



South Carolina House of Representatives

Legislative Update

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

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

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3505**, relating to **JASPER COUNTY PORT FACILITIES**. This joint resolution directs the State Ports Authority to continue and bring to its earliest conclusion the condemnation action it has begun involving approximately one thousand eight hundred acres in Jasper County needed for these new terminal facilities. The joint resolution establishes a timeline for completion of site acquisition, engineering studies, market analysis, submission of environmental impact statements, application for necessary permits, site preparation, and design and construction of the Jasper County Port facilities and its supporting infrastructure. The joint resolution also establishes the Savannah River Maritime Commission to negotiate with the State of Georgia, the U.S. Army Corps of Engineers, and others regarding the use of the Savannah River as a waterway for ocean-going container or commerce vessels. The eight-member commission is composed of: (1) the Governor or his designee (who serves as chairman); (2) the Speaker of the House of Representatives or his designee; (3) the President Pro Tempore of the Senate or his designee; (4) the Attorney General of South Carolina or his designee; (5) the Chairman of the Board of Health and Environmental Control to serve ex officio or his designee; (6) the Chairman of the Board of Natural Resources to serve ex officio or his designee; (7) the Chairman of the State Ports Authority to serve ex officio or his designee; and (8) one resident of Jasper County appointed by the Jasper County Council to serve at the pleasure of the council.

The House amended, approved, and sent to the Senate **H.3025**, a bill which enacts the “**REGISTRATION OF IMMIGRATION ASSISTANCE ACT.**” The stated purpose of this bill is to establish and enforce standards of ethics in the profession of immigration assistance by private individuals who are not licensed attorneys. The bill limits what immigration assistance a nonlawyer may provide as well as restricts certain activities of these nonlawyers providing immigration assistance for compensation. Exceptions are provided for attorneys and their staff, certain not-for-profit organizations, and other organizations employing or desiring to employ an alien so long as the organization does not seek compensation for the services provided. A person performing immigration assistance services is required to obtain appropriate business licenses; the bill outlines procedures for obtaining and renewing licenses with the Secretary of State. The bill requires nonattorneys to post signs and give notice in advertisements and communications clearly indicating that they are not attorneys or authorized to give legal advice or accept fees for legal services. The bill provides for civil and criminal penalties; additionally, violations are subject to the provisions of the South Carolina Unfair Trade Practices Act.

The House amended, approved, and sent to the Senate **H.3149**, relating to **ILLEGAL IMMIGRANTS AND PUBLIC BENEFITS**. This bill provides that a person may not receive food assistance payments, if the state administers the eligibility process, unless the person verifies that he is lawfully present in South Carolina. Verification includes the execution of an affidavit; false representations in the affidavit are considered perjury. This bill requires such a person to apply for these benefits through the Systematic Alien Verification of Entitlement Program or some other program operated the United States Office of Homeland Security. The provisions of this bill do not apply to an application for recipients under the age of 18. The Department of Social Services must enforce these

provisions. The legislation also requires **EDUCATION AND COUNSELING SERVICES FOR FOOD STAMP RECIPIENTS**. The department is required to provide education and counseling services for all persons it has determined eligible to receive United States Department of Agriculture food coupons. This education and counseling must include basic information on nutrition requirements and shopping and meal preparation advice designed to assist the recipient in making the best use of the assistance provided in meeting individual and family nutrition requirements.

The House concurred in Senate amendments to **S.408**, pertaining to a **COUNTY'S DESIGNATION FOR JOBS TAX CREDIT PURPOSES**, and enrolled the bill for ratification. The bill revises jobs tax credit provisions, so as to provide that a county's designation may not drop more than one tier in the following year as a result of the annual ranking and designation of counties by the Department Of Revenue. The legislation also provides that, for tax year 2006 only, due to adjustments to the jobs tax credit classification as a result of legislative changes, a taxpayer has until March 31, 2007, to lock into the county classification.

The House amended, approved, and sent to the Senate **H.3249**, a bill **REVISING LEGISLATIVE REVIEW OF REGULATIONS**. In general, this bill requires an agency submitting a regulation to file the regulation with Legislative Council along with a detailed summary of the proposed changes. The bill requires that regulations be submitted in the same format as a bill (underline and strikethrough). Legislative Council shall notify all members of the General Assembly when regulations are submitted for review. A regulation will be deemed withdrawn if it has not become effective at the end of the two-year session in which it was submitted. A regulation may be withdrawn by the agency for any reason. Among other things, the bill requires specific agency power to modify or establish any fee set by regulation. Under the bill, an agency may not submit any regulation that went through public notice and comment period and was changed afterwards without the changes being raised, discussed or considered during the public comment period.

The House amended, approved and sent to the Senate **H.3157**, relating to **EJECTMENT PROCEEDINGS**. Relating to requirements for service of rule on a tenant against whom ejectment proceedings are brought, this bill outlines a method of service by posting if the grounds of ejectment are circumstances that constitute malicious property damage or a threat to human life. Relating to tenant ejectment on failure to show cause, this bill requires magistrates to immediately issue a warrant for ejectment if grounds for ejectment constitute malicious property damage or a threat to human life and the tenant fails to show cause within five days of service. The term "malicious property damage" means to willfully and deliberately cause physical damage to rental property, and the landlord shall bear the burden of proof that the tenant had the intent to cause the property damage. The term "threat to human life" means a verbal, written, or physical threat by the tenant or a member of the tenant's household of physical bodily harm to the landlord, an employee of the landlord, or another tenant of the landlord.

The House amended, approved, and sent to the Senate **H.3162**. This bill provides that the Commission on Higher Education (CHE) shall establish, appoint, and maintain the **SOUTH CAROLINA TEACHER LOAN PROGRAM ADVISORY COMMITTEE**. The bill outlines committee membership, and it sets forth committee responsibilities which include: establishing goals, facilitating communication among the cooperating agencies,

advocating for program participants and advising the CHE on teacher loan program policies and procedures.

The House approved and sent to the Senate **H.3034**, a bill establishing new “green building” **ENERGY EFFICIENCY AND CONSERVATION STANDARDS FOR NEW STATE BUILDINGS** with construction budgets exceeding fifteen million dollars. These new standards do not apply to: (1) design and construction of parking garages or outdoor sports facilities; (2) South Carolina State Ports Authority, South Carolina Public Service Authority, South Carolina Research Authority, South Carolina Department of Corrections, and a public entity exempted by the Budget and Control Board; (3) projects exempted by the Budget and Control Board as the result of evidence that compliance is clearly not in the best interest of the project; and (4) projects in design or being constructed on the effective date of this legislation. The bill specifically provides that nothing in the legislation alters the State’s Right to Work provisions which prohibit requirements that workers join or support unions and similar labor organizations.

The House amended, approved, and sent to the Senate **H.3278**. This legislation provides a **UNIFORM METHOD OF FILLING VACANCIES IN PUBLIC OFFICES** when a person moves his residence outside of the area from which he was elected or appointed or holds more than one office in violation of the South Carolina Constitution’s prohibition on dual office holding. The legislation provides that if a person other than a member of the General Assembly who has been elected or appointed to an office moves his residence outside of the area from which he was elected or appointed or holds multiple offices in violation of Section 3, Article VI of the Constitution of South Carolina, the member shall notify the presiding officer within fifteen days. When the presiding officer receives such notification, he must comply with the legislation’s procedures for filling vacated offices. If the governing body, commission, board, or other body to which the person has been elected or appointed receives information on such a change in residence or dual office holding from a source other than the member, it shall forward the information to the South Carolina Election Commission to determine whether the information supports removing the member from office. If the vote is affirmative, the member must be afforded a public hearing, unless he waives the hearing in writing, before the South Carolina Election Commission. The legislation provides for notification and other requirements regarding the public hearing followed by an open session in which the Election Commission votes whether the member should be removed from office. Vacated positions must be filled as follows: (1) if the office originally was filled by appointment, the presiding officer shall notify the appointing officer or entity of the vacancy. Within ninety days after receiving notice, the officer or entity shall fill the vacancy by appointment for the remainder of the unexpired term; (2) if the office originally was filled by election, the presiding officer shall notify the county election commission that the office is vacant. Upon receiving notice, the county election commission shall schedule a special election to fill the office for the remainder of the unexpired term.

The House amended, approved, and sent to the Senate **H.3131**. This bill authorizes the **ISSUANCE OF SPECIAL MOTOR VEHICLE LICENSE PLATES TO FORMER MEMBERS OF THE SOUTH CAROLINA DELEGATION OF THE UNITED STATES CONGRESS**.

The House approved and sent to the Senate **H.3452**, relating to **COUNTY VETERANS AFFAIRS OFFICERS**. This bill extends the terms of a county veterans affairs officer from two years to four years.

The House amended, approved, and sent to the Senate **H.3509**. This bill authorizes local government to individually or jointly create and operate a **LOCAL HOUSING TRUST FUND (LHTF) OR REGIONAL HOUSING TRUST FUND (RHTF) TO PROMOTE THE DEVELOPMENT OF AFFORDABLE HOUSING**. A LHTF or RHTF may be created only by ordinance. The bill states that funding sources for a LHTF or RHTF may include bond proceeds, donations, and deposits from a private, federal, or state grant or loan, or other sources. LHTF or RHTF funds may also be used to match other funds from federal, state, or private resources including the State Housing Trust Fund. This bill does not give local governments or political subdivisions any additional taxing or revenue raising authority to finance a LHTF or RHTF. A local government operating a LHTF or RHTF shall safeguard the fund in the same manner as the general fund or a separate utility fund established for specific purposes. The bill also states that in the distribution of funds from a LHTF or RHTF preference must be given to a program that promotes: (1) the development or rehabilitation of affordable housing for an individual or family with an annual income below fifty percent of the median income for the local area, adjusted for family size according to current data from HUD; (2) the development or rehabilitation of special needs housing, or; (3) the development or rehabilitation of homeless housing. The LHTF or RHTF must provide an annual report and financial accounting to the local government that created the fund, and the local government must post the report on its web site.

The House approved and sent to the Senate **H.3232**, pertaining to **HOW FEES FOR FRATERNITY AND SORORITY VEHICLE LICENSE PLATES MAY BE USED**. Fraternity and sorority plates are already offered; this does not create a new plate. Currently fees from these plates may only be used for academic scholarships. This bill allows but does not require fees to be used to fund programs to send boys and girls between the ages of eight and sixteen to summer camp.

The House amended, approved, and sent to the Senate **H.3362**, a bill pertaining to **DEATH CERTIFICATES**. This bill requires an embalmer and a funeral director to provide, in addition to his license number, either his name or signature on any death certificate filed with the Bureau of Vital Statistics. When filing death certificates, embalmers and funeral directors must indicate that they have conducted reasonable inquiries to ascertain and verify the relationship of the informed to the deceased. The legislation requires the state registrar to include a place on death certificates for embalmers and funeral directors to record this required information.

The House amended, approved, and sent to the Senate **H.3218**, a bill pertaining to **TRANSFERS OF BEER BRANDS** as they relate to beer wholesalers. The legislation provides that when a producer or primary American source of supply who is registered to sell beer to wholesalers in this State transfers a brand of beer to another, the assignment of territory of that brand to a wholesaler is binding on those who have acquired the brand. The successor and the existing wholesaler shall enter, in good faith, into a new distribution agreement consistent with state law.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Tuesday, March 6, 2007.

The full committee gave a favorable with amendment report to **H.3476**, which enacts the “**AMERICAN BOARD FOR THE CERTIFICATION OF TEACHER EXCELLENCE ACT.**” This bill creates an alternative method for individuals to become certified to teach in South Carolina. The bill allows school districts to hire individuals that have received a Passport certificate issued by the American Board for the Certification of Teacher Excellence (ABCTE) in the content areas of biology, chemistry, English, math, physics or science. Additional areas may be approved by the State Department of Education (SDE). To obtain an alternative route certificate a person must have a Passport certificate issued by ABCTE and a bachelor’s degree. An alternative route certificate is valid for one year and may be renewed for two additional years upon successful completion of teaching and of the hiring district’s induction program. As a condition of professional certification, an individual with an alternate route certificate must successfully complete the South Carolina adopted pedagogy examination. A person who has received a Passport certificate and is hired by a school district has the same responsibilities and rights as other teachers.

Also, these individuals are required to submit to FBI and SLED criminal background checks. The bill requires the SDE to report to the State Board of Education and the General Assembly certain data and information regarding individuals employed in South Carolina with a Passport certificate issued by ABCTE.

H.3379, which provides **LIFE AND PALMETTO FELLOWS ELIGIBILITY FOR SOUTH CAROLINA RESIDENTS ATTENDING OUT-OF-STATE HIGH SCHOOLS**, received a favorable with amendment recommendation from the full committee. The bill provides South Carolina residents who attend high school in another state eligibility for Palmetto Fellows and LIFE scholarships using the rank criteria. Students may qualify by using the rank criteria - in addition to the GPA and SAT/ACT provisions -if the rank from their respective high school is calculated using a state-approved, standardized grading scale.

The full committee gave a favorable with amendment recommendation to **H.3323**, pertaining to the **DEPARTMENT OF MOTOR VEHICLE’S (DMV) ACCEPTANCE OF CERTAIN ELECTRONIC LIEN INFORMATION FOR MOTOR VEHICLES AND MOBILE HOMES**. This bill provides that a lien on a motor vehicle or mobile home shall be noted on the face of the certificate of title, if there are one or more liens or encumbrances on the motor vehicle or mobile home, the DMV may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional

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liens. Subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person satisfying the lien. When electronic transmission of liens and lien satisfaction is used, a certificate of title need not be issued until the last lien is satisfied and a clear certificate of title is issued to the owner of the motor vehicle or mobile home. When a motor vehicle or mobile home is subject to an electronic lien, the certificate of title for the motor vehicle or mobile home is considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements, and a duly certified copy of the department's electronic record of the lien is admissible in any civil, criminal, or administrative proceeding in this State as evidence of the existence of the lien. The lienholder shall have the option to receive a paper certificate of title and to receive notices of subsequent liens and satisfaction of liens via the United States Postal Service. **H.3323** also provides that commercial parties and lenders who either transmit or retrieve data from the department pursuant to this section, notwithstanding certain provisions of the Consumer Protection Code, may collect transaction fees from owners of the vehicles or mobile homes not to exceed a fee of ten dollars for each transaction which must be mutually agreed to by all parties.

H.3232, pertaining to **HOW FEES FOR FRATERNITY AND SORORITY VEHICLE LICENSE PLATES MAY BE USED**, received a favorable report. Fraternity and sorority plates are already offered; this does not create a new plate. Currently fees from these plates may only be used for academic scholarships. This bill allows but does not require fees to be used to fund programs to send boys and girls between the ages of eight and sixteen to summer camp.

JUDICIARY

The full committee did not meet this week.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce, and Industry Committee met on Tuesday, March 6, and gave a report of favorable with amendments on H.3218, a bill pertaining to **TRANSFERS OF BEER BRANDS** as they relate to beer wholesalers. The legislation provides that when a producer or primary American source of supply who is registered to sell beer to wholesalers in this State transfers a brand of beer to another, the assignment of territory of that brand to a wholesaler is binding on those who have acquired the brand. The successor and the existing wholesaler shall enter, in good faith, into a new distribution agreement consistent with state law.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee met on Tuesday, March 6, 2007.

H.3509 received a favorable with amendment recommendation. This bill authorizes local government to individually or jointly create and operate a **LOCAL HOUSING TRUST FUND (LHTF) OR REGIONAL HOUSING TRUST FUND (RHTF) TO PROMOTE THE DEVELOPMENT OF AFFORDABLE HOUSING**. A LHTF or RHTF may be created only by ordinance. The bill states that funding sources for a LHTF or RHTF may include bond proceeds, donations, and deposits from a private, federal, or state grant or loan, or other sources. LHFT or RHFT funds may also be used to match other funds from federal, state, or private resources including the State Housing Trust Fund. This bill does not give local governments or political subdivisions any additional taxing or revenue raising authority to finance a LHTF or RHTF. A local government operating a LHTF or RHTF shall safeguard the fund in the same manner as the general fund or a separate utility fund established for specific purposes. The bill also states that in the distribution of funds from a LHFT or RHTF preference must be given to a program that promotes: (1) the development or rehabilitation of affordable housing for an individual or family with an annual income below fifty percent of the median income for the local area, adjusted for family size according to current data from HUD; (2) the development or rehabilitation of special needs housing, or; (3) the development or rehabilitation of homeless housing. The LHTF or RHTF must provide an annual report and financial accounting to the local government that created the fund, and the local government must post the report on its web site.

WAYS AND MEANS

The full Ways and Means Committee met on Wednesday, March 7, and gave a report of favorable with amendments on H.3575, a bill providing for comprehensive **RESTRUCTURING OF THE SOUTH CAROLINA DEPARTMENT OF**

TRANSPORTATION to enhance accountability at the agency responsible for the State's roads.

Secretary of Transportation

The legislation establishes the position of Secretary of Transportation to be appointed by the Governor and serve at his pleasure. The Secretary replaces the department's existing chief administrative officer, the Director who is appointed by the Department of Transportation Commission under current law. The Secretary of Transportation appoints a deputy director for each the department's division to serve at his pleasure, except for the internal audit director and internal auditors who shall report to and serve at the pleasure of the commission. The DOT District Engineering Administrators or individuals performing the function of district engineering administrators who oversee the seven Highway Engineering Districts, serve at the Secretary's pleasure.

Reorganization of the Department of Transportation Commission

The legislation revises the composition of the Department of Transportation Commission and provides for new qualifications criteria, election procedures, terms of office, and compensation limits. The legislation eliminates the current provisions under which one commissioner is elected from each of the State's six congressional districts by the district's legislative delegation in the General Assembly with a seventh at-large member selected by the Governor with the advice and consent of the Senate. Instead, the commission is composed of one member from each of the State's seven highway engineering districts elected during a joint assembly of the House and Senate. The legislation provides that a commissioner must have at least a baccalaureate degree or a background of at least five years in a combination of the following: (a) transportation; (b) construction; (c) finance; (d) law; (e) environmental issues; (f) management; or (g) engineering. A member of the General Assembly is not eligible for election as commissioner until he has been out of office for at least one year. A Transportation Review Committee is established to screen candidates for appointment to the commission. The review committee is composed of ten members, three of whom must be members of the House of Representatives, including the Chairman of the Education and Public Works Committee, or his designee, and the Chairman of the Ways and Means Committee, or his designee, and one member appointed by the Speaker of the House of Representatives. Three of the members must be members of the Senate, including the Chairman of the Transportation Committee, or his designee, the Chairman of the Senate Finance Committee, or his designee, and one member appointed by the President Pro Tempore of the Senate. Two members of the committee must be appointed by the Speaker of the House of Representatives from the public at large, and two members of the committee must be appointed by the President Pro Tempore of the Senate from the public at large.

Each commissioner shall serve for a term of three years. Initial terms of service are, however, structured to allow for staggered terms for the replacement of commissioners. Commissioners shall continue to serve until their successors are elected and qualify, however, a person may not serve as a commissioner for more than two three-year terms or six years. Each successive commissioner must be appointed from a different county within a highway engineering district based upon the alphabetic order of the counties within the district. Members of the commission may be removed for cause.

The chairman of the commission shall be a commissioner elected by a majority vote of the members of the commission and serve a term of two years. Commissioners receive one thousand dollars for each month of service for district expenses and must be reimbursed for per diem and mileage as is provided for members of the General Assembly when traveling to Columbia for official commission functions.

Activities Requiring Commission Approval

The legislation requires the commission to approve the following activities: (1) the sale of surplus property by the department; (2) the advertisement for consultant contracts and authorize the selection of consultants by department personnel; (3) the adding to and deletion of roads from the State Highway System; (4) the awarding of contracts by the department; (5) the department's annual budget; (6) the state transportation plan; (7) the dedication and naming of highway facilities by the department; (8) any contract entered into by the department with a value in excess of five hundred thousand dollars; (9) additional contracts entered into by the department during a fiscal year with an entity that has already received individual contracts during that fiscal year that together are worth at least five hundred thousand dollars; and (10) all contracts relating to road construction and maintenance.

Project Priority List

The legislation requires the department to establish a priority list of projects to be undertaken. Once the priority list has been established, it shall not be changed without two-thirds approval by the commission at the request of the Secretary of Transportation. When compiling this list of projects, the department shall use, but is not limited to use, the following criteria: (1) financial viability; (2) public safety; (3) potential for economic development; (4) traffic volume; (5) truck traffic; (6) the pavement quality index; and (7) environmental impact.

The department shall promulgate regulations that utilize these criteria for ranking projects in each highway engineering district. The commission shall annually review a road maintenance and bridge repair plan within each highway engineering district.

Public Hearings on Projects

The department shall conduct a public hearing in each county in which a public hearing is required by federal regulations to allow the department to share information regarding the project with the local community and to allow the local community to address its concerns with department officials. The hearing must include the opportunity for members of the public to address a hearing officer in a format in which comments can be heard by the general public attending the hearing or in a private setting, whichever is the speakers' choice.

South Carolina Procurement Code Exemptions

The legislation eliminates the DOT's expansive procurement code exemption and, instead, exempts from the South Carolina Procurement Code the construction, maintenance, and repair of bridges, highways, and roads by the Department of Transportation when these projects receive federal funding and must comply with applicable federal laws and regulations. The legislation exempts the South Carolina

Transportation Infrastructure Bank, Councils of Government, County Transportation Committees, and Metropolitan Planning Organizations from the provisions of the South Carolina Procurement Code.

Audits

The legislation requires procurement audits to verify the validity of DOT Procurement Code exemptions.

The legislation creates an Internal Audit Division within the DOT and requires the division deputy director for internal audits to examine the finances of the department and provide an annual financial report to the commission.

The Legislative Audit Council is required to contract for an independent performance and compliance audit of the department's finance and administration division, mass transit division, and construction engineering and planning division. This audit should be completed by January 15, 2009. The Legislative Audit Council may contract for follow-up audits or conduct follow-up audits as needed based upon the initial findings. The costs of these audits are an operating expense of the department. Copies of these audits must be made available to the Governor and the chairmen of the Senate Finance and Transportation Committees, and the House of Representatives Ways and Means and Education and Public Works Committees.

Ethics Provisions

The legislation creates a Division of Human Resources within the DOT and requires the deputy director for human resources to: (1) employ an ethics compliance officer to ensure that the department's employees and commission comply fully with all laws that govern their ethical conduct, and (2) conduct two hours of mandatory ethics training seminars for all department employees and commissioners on a biennial basis. However, a mandatory two-hour ethics seminar must be conducted for each newly-hired employee and newly-elected commissioner within one month of their employment or election.

The legislation subjects the Department of Transportation Commission and the department's employees to the legal restrictions imposed upon the activities of lobbyists and lobbyists' principals.

The legislation requires DOT District Engineering Administrators to file a statement of economic interests.

New Funding

The legislation provides that in calculating estimated state individual and corporate income tax revenues for a fiscal year, the Board of Economic Advisors shall deduct the following amounts that must be credited to the Department of Transportation for road construction and maintenance as follows: for Fiscal Year 2007-2008: \$40 million; for Fiscal Year 2008-2009: \$80 million; for Fiscal Year 2009-2010: \$120 million; for Fiscal Year 2010-2011: \$160 million; and for Fiscal Year 2011-2012 and thereafter: \$200 million. In each of these fiscal years, the Department of Transportation must utilize half of these funds for an annual contribution from non-state tax resources to the State

Highway Account of the South Carolina Transportation Infrastructure Bank and the other half of these funds for an annual contribution to the State Non-Federal Aid Highway Fund of the South Carolina Department of Transportation for maintenance and construction with seventy-five percent of the funds designated for maintenance and twenty-five percent designated for construction.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3660 WESTERN CAROLINA SEWER AUTHORITY Rep. Bannister

Relating to the Greater Greenville Sewer District (currently Western Carolina Sewer Authority), this bill authorizes the authority to appoint additional commissioners to certain satellite sewer systems it serves.

H.3661 INFILTRATION STANDARDS FOR SATELLITE SEWERS

Rep. Bannister

This bill establishes excessive infiltration standards for satellite sewers and provides civil penalties for noncompliance.

EDUCATION AND PUBLIC WORKS

H.3643 KOREAN WAR VETERANS SPECIAL LICENSE PLATES Rep. Vick

Relating to the production and distribution of special license plates by the Department of Motor Vehicles, this bill provides that the department shall produce and distribute the Korean War Veterans special license plate without first receiving prepaid applications for the license plate or a four thousand dollar fee, and a plan to market the license plate.

H.3651 "PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE

ACT" Rep. Herbkersman

The stated intent of this comprehensive legislation is to facilitate the bond financing provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 or other similar financing mechanisms, private capital, and other funding sources that support the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of qualifying projects so that financing for qualifying projects may be expanded and accelerated. Another stated intent of the legislation is to improve and add to the convenience of the public so that public and private entities may have the greatest possible flexibility in contracting with each other for the provision of the public services.

H.3667 PROCEDURES FOR APPROACHING A TRAFFIC SCENE WHERE AN EMERGENCY VEHICLE IS OPERATING ALONG A HIGHWAY

Rep. Huggins

This bill provides certain procedures that a driver of a motor vehicle must follow when approaching a traffic scene where an emergency vehicle is operating along a highway.

H.3677 PUBLIC SCHOOL CHOICE PROGRAMS Rep. Ott

This bill establishes a program of school district choice and open enrollment under which the Office of School Choice and Innovation within the State Department of Education first coordinates and implements a voluntary pilot program of school choice and open enrollment in this state and thereafter subject to funding a statewide program. The bill outlines the procedures, responsibilities, and requirements of schools, school districts, parents, and students in regard to this program.

JUDICIARY

S.71 AUTOMATED EXTERNAL DEFIBRILLATOR Sen. Ryberg

This bill provides that any person or entity that teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillators is immune from civil liability for providing such training or use if the person or entity has provided the training in accordance with the guidelines and policies of a national training organization and the trainer must be authorized to deliver that course or curriculum.

S.141 "CRIMINAL GANG PREVENTION ACT" Sen. Knotts

This comprehensive legislation addresses the problem of gangs. Among other things, the bill adds criminal gang activities under the jurisdiction of the State Grand Jury. The stated intent of this bill is to eradicate the terror created by criminal gangs by providing enhanced penalties and by eliminating the patterns, profits, proceeds, instrumentalities, and property facilitating criminal gang activity, including criminal gang recruitment.

H.3633 EXTENSION OF TIME FOR REPORT OF THE EMINENT DOMAIN STUDY COMMITTEE Rep. Edge

This joint resolution provides that the time in which the Eminent Domain Study Committee shall submit its report to the Chairman of the Senate Judiciary Committee, the Chairman of the House Judiciary Committee, and the Governor be extended from March 15, 2007, to March 30, 2007, at which time the committee must be dissolved.

H.3634 "KELLI'S LAW" - FIELD BREATHALYZER DEVICES FOR THE HIGHWAY PATROL Rep. Gullick

This bill requires each highway patrol vehicle to be equipped with a field breathalyzer device that must be administered on a person suspected of driving under the influence of alcohol, drugs, or another substance.

H.3635 PROTECTIVE PROCEEDINGS INVOLVING MINORS AND PROTECTIVE PROCEEDINGS INVOLVING PERSONS WITH OTHER INCAPACITIES Rep. F.N. Smith

This bill gives the family court concurrent jurisdiction with the probate court over protective proceedings involving minors and protective proceedings involving persons with other incapacities if the incapacitated person is already before the family court in a pending matter. This bill also allow a parent or grandparent to serve as a conservator without bond.

H.3639 SMOKING PROHIBITIONS Rep. Skelton

This bill allows a county or municipality by ordinance to prohibit smoking in designated locations within its jurisdiction. The bill provides penalties for violations.

H.3642 MUNICIPAL ANNEXATION Rep. Herbkersman

When a municipality annexes property in a county that has a land use or zoning policy, plan, regulation, or ordinance and the municipality density allowance or regulations allow for a greater density than the county allows, then this bill provides that the county density requirement must remain in effect for five years after the annexation.

**H.3650 LAW ENFORCEMENT OFFICERS STATEWIDE JURISDICTION
Rep. Neilson**

This bill provides that every law enforcement officer of this State and its subdivisions who has authority to arrest a person within his jurisdiction also has statewide jurisdiction to arrest a person. However, a municipal law enforcement officer has no authority to make an arrest beyond the municipality's corporate limits unless the municipality grants statewide jurisdiction to its officers.

H.3678 BENCH WARRANTS Rep. Hart

This bill provides that a judge may not issue a bench warrant for failure to appear unless the solicitor files an affidavit with the court to confirm that written notice of his intent to seek a bench warrant for failure to appear has been given to the defendant, his attorney, and the bond surety company. The bill requires the court to hold a rule to show cause hearing before issuing the bench warrant.

H.3679 ADULT BUSINESSES Rep. Talley

This bill establishes a method for regulating certain adult businesses and provides criminal penalties for violations.

H.3680 VOTER REGISTRATION DEADLINES Rep. Mack

Relating to the closing of voter registration books and absentee voter registration forms, this bill reduces from 30 days to 21 days before the election the deadline for voter registration.

H.3681 POLL MANAGERS AND ASSISTANTS Rep. Mack

Relating to poll managers and assistants, this bill deletes the requirement that one sixteen- or seventeen-year-old person may be appointed to a precinct for every two regular poll managers.

H.3682 VOTER EDUCATION PROGRAMS Rep. Mack

This bill provides that a high school student, seventeen years of age, be furnished a voter registration form and be instructed in a classroom environment or through a method approved by the local school district to be apprised of the importance of voting. The bill allows a student to opt out of the process. The bill also requires that a high school registrant be mailed a voter registration card before the first election in which he is eligible to vote. The bill further provides that a citizen otherwise ineligible to vote who is released from incarceration receive a registration form with a letter explaining that his voting rights have been restored and that he is eligible to register and vote.

H.3683 EARLY VOTING CENTERS Rep. Mack

This bill provides that the authority charged by law conducting an election may establish early voting centers to allow a registered county resident to vote outside their precinct. The bill also provides a procedure by which a qualified elector may cast a ballot during the early voting period and provides for the establishment of early voting locations.

H.3684 ELECTIONS STUDY COMMISSION Rep. Mack

This bill creates the Elections Study Commission. The bill also provides for its duties and responsibilities, and membership. The bill requires the commission to make a report to the Governor and the General Assembly within 90 days of each general election containing recommendations to improve citizen-informed participation in the electoral process.

**H.3685 SHORT STATE BALLOTS AND SHORT COUNTY BALLOTS
Rep. Mack**

This bill provides for the establishment of a "short state ballot" and a "short county ballot" to allow an elector to vote for candidates in any precinct in the state or in the county in which he resides.

LABOR, COMMERCE AND INDUSTRY

**H.3665 REQUIRED LIABILITY OR CASUALTY INSURANCE COVERAGE
DISCLOSURES Rep. Whipper**

This bill requires liability or casualty insurance coverage disclosures to claimants or their authorized representatives if the request is made in writing. The legislation provides for procedures required for these disclosures.

**H.3674 "SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND
PROTECTION ACT" Rep. Cato**

This bill enacts the "South Carolina Health Care Financial Recovery and Protection Act." The legislation establishes procedures for a health insurer to pay or reimburse a provider for health care services furnished, including, among other things: timeframes within which a claim for services rendered, which has not material defect or impropriety, must be paid by an insurer; conditions which constitute a contested claim; interest rates and other fees that may be recovered for claims not paid or properly disputed within the timeframes provided; the applicability of unfair trade practices; timeframes within which an insurer seeking a refund of a payment made for health care services rendered must request the refund; and, provisions limiting the number of services and supplies requiring preauthorization by an insurer.

**H.3675 "SOUTH CAROLINA COASTAL CAPTIVE INSURANCE ACT OF
2007" Rep. Miller**

This bill enacts the "South Carolina Coastal Captive Insurance Act of 2007", to provide for the manner in which a South Carolina Coastal Captive Insurance Company may be formed, licensed, and regulated. The legislation defines and limits the types of risk a South Carolina Coastal Captive Insurance Company may underwrite and establishes minimum capitalization requirements for such companies. The legislation permits the Director of the Department of Insurance to set additional discretionary capitalization requirements necessary to protect the public. The bill provides for certain required disclosures to consumers in all applications for insurance and policies.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.95 MOBILE DENTAL FACILITIES Sen. Cleary

Relating to mobile dental facilities, this bill provides that a registrant must keep records at a central office location or at the portable dental operation. The bill also provides that in the instance of a fee for service patient, the registrant must provide the patient with a description of the fees associated with the treatment.

WAYS AND MEANS

S.121 LOTTERY TICKETS SALES PERMITTED ON ELECTION DAYS

Sen. Malloy

This bill revises the Education Lottery Act so as to permit the sale of lottery tickets on general or primary election days.

S.451 ATHLETIC FACILITIES REVENUE BONDS Sen. Courson

This bill revises provisions for athletic facilities revenue bonds for Clemson University and for the University of South Carolina so as to raise the outstanding debt limit for these bonds to two hundred million dollars.

H.3648 MOTOR FUELS USER FEES Rep. Skelton

This bill authorizes the governing body of a county by ordinance to impose a local motor fuels user fee not to exceed one cent a gallon. Revenues from the local user fee are to be deposited in a separate account and expended on the authority of the governing body of the county and municipalities in the county solely for the purpose of road construction, road improvements, and road maintenance. The legislation revises the motor fuels user fee and the road tax on motor carriers, so as to increase this fee and tax from sixteen cents a gallon to twenty-one cents a gallon and provides that the additional revenue of the five cent increase must be used for road maintenance. The legislation adjusts prospectively the rate of this fee and tax based on increases in the Consumer Price Index. The legislation revises the special state income tax rate on active trade or business income of a pass-through entity, so as to phase in an additional decrease in this special rate to four percent.

H.3649 "ENERGY FREEDOM AND RURAL DEVELOPMENT ACT"

Rep. Witherspoon

This bill enacts the "Energy Freedom and Rural Development Act." The legislation allows a sales tax rebate for the purchase of certain fuel efficient vehicles and equipment used to convert a hybrid vehicle into a hybrid plug-in vehicle. The legislation allows an income tax credit for the purchase or lease of a plug-in hybrid vehicle. The legislation allows an incentive payment for alternative fuel purchases. The bill establishes the South Carolina Renewable Energy Infrastructure Development Fund. The legislation allows an income tax credit for qualified expenditures for research and development of feedstocks and processes for cellulosic ethanol and for algae-derived biodiesel. The bill revises tax credits for solar energy heating and cooling systems, so as to allow a tax credit equal to three thousand five hundred dollars for each building that is installed with

a solar energy system. The legislation revises tax credits for an ethanol and biodiesel facility, so as to allow a tax credit for a corn-based ethanol and soy-based biodiesel facility and a noncorn ethanol and nonsoy oil biodiesel facility. The legislation limits to one million dollars the tax credit for the cost of purchasing and installing property to distribute and dispense renewable fuels. The legislation revises provisions relating to tax credits for the cost of methane gas use, so as to allow a tax credit for the cost of equipment to create a form of energy from a biomass resource and to limit the credit to one million dollars.

H.3659 REVENUE FROM THE EXCISE TAX ON ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION Rep. Kirsh

This bill revises provisions relating to the excise tax on alcoholic liquors for on-premises consumption, so as to require that a state agency or local entity that does not receive the same amount of revenue from the excise tax as it did from the minibottle tax in fiscal year 2004-2005 is to receive the difference from the general fund within thirty days after the close of each quarter in a calendar year.

H.3666 "SOUTH CAROLINA RURAL INFRASTRUCTURE ACT" Rep. Clyburn

This bill enacts the "South Carolina Rural Infrastructure Act." The legislation establishes the South Carolina Rural Infrastructure Authority and provides for its governance, powers, and duties. The authority is authorized to provide loans and other financial assistance to a municipality, county, special purpose or public service district, and a public works commission to finance rural infrastructure facilities. The legislation allows state appropriations, grants, loan repayments, and other available amounts to be credited to the fund of the authority and authorizes lending to and borrowing by eligible entities through the authority.

H.3668 SICK LEAVE OF PUBLIC SCHOOL REEMPLOYED RETIREES
Rep. Gullick

This bill revises provisions relating to sick leave for full-time public school employees, so as to provide that such employees who are reemployed retirees of the South Carolina Retirement System accrue and carry forward sick leave at the same rate and in the same manner as any other person employed by the district in a position requiring certification. The legislation provides that a district may not make a lump sum payment for unused sick leave accrued by these employees.

H.3669 INDIVIDUAL INCOME TAX RATE REDUCTIONS DURING REVENUE SURPLUS Rep. Mulvaney

This bill reduces permanently by fifty basis points the marginal rates of the South Carolina Individual Income Tax following fiscal years in which general fund revenues exceeds by more than two hundred fifty million dollars the general fund revenue estimate for the fiscal year.

H.3670 REPEAL OF CORPORATE INCOME TAX PROVISIONS Rep. Mulvaney

This bill repeals provisions establishing a five percent corporate income tax and corporate income taxes for certain organizations and cooperatives exempt under federal tax provisions.

H.3671 REPEAL OF CORPORATE LICENSE TAX Rep. Mulvaney

This bill repeals provisions for the imposition and administration of the corporate license tax.

**H.3672 SENIOR CITIZENS EXEMPTED FROM STATE INCOME TAX
Rep. Mulvaney**

This bill exempts from state income tax the taxable income of a resident individual who has attained the age of sixty-five. The legislation allows a married individual who is eligible for the exemption and filing a joint federal tax return with a spouse who has not attained the age of sixty-five to apply the exemption to all taxable income reported on the joint return. The bill eliminates the existing income tax deduction for individuals sixty-five and older.

**H.3673 CIGARETTE LICENSE TAX INCREASE FOR ELIMINATION OF
SALES
TAX ON GROCERIES Rep. E.H. Pitts**

This bill imposes an additional license tax on each cigarette subject to the license tax on cigarettes in an amount equal to 3.25 cents on each cigarette and establishes the Groceries' Sales Tax Relief Fund to receive the revenue of this tax. The legislation provides for the use of this fund for the elimination of the State Sales and Use Tax on the gross proceeds of the sale or sales price of unprepared food. The legislation exempts from the State Sales and Use Tax the gross proceeds of the sale or sales price of unprepared food.

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