor has been or may be the victim of a sexual offense must make a report to a law enforcement agency in the county where the child resides or where the act occurred. Exceptions to this reporting requirement are provided for minors and other individuals who are required to report child abuse or neglect pursuant to other provisions of law.

H.5081 "SOUTH CAROLINA FIRST IN THE SOUTH PRESIDENTIAL PRIMARY PRESERVATION AND PROTECTION ACT" Rep. Harrell

The stated purpose of this legislation is to preserve and protect the tradition of the South Carolina 'First in the South' presidential primary election. The legislation provides that the presidential preference primary election of a certified political party in this State must be held on a date selected by the chairman of the party and this date must be at least seven days immediately preceding the date on which any other Southern state holds a similar presidential preference primary election, except when the chairman of the party determines that extraordinary circumstances exist that necessitate holding the primary on a date other than the date herein required. This determination is within the sole discretion of the party chairman.

H.5082 POLYGRAPH MACHINES Rep. White

Relating to minimum requirements for polygraph machines, this legislation provides that polygraph machine must record the voice of the subject being tested in a form suitable for voice stress analysis as an alternative to the existing requirements.

H.5084 FIREARMS PROVISIONS Rep. Pitts

The legislation replaces the current prohibition on carrying a pistol or firearm into a business which sells alcoholic liquor, beer, or wine for on-premises consumption with new provisions that afford concealed weapons permit holders some legal authority to carry their firearms into bars, restaurants, and other establishments that serve beer, wine, or alcoholic liquor. The legislation provides that it is unlawful to: (1) carry a firearm into a business which sells alcoholic liquor, beer, or wine for on-premises consumption and refuse to leave or remove the firearm when requested to do so by the business; (2) consume alcohol while carrying a firearm in any such business; or (3) carry a firearm into any such business in violation of the establishment's posted policy of not allowing concealable weapons on the premises. The legislation also reduces penalties for a violation by lowering the term of imprisonment for this misdemeanor offense from three years to two years and eliminating the automatic revocation of violator's concealed weapon permit.

H.5092 SMOKING Rep. Quinn

This legislation amends the Clean Indoor Act. The legislation specifies that smoking is permitted in cigar bars and defines cigar bars.

H.5097 "LAW ABIDING CITIZENS PROTECTION ACT OF 2012" Rep. Pitts

This legislation makes numerous revisions relating to carrying handguns and firearms.

H.5099 TRESPASSING, DAMAGING, OR DEFACING CERTAIN STATE PROPERTY Rep. D. C. Moss

Relating to trespassing, damaging, or defacing certain state property, this legislation includes in the purview of the statute that it is illegal to partially or fully cover, or otherwise obscure from view, any statue, monument, or building on the State House or Governor's Mansion grounds.

H.5100 SELF-SERVICE STORAGE FACILITIES Rep. Toole

This legislation makes various revisions relating to the South Carolina Self-Service Storage Facility Act. Among other things, the legislation provides that when rent or other charges are five or more days past due the owner may deny the occupant access to the personal property and the occupant is considered in default. The legislation provides that when rent or other charges are fourteen or more days past due the occupant must be notified, and the legislation provides the process by which a defaulting occupant's personal property may be destroyed or sold.

H.5104 TESTIMONY BEFORE THE GENERAL ASSEMBLY Rep. McLeod

This legislation requires all testimony given to a committee or subcommittee of the General Assembly to be under oath. It creates the offenses of contempt of the General Assembly and criminal contempt as well as provides penalties for violations.

H.5105 PROHIBITIONS ON EMPLOYERS ASKING AN EMPLOYEE OR PROSPECTIVE EMPLOYEE FOR SOCIAL NETWORKING WEBSITE PASSWORDS Rep. Gilliard

This legislation prohibits an employer from asking an employee or prospective employee to provide a password or other related information to access the social networking website profile or account of the employee. The legislation provides that the refusal of an employee or prospective employee to provide this information must not be the basis of certain personnel actions concerning the employee. These provisions do not apply to

an employer who obtains information about a prospective employee or an employee that is in the public domain; or limit the right of an employer to create, maintain, and enforce lawful workplace policies governing the use of the electronic equipment of the employer, including policies concerning Internet use, social networking website use, and electronic mail use involving the equipment.

H.5113 DRUG LAWS Rep. Rutherford

Relating to possession, manufacture, and trafficking in certain controlled substances, this legislation removes mandatory minimum penalties and allow persons who commit certain controlled substance offenses to be paroled and participate in supervised furlough, community service, work release, work credits, education credits, and good conduct credits programs. Also, the legislation creates a study committee to review the state's drug laws. The study committee shall review corresponding drug laws in other states, with particular emphasis on other southern states, in order to determine whether amendments should be proposed to the state's existing drug statutes. The study committee shall make a report of its recommendations to the General Assembly no later than January 31, 2013, at which time the study committee must be dissolved.

H.5114 "WORKPLACE HEALTH IMPROVEMENT ACT" Rep. Crawford

This legislation repeals a statute prohibiting employers from taking personnel action based on the use of tobacco products outside of the workplace.

LABOR, COMMERCE AND INDUSTRY

S.1211 STATE AGENCY OF VOCATIONAL REHABILITATION MEMBERSHIP REVISION Sen. Alexander

This bill revises the membership of the State Agency of Vocational Rehabilitation by including the appointment of a member to represent the new Seventh Congressional District and eliminating the at-large agency member. The legislation further provides for the agency's transition from six to seven congressional district members.

H.5080 DERIVATIVE TRANSACTIONS INCLUDED UNDER BANK LOAN LIMITATIONS Rep. Mack

This bill revises provisions relating to the total liabilities of any one borrower by including derivative transactions. A "derivative transaction" is defined as any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of any interest in, or any quantitative measure or the occurrence of any event relating to one or more commodities, securities, currencies, interest, or other rates, indices, or assets. The legislation also includes derivative transactions under provisions relating to the maximum amount of loans by a State bank to a borrower.

H.5111 REAL ESTATE BROKERS, SALESMEN, AND PROPERTY MANAGERS

Rep. Edge

This bill revises provisions regulating real estate brokers, salesmen, and property managers.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.1212 SOUTH CAROLINA COMMISSION FOR THE BLIND MEMBERSHIP

Sen. Alexander

The bill allows for the appointment of a member to represent the Seventh Congressional District on the commission. In addition, the bill eliminates the state at-large commission member.

H.5078 BOARD OF CHIROPRACTIC EXAMINERS Rep. Herbkersman

Among many things, this bill imposes notice requirements on a chiropractor who closes or otherwise departs from a chiropractic practice; as well as revises licensure requirements.

H.5103 PHARMACY AUDIT RIGHTS Rep. Sandifer

The bill provides for the rights of a pharmacy when undergoing an audit conducted by a managed care company, insurance company, third party payer or an entity responsible for payment of claims for health care services. The bill also requires the auditing entity to establish an appeals process.

WAYS AND MEANS

H.5079 MOTION PICTURE INCENTIVE ACT REVISIONS Rep. Merrill

This bill establishes new criteria that must be considered in determining which projects are eligible for motion picture incentives. The legislation revises the payroll rebate allowed by the act, increasing the maximum rebate allowed from fifteen percent to twenty percent of payroll with an additional rebate of up to five percent for the portion of payroll paid to South Carolina residents. The legislation specifies that if an individual directly involved in the filming of a motion picture in South Carolina is represented by a personal service company, loan out company, or payroll services company, only the motion picture production company may qualify for the rebate. The legislation increases the maximum vendor rebate from fifteen percent to thirty percent of expenditures. The legislation revises the required credit roll for motion pictures receiving incentives under to the act. The legislation provides that seven percent of the act's funding source may be used exclusively: (1) to allow for assistance with recruitment and infrastructure development of the film industry; (2) to develop a film crew base; (3) to develop ally support in the film industry; (4) for marketing and special events; and (5) to allow for assistance with the auditing and legal service expenses associated with the act.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON THE VERTICAL MENU BAR).