



South Carolina House of Representatives

# Legislative Update

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

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## HOUSE WEEK IN REVIEW

On Tuesday, January 10, the House of Representatives returned to commence the second regular session of the 116<sup>th</sup> General Assembly.

The House approved **S.578**, which revises provisions for **DRAWING AND SUMMONING OF JURORS**, and enrolled the bill for ratification. The legislation establishes specific criteria for the option of computerized drawing and summoning of jurors. The legislation provides that the computer software must be designed so as to ensure a random selection of jurors from the population available for jury service. The physical presence of all the jury commissioners is not required at the computerized drawing and summoning of jurors if the governing body of the county establishes a secure procedure allowing for their participation by other means. The computerized drawing and summoning of jurors must take place in the office of the clerk of court as a public event to ensure the absolute integrity of the random selection process. The Supreme Court shall direct by order the appropriate procedures required to implement these provisions. The legislation also eliminates provisions under which a blind person or a child under the age of ten is utilized to draw names of jurors.

The House approved and sent to the Senate **H.4379**. This joint resolution appropriates \$104,934,400 from fiscal year 2004-2005 state general fund surplus revenues to the State's General Deposit Account for the purpose of **PREVENTING AN ACCUMULATED GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) DEFICIT** in the general fund of the State.

The House sustained the Governor's veto on **S.27**. This legislation establishes procedures for **REFUNDING COUNTY AND MUNICIPAL EXPENDITURES FOUND NONCOMPLIANT BY THE TOURISM EXPENDITURE REVIEW COMMITTEE**.

The House recommitted **S.236** to the Education and Public Works Committee. This bill provides that it is **UNLAWFUL TO DISPLAY OR POSSESS A COUNTERFEIT DRIVER'S LICENSE OR IDENTIFICATION CARD**.

The House tabled **S.237**, a bill that **REVISES A PROCEDURE FOR PROVIDING A PERSON WITH A NOTICE SUSPENDING HIS DRIVER'S LICENSE**.

# HOUSE COMMITTEE ACTION

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

## EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

## JUDICIARY

The full Judiciary Committee did not meet this week.

## LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, January 10, and reported out committee bill **H.4404** which provides for **SAFETY NET PROGRAMS FOR ELECTRIC AND NATURAL GAS CUSTOMERS WITH SPECIAL NEEDS** to ensure that their utility services are protected from termination during extreme weather conditions. The legislation provides that during the heating season (December through March) and cooling season (June through August), a public utility may not disconnect residential service if the National Weather Service predicts that local forecasted average temperature will exceed specified extremes. A public utility is required to establish and maintain a program that allows a customer to register as a special needs customer if the individual is: (a) sixty-five years of age or older and unable to pay the amount of the charges due for services; or (b) disabled, chronically ill, seriously ill, or on life support. Each public utility shall establish a written procedure for disconnection of service for a special needs customer and during extreme weather conditions. If a public utility has scheduled a disconnection of service of a registered special needs customer not less than ten days before a scheduled disconnection, the public utility shall mail a written disconnection notice. If the registered special needs customer has not paid or arranged for payment, the public utility shall mail a written notice of scheduled disconnection three days before the scheduled disconnection of service. Before the service is disconnected from a registered special needs customer, the public utility's disconnection crew shall make a good faith effort to make personal contact with either the registered special needs customer, the account holder, or a responsible person of suitable age and discretion at the premises before disconnecting the service. If the disconnection crew makes such contact and is advised that the registered special needs customer has serious health concerns, disconnection must be suspended. The crew shall notify the public utility that the disconnection has been suspended and the public utility shall either

follow its internal special needs customer review process or, if the account holder or the registered special needs customer requests a payment extension from the disconnection crew, the scheduled disconnection must be suspended for one full business day beyond the scheduled date for disconnection. A public utility is required to establish and maintain a Winter Protection Program that automatically includes all registered special needs customers. Other customers may register for the Winter Protection Program with a medical certificate signed by a licensed health care provider attesting that termination of electric or natural gas service would be dangerous to the customer's health due to the customer's medical conditions. The medical certificate submitted with the application for the Winter Protection Program may indicate that the customer's medical condition is permanent or that the certificate is effective only for thirty, sixty, ninety, or one hundred twenty-day periods. After this effective period, the customer is required to submit a renewed medical certificate in order to continue to be registered as a Winter Protection Program customer. During the heating season of December through March, a public utility may not disconnect residential service when an account holder can provide to the public utility the application for the Winter Protection Program no less than three days before proposed disconnection of service or to the disconnection crew at time of disconnection. A public utility is also required to establish and maintain a third-party notification program under which any residential customer may designate a third party to receive all appropriate notifications regarding disconnection of services. The legislation requires public utilities to issue certain notifications and public announcements so that customers are informed of the availability of these programs.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

## **WAYS AND MEANS**

The full Ways and Means Committee did not meet this week.

# **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

## **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

**H.4430 HERITAGE TRUST PROGRAM** Rep. Limehouse

This bill provides the South Carolina Department of Natural Resources with bonding authority for land acquisition, restoration, improvement, and management of certain properties in the Heritage Trust Program.

## EDUCATION AND PUBLIC WORKS

### **H.4402 ISSUANCE OF COMMERCIAL DRIVER'S LICENSES Rep. G.R. Smith**

This bill prohibits the Department of Motor Vehicles from issuing a commercial driver's license or a commercial special license or permit which includes a provisional, route restricted hardship, or temporary license that permits a person to drive a commercial motor vehicle during a period in which the person has been convicted at least two times of driving a vehicle under the influence of alcohol, drugs, or another illegal substance.

### **H.4406 REAUTHORIZATION OF FIRST STEPS TO SCHOOL READINESS ACT Rep. Townsend**

This joint resolution reauthorizes until July 1, 2013, the South Carolina First Steps to School Readiness Act (Act 99 of 1999). The 1999 Act includes a provision that the act is repealed July 1, 2007, unless reauthorized by the General Assembly.

### **H.4429 LENGTH OF SCHOOL TERM, USE OF SCHOOL DAYS Rep. Townsend**

This bill replaces certain provisions regarding length of school term, make-up days, and hours and use of a school day.

The bill authorizes local school district boards to establish an annual school calendar for teachers, staff, and students within parameters delineated in the bill, and authorizes the State Board of Education to waive the school opening date requirement on a showing of "good cause" or for an "education purpose", as those terms are defined in the bill.

The bill includes provisions regarding makeup requirements for school days missed due to extreme weather conditions or other disruptions. School districts are allowed to designate at least three days a year within their school calendars to be used as make-up days in the event of these occurrences. If those days are no longer available, the bill includes provisions for the local school board to lengthen the hours of school operation, subject to approval by the Department of Education, or to provide tutorial instruction on Saturday for grades 7 through 12 at the direction of the local school board. The bill also authorizes the General Assembly to, by law, waive the requirements for make-up days or authorize the school board to forgive up to three days missed because of extreme weather conditions or other disruptions.

The bill requires that the instructional day for secondary students must be at least six hours a day, or its equivalent weekly, excluding lunch, and the school day for elementary students must be at least six hours a day, or its equivalent weekly, *including* lunch.

The bill authorizes elementary and secondary schools to reduce the length of the instructional day, within certain parameters, for staff development, teacher conferences, or administering certain examinations.

The bill requires that priority during the instructional day must be given to teaching and learning tasks and class interruptions must be limited only to emergencies.

## JUDICIARY

### **H.4380 FINGERPRINT REVIEWS FOR ADOPTIVE PARENTS Rep. Harrison**

This bill requires fingerprint reviews for applicants seeking to adopt a child in the custody of the Department of Social Services.

### **H.4381 FOSTER CARE AND ADOPTION PLACEMENTS FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES**

**Rep. Harrison**

Currently, there is a prohibition against placing a child in foster care with a person who has a substantiated history of child abuse or neglect or a conviction for certain criminal offenses. This bill clarifies that this prohibition applies to children in the custody of the Department of Social Services (DSS). The bill also applies this prohibition to children being placed by DSS for adoption and to children already placed in foster care. Additionally, the bill includes the criminal offenses of unlawful conduct towards a child and cruelty to children as prohibited criminal offenses.

### **H.4382 ABOLITION OF THE COUNTY ADVISORY BOARDS OF SOCIAL SERVICES Rep. Harrison**

This bill abolishes the County Advisory Boards of Social Services and repeals various statutes relating to the rights, duties, and responsibilities of these advisory boards.

### **H.4383 INTERAGENCY SHARING OF JUVENILE RECORDS AND FINGERPRINTS FOR CERTAIN FIFTEEN YEAR OLDS Rep. Harrison**

Currently, certain entities and agencies share juvenile records. This bill includes the Department of Social Services among those agencies with whom juvenile records may be shared. The bill also authorizes law enforcement agencies to fingerprint a child fifteen years of age or older living in a family childcare home to determine the child's criminal history.

### **H.4386 MEDICOLEGAL EXAMINATIONS FOR VICTIMS OF CRIMINAL SEXUAL CONDUCT AND CRIMINAL SEXUAL CONDUCT WITH A MINOR Rep. Altman**

This bill requires that a law enforcement representative from the investigating agency must authorize the medicolegal examination, the facility, and the examiner before the examination.

### **H.4387 VOTING BY AN ELECTED OR APPOINTED MEMBER OF A POLITICAL SUBDIVISION Rep. Altman**

This bill requires an elected or appointed member of a political subdivision of this State to be physically present at a meeting when his vote is cast.

### **H.4389 PRAYER AT THE CITADEL Rep. Scarborough**

This bill authorizes the Citadel to have prayer at on-campus and off-campus events sponsored by the university.

**H.4405 EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF PROFESSIONAL COMMITTEES FORMED TO MAINTAIN STANDARDS OF A STATE OR LOCAL PROFESSIONAL SOCIETY**  
Rep. Harrison

Currently, there is an exemption from tort liability for members of certain professional committees formed to maintain standards of a state or local professional society. This bill includes the South Carolina Detention Accreditation Council as one of these professional committees exempt from tort liability.

**H.4410 PENALTY FOR LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY THE ETHICS ACT** Rep. Cotty

Relating to the penalty for late filing of or failure to file a report or statement required by the Ethics Act, this bill caps the fine at five thousand dollars. Presently, there is no cap on fines.

**H.4411 ETHICS AND LOBBYING REVISIONS** Rep. W.D. Smith

Relating to lobbyist's reporting of lobbying activities, this bill requires all lobbyists to report the total sum of monies paid them to lobby the General Assembly or another governmental entity.

This bill provides that the Senate and House of Representatives Ethics Committees retain full jurisdiction over a person required to file a quarterly disclosure form. Relating to the manner in which investigations and hearings must be conducted by the Senate or House of Representatives Ethics Committees, this bill increases from one to two thousand dollars the amount of a civil penalty for filing a complaint without just cause or with malice.

Relating to definitions for purposes of the provisions relating to campaign practices, the bill clarifies the definition of the term "contribution."

**H.4417 PILOT PROGRAM FOR TESTING VOTE CENTERS** Rep. Talley

This bill authorizes the State Election Commission to establish a pilot program for the purpose of testing the establishment of vote centers, where a registered elector in a county may vote regardless of the precinct in which the elector resides.

**H.4418 METHAMPHETAMINE AND CHILDREN** Rep. Davenport

This bill adds the unlawful manufacture of methamphetamine in the presence of a child to the list of grounds for which the Family Court may order termination of parental rights. This bill also creates the felony offense of unlawful manufacture of methamphetamine in the presence of a child; the bill outlines various penalties for the offense.

**H.4421 TEMPORARY ALCOHOLIC BEVERAGE PERMITS** Rep. Chellis

This bill provides that temporary permits for the sale of beer and wine for off-premises consumption authorized to be issued in a county or municipality pursuant to the referendum provided for at that time may continue to be issued or reissued without the requirement of a further referendum.

## **LABOR, COMMERCE AND INDUSTRY**

### **H.4391 *INSURANCE POLICY ADVERTISEMENTS AND INFORMATION IN A FOREIGN LANGUAGE* Rep. Taylor**

This bill provides that if an insurer advertises an insurance policy, or the availability of a foreign language informational sheet, or the availability of a translation of an insurance policy in a language other than English, the insurer only needs to provide an English written insurance policy, so long as the advertisement clearly states that the insurance policy is only available in English. Notwithstanding the use of a language other than English in an advertisement, if there is a dispute, the insurance policy is controlling and an advertisement for an insurance policy, informational sheet, or translation may not be construed to modify or change the insurance policy.

### **H.4420 *ADMINISTRATION OF PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION* Rep. Harrison**

This bill revises provisions for the administration of professional and occupational licensing boards by the Department of Labor, Licensing and Regulation. The bill establishes new, uniform criteria regarding the regulation of occupations and professions. The bill updates the list of boards administered by the department. The bill provides that all boards administered by the department must include two or more public members who are unaffiliated with the regulated occupation or profession and that these public members must have the same rights and responsibilities as professionally or occupationally-related board members. The bill revises procedures for hiring personnel to administer board licensing responsibilities and procedures for the analysis and adjustment of board fees. The legislation provides that the department issues practice authorizations based upon criteria and eligibility determined by a board and further specifies the authority of boards and the department with regard to the issuance, denial, and revocation of practice authorizations. The bill provides that board members must be appointed by the Governor, serve at the pleasure of the Governor, and may not serve as officers or directors of associations whose members are regulated by the board on which the members serve. The bill provides for the duties of the chairman of a board and further provides for the powers and duties of regulatory boards. The bill provides criteria and procedures for the issuance of emergency limited licenses to practitioners from a state that has been declared an emergency disaster. The bill further provides for disciplinary proceedings and available remedies. The bill authorizes the department to require a criminal history background check for obtaining a practice authorization or in an investigation or a disciplinary proceeding. The bill further provides for the collections and deposit of costs and fines collected. The bill further provides for confidentiality of certain matters. The bill provides criminal penalties for practicing a regulated profession or occupation in violation of this legislation.

### **H.4427 *WORKERS' COMPENSATION REFORM* Rep. Cato**

This bill provides for comprehensive revisions to Workers' Compensation Law and related provisions, including: the elimination of concurrent jurisdiction between the South Carolina Workers' Compensation Act and the Federal Employers' Liability Act, the Longshore and Harbor Workers' Compensation Act, or any of its extensions, and the Jones Act; the dissolution of the Second Injury Fund; providing that the burden of proof is on the employee; providing how causation in medically complex workers'

compensation cases must be proven; revised criminal penalties for making false statements or misrepresentations in connection with an insurance transaction; authorization for the Attorney General to hire a forensic accountant; inclusion of a “professional sports team player” in the exemption of casual employees and certain other employments from the South Carolina Workers’ Compensation Law; provisions to increase the membership of the Workers’ Compensation Commission and revise the procedure for hearing contested cases; providing for a definition of “permanent medical impairment” under provisions for the amount of compensation and the period of disability for certain injuries; revising provisions relating to compensation that is not allowed when injury or death is caused by intoxication or wilful intention of employee, so as to exclude from coverage injuries caused by the influence of alcohol or illegal drugs; a provision that a physician, surgeon, or other health care provider, without the permission of the employee, may discuss and communicate an employee’s medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the representative of the insurance carrier, the employer, the employee, their attorney, the rehabilitation professional, or the commission; a provision for the attorney’s fees for representing an employee before the commission; a provision that all medical and vocational information instead of all information compiled by a health care facility or provider be provided within a certain time, and a provision that the manner of communication between the health care provider and the employer is not limited if the information is related to a workers’ compensation claim; and, a provision that in occupational disease cases, a review must not be made after twelve months from the date of the last payment of benefits.

**H.4428 “SOUTH CAROLINA COMPETITIVE CABLE SERVICES ACT”**  
**Rep. Cato**

This bill enacts the “South Carolina Competitive Cable Services Act” to establish a streamlined policy framework providing statewide uniformity to allow functionally equivalent services of cable television, satellite, and other providers to compete fairly and to deploy new consumer services more quickly. The legislation provides for state-issued certificates of franchise authority authorizing the applicant to offer cable service in this state under the procedures and requirements contained in this legislation. The legislation occupies the entire field of franchising or otherwise regulating cable service and pre-empts any ordinance, resolution, or similar matter adopted by a municipality or county that purports to address franchising or otherwise regulating cable service.

## WAYS AND MEANS

**H.4379 APPROPRIATION OF FUNDS TO PREVENT GAAP**  
**GENERAL FUND DEFICIT Rep. Cooper**

This joint resolution appropriates \$104,934,400 from 2004-05 general fund surplus revenues for the purpose of preventing an accumulated General Accepted Accounting Principles (GAAP) deficit in that amount in the State General Fund.

**H.4384 STATE INCOME TAX CREDIT Rep. Kirsh**

This bill provides that an individual resident taxpayer who is eligible for and claims the qualified photovoltaic property expenditures credit, qualified solar water heating property expenditure credit, or the qualified fuel cell property expenditures credit allowed under

Internal Revenue Code Section 25D(a)(2) is allowed a credit against state income tax in an amount equal to twenty percent of the federal income tax credit claimed by the taxpayer.

**H.4388 AMENDMENTS TO EDUCATION LOTTERY ACT Rep. Kirsh**

This bill amends the South Carolina Education Lottery Act as follows:

- o Deletes the current provision which prohibits the Lottery Commission from entering into an advertising or promotional contract if the total contract amount includes a commission exceeding three percent of the contract amount;
- o Deletes the current provision which prohibits the Lottery Commission from contracting with a lottery vendor if the fee or commission payable is contingent on a lottery profitability measure;
- o Deletes the prohibition against selling lottery tickets on the date of general or primary elections.

**H.4390 FAIR-MARKET VALUE OF MOTORCYCLES Rep. Taylor**

This bill provides that if a county auditor allows an adjustment of fair-market value of motor vehicles for "high mileage", the auditor shall also allow a similar "high mileage" adjustment in the fair-market value of motorcycles subject to property tax in the county.

**H.4392 ASSESSMENT OF MOTORCYCLE VALUE Rep. Taylor**

For purposes of determining the assessment ratio used to calculate the assessed value of a motor vehicle and for defining those motor vehicles subject to the assessment ratios for property tax purposes, this bill provides that the definition of "private passenger motor vehicle" includes motorcycles.

**H.4393 COMMITTEE TO STUDY STATE EMPLOYEE COMPENSATION PLAN Rep. Taylor**

This bill establishes and provides for a committee to study a step increase compensation plan for state employees. The bill requires the committee to report recommendations to the General Assembly and the Governor by August 15, 2006.

**H.4403 CARROLL CAMPBELL MONUMENT Rep. Huggins**

This joint resolution creates and provides for the Carroll Campbell Monument Commission, charged to design and establish a monument to be placed on the Capitol Complex grounds to recognize the accomplishments of the late Carroll A. Campbell, Jr., Governor of South Carolina.

**H.4409 USE OF INFORMATION TECHNOLOGIES BY HEALTH AND HUMAN SERVICES AGENCIES Rep. Davenport**

This bill requires and provides for the Office of Information Technology of the State Budget and Control Board to convene an interagency team of information technology professionals to develop plans for the efficient and effective use of information technologies by health and human services agencies.

**H.4423 GENERAL RESERVE FUND Rep. Thompson**

H.4424 (see below) proposes to amend the South Carolina Constitution so as to require an additional amount equal to one percent of state general fund revenues in the latest completed fiscal year to be held in the General Reserve Fund each time the General Assembly enacts legislation which cumulatively has raised the then existing amount of state general fund revenues which may be used for annual debt service on state general

obligation debt. This bill, effective upon ratification of this proposed amendment, conforms statutory language to this requirement.

**H.4424 PROPOSED CONSTITUTIONAL AMENDMENT REGARDING STATE GENERAL RESERVE FUND Rep. Thompson**

This joint resolution proposes to amend the South Carolina Constitution so as to require an additional amount equal to one percent of state general fund revenues in the latest completed fiscal year to be held in the General Reserve Fund each time the General Assembly enacts legislation which cumulatively has raised the then existing amount of state general fund revenues which may be used for annual debt service on state general obligation debt.

**H.4425 TUITION ASSISTANCE FROM LOTTERY FUNDS Rep. Thompson**

This bill amends the definition of "tuition assistance" under the South Carolina Education Lottery Act by specifying the amount of one thousand dollars for the annual award supplement per term to eligible students attending a two-year technical college or a public two-year institution. The bill further provides that every fourth year beginning with the annual award supplements applicable for the 2010-2011 academic year, the award amount must be cumulatively adjusted to reflect increases in the Higher Education Price Index.

**H.4426 PROPERTY TAX EXEMPTIONS Rep. Thompson**

This bill provides that if an entity which is exempt from property tax as a nonprofit corporation funded by federal or state loans or as a religious, charitable, eleemosynary, educational, or literacy organization leases property owned by it to similarly property tax exempt entities, the leased portion of the property is exempt from property tax.

**H.4431 TAX CREDITS AND FEE EXEMPTIONS FOR FUEL Rep. Coates**

This bill allows and provides for a twenty cents per gallon state income tax credit for ethanol produced in a South Carolina ethanol facility. The bill also allows and provides for a state income tax credit of twenty-five percent of the costs incurred by a taxpayer in placing in service in South Carolina a qualified commercial facility for dispensing renewable fuel. The bill allows and provides for a tax credit of twenty-five percent of the taxpayer's cost of constructing and equipping a commercial facility for processing renewable fuel.

The bill exempts from taxation renewable fuel which is exempt from the user fee on motor fuel, whether pure or blended with taxable fuels. "Renewable fuel" is defined in the bill as liquid nonpetroleum based fuel that can be placed in motor vehicle fuel tanks and used as a fuel in a highway vehicle. The bill exempts from motor fuels user fees renewable fuel sold from July 1, 2006, through June 30, 2011.

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**Legislative Update, January 17, 2006**

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