



South Carolina House of Representatives

# Legislative Update

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

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# BILLS INTRODUCED IN THE HOUSE THIS WEEK

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

### **H.4996 STATE PARKS FEES Rep. Bowers**

This bill provides that the Department of Parks, Recreation and Tourism may not charge state residents park use fees in excess of two-thirds of the out-of-state resident park use fees.

### **H.4998 STATE PARK FEES Rep. Bowers**

This bill provides that a state park that does not have camping facilities and that shares a lake and other property with the Department of Natural Resources must not charge use fees, if the Department of Natural Resources does not charge fees for the use of its facilities in that park.

## EDUCATION AND PUBLIC WORKS

### **S.772 MOTORCYCLE REQUIREMENTS Sen. Mescher**

This bill deletes the provision which prohibits a person from operating a motorcycle with handlebars more than fifteen inches in height above the portion of the seat occupied by the operator.

### **S.955 S.C. PEACH COUNCIL SPECIAL LICENSE PLATES Sen. Moore**

This bill authorizes and provides for the issuance of South Carolina Peach Council special license plates.

### **S.996 CANCER RESEARCH CENTERS OF THE CAROLINAS SPECIAL LICENSE PLATES Sen. Thomas**

This bill authorizes and provides for the issuance of Cancer Research Centers of the Carolinas special license plates.

### **S.1041 BOY SCOUTS OF AMERICA SPECIAL LICENSE PLATES Sen. Hutto**

This bill authorizes and provides for the issuance of Boy Scouts of America special license plates.

### **S.1047 ELIGIBILITY FOR FRATERNAL ORDER OF POLICE SPECIAL LICENSE PLATES Sen. Ryberg**

This bill provides that the Fraternal Order of Police special license plates may only be issued to persons who are active members in good standing of the Fraternal Order of Police. The bill also requires that a person who is issued such a plate, and who is not or ceases to be a member of the Fraternal Order of Police, must surrender the plate within sixty days. Under the provisions of the bill, knowingly failing to do so is a misdemeanor punishable by a fine of twenty-five dollars.

**S.1099 WARTIME DISABLED VETERANS SPECIAL LICENSE PLATES Sen. Ryberg**

Regarding the issuance of special license plates to wartime disabled veterans, this bill provides that a certificate signed by the County Veterans Affairs Officer certifying a veteran's disability may be used to satisfy the Department of Motor Vehicles' requirements for the issuance of the special plate. The bill also provides that not more than two of the special plates may be issued to a veteran and requires new certification when a new plate is issued or a plate is transferred. The bill also provides that when a new plate is issued or a plate is transferred, a surviving spouse must certify that the spouse has not remarried.

**S.1100 DENIAL, SUSPENSION, OR REVOCATION OF A DRIVER'S LICENSE Sen. Ryberg**

This bill revises a reference to a provision of federal law related to the denial, suspension, or revocation of a driver's license and an application for a certificate of title for a motor vehicle.

**S.1133 INTERFERING WITH ELECTRONIC DEVICES USED BY A LAW ENFORCEMENT AGENCY Sen. Alexander**

This bill provides that it is unlawful for a motor vehicle to be equipped with or for an operator of a motor vehicle to employ any device that interferes with radar, laser, or any other electronic device used by a law enforcement agency to measure the speed of a motor vehicle. Violation of this provision is a misdemeanor punishable by a fine of up to one thousand dollars.

**S.1165 RESTRICTED LICENSES Sen. Land**

This bill provides that the restrictions placed on a minor who is issued a restricted driver's license may be modified or waived if the licensee proves that the restrictions interfere with church-related activities, or medical emergencies.

**S.1189 KOREAN WAR VETERANS SPECIAL LICENSE PLATES Sen. Martin**

This bill authorizes and provides for Korean War Veterans special motor vehicle license plates.

**H.4986 SPECIAL SCHOOL INSTRUCTION REGARDING SKIN CANCER Rep. Haskins**

This bill requires all elementary and high schools which receive state aid to teach the nature of skin cancer and the dangers of overexposure to the sun's rays.

**H.4990 FIRST STEPS TODDLER LEARNING CENTER PROGRAM Rep. Miller**

This joint resolution requires and provides for the First Steps to School Readiness Board to establish as a pilot program, the First Steps Toddler Learning Centers (TLC) Program, which must develop, implement, and monitor education programs in this

State for at-risk children from birth to four years old. The resolution requires that the program be implemented into existing programs in the following districts: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3.

**H.4991 REPEAL OF SEAT BELT PROVISIONS Rep. Viers**

This bill repeals sections of law relating to the mandatory use of safety belts.

**H.5000 REQUIREMENTS REGARDING SCHOOL RENOVATIONS Rep. Funderburk**

This bill provides that if a school district undertakes the renovation of an existing school building or facility, the renovations are exempt from school building codes, standards, or requirements, and county or municipal building codes, standards, or requirements pertaining to seismic and wind protections.

## JUDICIARY

**S.1228 CHARITABLE ORGANIZATIONS Sen. Alexander**

Relating to registration and organizations exempt from registration pursuant to the South Carolina Solicitation of Charitable Funds Act, this bill allows organization to file their annual registration on the same date that financial reports must be filed. This bill also provides that a charitable organization that does not intend to solicit or receive contributions from the public in excess of seven thousand five hundred dollars during a calendar year is not required to file registration statements with the Secretary of State without regard to the fact that their fundraising activities are or are not conducted by professional solicitors, professional fundraising counsel, or commercial co-venturers.

**S.1314 ORDER OF THE SWORD AND MACE Senate Judiciary Committee**

This bill creates the Order of the Sword and Mace, the highest civilian honor that may be awarded to living persons or awarded posthumously by the General Assembly to recognize a state resident's excellence, valor or extraordinary service. The bill outlines a method of selecting honorees.

**H.4981 LEADERSHIP POLITICAL ACTION COMMITTEES Rep. Tripp**

Relating to the definition of the term "committee" for purposes of the provisions relating to campaign practices, this bill includes a "leadership political action committee" within the definition.

Relating to filing campaign reports by candidates and committees, this bill requires a leadership political action committee to file certified campaign reports upon the receipt of contributions that may be used for the payment of operation expenses.

Relating to restrictions on contributions by one candidate to another, this bill deletes the prohibition that certain restrictions do not apply to a leadership political action committee that is directly or indirectly established and financed by a candidate or public official, if it is the only one in addition to a committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.

This bill prevents a leadership political action committee from making contributions to or on behalf of another candidate.

**H.4982 UNLAWFUL CARRYING OF A HANDGUN Rep. G.M. Smith**

Relating to the unlawful carrying of a handgun, this bill includes in the exceptions to the offense reserve police officers of a state agency. Relating to training course requirements for reserve units, this bill provides that additional training may be prescribed by the entity having a reserve unit under certain circumstances.

**H.4985 HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT Rep. Edge**

Relating to hearings and proceedings before the administrative law court, this bill provides that a request for a contested case hearing may be filed nine months after an application has been filed with an agency for a license or permit if the agency has not made a determination. The bill outlines procedures whereby an administrative law judge may grant the agency an extension to issue a determination. For contested cases involving certificates of need, the bill provides that the parties must complete discovery within nine months, and a contested case hearing must be held within one year from the later of the date the request for a contested case hearing is filed or a determination is issued by the agency pursuant to an extension of time granted by an administrative law judge.

**H.4993 COUNTY COMMITTEES Rep. Herbkersman**

Relating to county committees, this bill provides that all elected precinct committeemen may vote on questions before the county committee. The bill provides that the chairman may vote in the case of a tie. The bill also provides that an elected officer of the county committee who is not a precinct committeeman may vote de facto. However, de facto voters may not exceed twenty percent of the total eligible county committee voters.

**H.4995 NONALCOHOLIC BEVERAGES Rep. Rutherford**

This bill provides that all beers, ales, porter, and other similar malt or fermented beverages containing not in excess of fourteen percent of alcohol by weight, and all wines containing not in excess of twenty-one percent of alcohol by volume are declared to be nonalcoholic and nonintoxicating beverages.

**H.4999 CLUBS IN PARTY ORGANIZATION Rep. Herbkersman**

Relating to clubs in party organization, this bill clarifies the election precincts organizational relationship.

## **LABOR, COMMERCE AND INDUSTRY**

**S.1163 "SUCCESSOR ASBESTOS-RELATED LIABILITY FAIRNESS ACT"  
Sen. Sheheen**

This bill enacts the "Successor Asbestos-Related Liability Fairness Act" to limit successor asbestos-related liabilities of a corporation under certain circumstances, to provide exceptions to the limitations, and to provide a method for establishing the fair market value of total gross assets in determining the limitations on successor liability.

**H.4989 "INTERIOR DESIGN PRACTICE ACT" Rep. Scarborough**

This bill requires a person rendering interior design services to be registered with the Department of Labor, Licensing and Regulation. The legislation establishes requirements for registration and renewal and provides for the regulation of interior designers.

**H.4994 "INTERSTATE INSURANCE PRODUCT REGULATION COMPACT"  
Rep. Bingham**

This bill enacts the “Interstate Insurance Product Regulation Compact” to develop uniform standards for covered insurance products and establish a central clearinghouse to receive and provide prompt review of insurance products in order to promote and protect the interest of consumers of individual and group annuity, life insurance, disability income, and long-term care insurance products

**H.4997 UNSOLICITED CREDIT CARDS Rep. Bowers**

This bill provides that it is an unfair trade practice for the issuer of an unsolicited credit card to charge an activation, annual, or other fee unless the cardholder benefits from the card by using it or otherwise affirmatively acts to accept the unsolicited offer of the use of the card. The legislation provides that nonpayment of the fee by the cardholder, without any other act, is a rejection of the offer.

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

**S.142 AMENDMENTS PERTAINING TO THE ANESTHESIOLOGIST’S ASSISTANT PRACTICE ACT Sen. Hayes**

Revisions include:

- Relating to the definitions used in the Anesthesiologist’s Assistant Practice Act, this bill changes the definitions of the terms “anesthesiologist” and “supervising anesthesiologist” by adding the American Osteopathic Association as a recognized entity for approval of anesthesiology programs.
- Relating to the licensure of anesthesiologist’s assistants, this bill allows a board designee to review an applicant’s qualifications.
- Relating to the protocol an anesthesiologist shall adopt when acting as a supervising anesthesiologist, the bill changes the term from supervising to sponsoring anesthesiologist.
- Relating to the procedure required when the relationship between the anesthesiologist’s assistant and a supervising anesthesiologist is terminated, the bill changes the term to a sponsoring anesthesiologist.
- Relating to the fees for anesthesiologist’s assistants, the bill changes the name of a supervisor fee to a supervisor sponsor fee.
- The bill provides that sponsoring anesthesiologist must be a South Carolina licensed physician currently possessing an active, unrestricted license to practice medicine in this State who practices in the medical specialty of anesthesiology, approved by the Accreditation Committee on Graduate Medical Education, or its equivalent or successor. The bill further provides that the sponsoring anesthesiologist also may be the supervising anesthesiologist.

**S.1058 REPORTING OF ACCIDENTS BY FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL AFFAIRS Sen. Hutto**

With regards to the confidentiality of records of certain professional committees, this bill clarifies that a facility or activity licensed by the Department of Health and Environmental Affairs (DHEC) has a duty to report accidents and incidents pursuant to DHEC regulations. Relating to the confidentiality of information acquired or produced by the expert review panel, this bill clarifies that a facility or activity licensed by DHEC has duty to report accidents and incidents pursuant to DHEC regulations. Relating to disclosure of information regarding a facility or home as required by Section 44-7-315, this bill provides that this code section does not apply to information obtained pursuant to Section 40-71-20 (confidentiality of records of certain professional committees) and Section 44-30-60 (confidentiality of information acquired or produced by an expert review panel).

**H.4987 AMENDMENTS TO THE PHYSICAL FITNESS SERVICES ACT**  
**Rep. Whipper**

Revisions include the following:

- The bill exempts tanning centers and martial arts studios from the applicability of the Physical Fitness Services Act.
- The bill provides for permanent closure of a subject facility as an event allowing cancellation of a contract. The bill defines the term "permanent closure" as either nonoperation for thirty consecutive days; nonoperation for twenty or more days during a sixty-day period, or abandonment of the facility. If the contract is cancelled because of permanent closure, the center or its assignees must return a note or other evidence of indebtedness and unearned payments on a pro rata basis.
- The bill provides that a subject contract must not be sold or assigned without the customer's consent or require a customer to affirmatively cancel the contract to stop automatic renewal. A contract may be on a month-to-month basis and may be paid for by automatic debits subject to certain limitations.
- A subject contract is voidable by the customer, if the facility fails to obtain the requisite certificate of authority.

The provisions are enforceable by the Department of Consumer Affairs and the Attorney General.

## **WAYS AND MEANS**

**S.1094 RETIREMENT SYSTEM INVESTMENT COMMISSION,  
OFFICERS, AND EMPLOYEES Sen. Leatherman**

This bill requires the State to defend members of the Retirement System Investment Commission and Commission officers and management employees against claims or suits based on the performance of their official duties. The bill requires the State to indemnify these persons for a loss or judgement they may incur for a claim or suit brought against them in their official and/or individual capacities. The bill extends this commitment to defend and indemnify these persons after they have left the commission

if the claim or suit arises out of or by virtue of their performance of official duties on behalf of the Commission.

The bill provides that funds of the Retirement System may also be invested in real property, exchange traded funds, and American Depository Receipts. The bill conforms conflict of interest provisions with respect to the Retirement System Investment Commission, to the National Guard Retirement System.

Regarding standards of conduct for fiduciaries or employees of fiduciaries, the bill provides that they shall not have any direct or indirect interest in the gains or profits of any system investment *other than* the indirect interest of a passive investor holding less than five percent of the outstanding equity in a publicly-traded security. The bill allows the Retirement System Investment Commission to waive these standards by contract with certain fiduciaries.

**S.1283 INCOME TAX RATES FOR ACTIVE TRADE OR BUSINESS INCOME OF PASS-THROUGH BUSINESS Sen. Leatherman**

This bill revises current provisions regarding the active trade or business income of a pass-through business. Current law provides that active trade or business income or loss does not include amounts reasonably related to personal services. This bill

provides that amounts reasonably related to personal services include amounts reasonably related to the personal services of the owner, the owner's spouse, and any person claimed as a dependent on the owner's income tax return.

Relating to the application of the reduced state marginal individual income tax rate to the active trade or business income of a pass-through business, the bill makes this application at the annual election of the taxpayer.

The bill provides that if a taxpayer owns interest in one or more pass-through businesses which have a total gross income of less than one million dollars and taxable income of less than one hundred thousand dollars, then the taxpayer may elect, in lieu of determining the actual amount of active trade or business income related to the taxpayer's personal services, to treat fifty percent of the taxpayer's active trade or business income as not related to the taxpayer's personal services.

**H.4983 DEFINITIONS AND PROCEDURES FOR ADOPTING REDEVELOPMENT PLANS FOR PURPOSES OF THE TAX INCREMENT FINANCING LAW Rep. Perry**

This bill amends the definition of "redevelopment plan" and "redevelopment project costs" relating to redevelopment plans for purposes of the Tax Increment Financing Law. The bill provides that the redevelopment plan must adhere to the goals and objectives of the respective municipality's comprehensive plan, zoning ordinance, and development standards. The bill also requires and provides for additional findings before adoption of a redevelopment plan by a municipality or a county.

**H.4984 "SOUTH CAROLINA SCHOOL FACILITIES INFRASTRUCTURE ACT" Rep. Cobb-Hunter**

This bill authorizes and provides for the issuance of an additional \$300 million in school facilities bonds, beginning in fiscal year 2006-2007 and continuing for four fiscal years



after that. The bill provides for the bonds to be allocated to school districts based on a formula implemented by regulation of the Department of Education, giving priority consideration to districts with higher percentages of students eligible for free or reduced-price lunches, the relative financial ability of a district to fund new school facilities or improve existing facilities, and remaining capacity of a district to issue additional capital improvement bonds.

**H.4992 REVISIONS TO SOUTH CAROLINA INFRASTRUCTURE**  
**BANK Rep. Edge**

This bill renames the South Carolina Transportation Infrastructure Bank the “South Carolina Transportation Infrastructure Bank and Turnpike Authority” and provides that the Bank may also impose tolls to provide revenues for purposes of the Bank.

**H.5001 TRIDENT TECHNICAL COLLEGE Rep. Harrell**

In order to promote and enhance South Carolina's economic development through the location and development of the film industries and high-technology businesses and industries, this bill provides for a "Main Campus" and a separate "Enterprise Campus" at Trident Technical College. The bill establishes and provides for the Trident Technical College Enterprise Campus Authority and empowers it to provide for the management, development, and operation of the enterprise campus.

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