



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.3161, a bill revising provisions for **SCHOOL BUSES**:

- With certain exceptions, this bill provides that a student may not ride continuously on a school bus for more than 90 minutes.
- The State Department of Education (SDE) is required to annually review bus routes to ensure efficiency and that buses are only operated on safe roads.
- Only a person who has been certified by the SDE may drive a public school bus.
- The bill also requires drivers of vehicles using certain traffic control devices to receive training.
- The bill provides for parental responsibility at bus stops.
- With regard to seating spaces on buses, this bill provides that the number of students assigned to a school bus must not be greater than the manufacturer certified seating capacity; the bill does provide for limited exceptions.
- All publicly owned school buses must be inspected annually in compliance with the SDE annual school bus program. Certain privately owned buses must be inspected annually in compliance with applicable federal inspection requirements.
- All school buses are subject to inspection by the State Transport Police. A school bus may not continue to operate if the annual inspection is more than twelve months old. School buses may not operate until any unsafe conditions disclosed by the inspection are corrected.
- The State may assume the obligation of transporting students living within 1½ miles of their schools and within .5 miles of home where hazardous traffic conditions are involved provided funds are appropriated annually by the General Assembly for this purpose. In these cases, the local school district must apply in writing to SDE for the State to assume the financial responsibility for this transportation from funds appropriated annually by the General Assembly for this purpose. If funds are not appropriated annually by the General Assembly, then neither the State nor a local school district is required to assume this obligation. The bill lists some factors considered pertinent to determining hazardous traffic conditions.
  - The bill references and defines the term unescorted student. School transportation for eligible unescorted students in Child Development through second grade provided funds are appropriated annually by the General Assembly for this purpose. Services will be provided to and from their residence to school. Eligible unescorted students in the third through fifth grades will be provided school transportation services to and

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from school to within two tenths of a mile provided funds are appropriated by the General Assembly for this purpose. If funds are not appropriated by the General Assembly, then neither the State nor a local school district is required to assume this obligation.

- The SDE is required to implement a school bus replacement cycle to replace approximately one-fifteenth of the fleet each year; this would require the purchase of 373 buses annually.
- A grant program is established to fund transportation of students to alternate public schools (magnet schools, Montessori schools, etc.). School districts having alternative public schools may apply for grant funds to pay for the additional cost of transporting students to these schools. Accomplished with funds appropriated by the General Assembly.
- SDE, when feasible, shall utilize biodiesel fuel.
- The legislation also provides state-owned school buses must be parked overnight and during the school day in a location that is central to the area in which the school buses are operated. The SDE may grant waivers.

The House approved and sent to the Senate **H.3355**, relating to **PREREQUISITES FOR THE PERFORMANCE OF AN ABORTION**. This bill requires that the physician who is to perform the abortion must verify the probable gestational age of the embryo or fetus by using an obstetric ultrasound. The images used to verify the probable gestational age must be reviewed with the woman seeking the abortion, and the woman seeking the abortion must certify in writing before the abortion is performed that she has reviewed the ultrasound images.

The House approved **S.529** and enrolled the joint resolution for ratification. This joint resolution provides an **EXTENSION FOR THE EMINENT DOMAIN STUDY COMMITTEE** that allows the committee to submit its report by April 17, 2007.

The House concurred in Senate amendments on **H.3226**, pertaining to **ETHICS ACT REVISIONS**, and enrolled the bill for ratification. The bill establishes two additional circumstances under the act's prohibitions against removing a public official: (1) The bill provides that a state, county, or municipal public official, public member, or public employee, including a person serving on an agency, unit, or subunit of a governmental entity shall not be required to resign or otherwise vacate his seat or position due to a conflict of interest as long as notice of the possible conflict of interest is given and he complies with the recusal requirements established under provisions prohibiting the use of an official position for financial gain; A governmental entity includes, but is not limited to, a planning board or zoning commission; (2) The legislation provides that a governmental entity shall not prohibit a state, county, or municipal public official, public member, or public employee, including a person serving on an agency, unit, or subunit of a governmental entity from service in office or employment based solely on race, color, national origin, religion, sex, disability, or occupation. The legislation also revises the prohibitions on local government public officials, public members, or public

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employees representing knowingly representing a person before an local government agency, unit, or subunit of for which he has official responsibility by eliminating from the prohibition an individual with whom the local government public official, public member, or public employee is associated, or a business with which the local government public official, public member, or public employee is associated.

The House did not concur in Senate amendments to **H.3097**, a bill establishing the **SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM**. The Senate subsequently insisted upon its amendments and appointed members to a conference committee to address the bodies' differences on the legislation.

The House amended, approved, and sent to the Senate **H.3159**. This bill provides that each municipality, county, or other political subdivision of this State including, but not limited to, school boards are authorized to post the **FOUNDATIONS OF AMERICAN LAW AND GOVERNMENT DISPLAY** in a visible, public location in the public buildings of this State and its political subdivisions. The Foundations of American Law and Government display must include:

- The Ten Commandments as extracted from Exodus Chapter 20;
- The Magna Carta;
- The Mayflower Compact, 1620;
- The Declaration of Independence;
- The Preamble to the United States Constitution;
- The Bill of Rights of the United States Constitution;
- "The Star-Spangled Banner" by Francis Scott Key;
- The Pledge of Allegiance;
- The Pledge to the South Carolina Flag;
- The Preamble to the South Carolina Constitution;
- The national motto "In God We Trust"; and
- Martin Luther King, Jr.'s "I Have a Dream" speech.

All documents which are included in a Foundations of American Law and Government display must be posted on paper not less than eleven by fourteen inches in dimension and must be framed in identically-styled frames. One document may not be displayed more prominently than another. State funding may not be used for a Foundations of American Law and Government display.

The House amended, approved and Sent to the Senate **H.3476**, 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.

The House gave third reading approval to **H.3620**, the Fiscal Year 2007-2008 **GENERAL APPROPRIATIONS ACT**, and **H.3621**, a joint resolution providing for **CAPITAL RESERVE FUND APPROPRIATIONS**, and sent this legislation to the Senate.

The House amended, approved, and sent to the Senate **H.3699**, a bill establishing a **MORATORIUM ON THE PLACEMENT OF ADDITIONAL MONUMENTS ON THE STATE HOUSE GROUNDS OR IN THE STATE HOUSE**. The chambers of the Senate and the House of Representatives are exempt from this moratorium. A majority vote of the membership of the State House Committee is required to lift the moratorium. If the moratorium is lifted, the State House Committee may approve the placement of a new monument if the monument represents enduring significant historical contributions, achievements, or accomplishments of a South Carolinian or a milestone in the State's history. To approve the placement of a new monument: (1) a majority of the State House Committee must vote to review proposals for the placement of a new monument. To be considered, a proposal must include:

(a) a detailed, written statement explaining the enduring historical significance of the proposed monument, including how the monument will represent the contributions, achievements, and accomplishments of a South Carolinian or a milestone in the State's history;

(b) an artist's rendering, scale model, or stamped architectural rendering of the proposed monument; and

(c) a detailed statement of the funding for the proposed monument and its installation;

(2) two-thirds of the State House Committee must vote in favor of recommending placement of the monument to the General Assembly; and

(3) the General Assembly must adopt the proposal by Concurrent Resolution calling for the placement of the new monument.

The House approved and sent to the Senate **H.3749**, a bill pertaining to a **JOB DEVELOPMENT CREDIT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK**.

This bill provides for the circumstances under which a taxpayer who qualifies for the job development credit and who is located in a multi-county business or industrial park is allowed to receive a credit equal to the amount designated to the county with the lowest development status of the counties containing the park.

The House amended, approved, and sent to the Senate **H.3379**, which provides **LIFE AND PALMETTO FELLOWS ELIGIBILITY FOR SOUTH CAROLINA RESIDENTS ATTENDING OUT-OF-STATE HIGH SCHOOLS**. 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 House approved and sent to the Senate **H.3285**, a bill authorizing a **CONVERSION CHARTER SCHOOL** that was chartered before 2006 to have a member of the school governing body who also receives pay as an employee of the same school.

The House approved and sent to the Senate **H.3465**. Relating to **COMMENCEMENT OF CIVIL ACTIONS**, this bill provides that the statute of limitations is tolled when the summons and complaint are filed with the clerk of court if actual service is accomplished within 120 days after filing. However, the court must grant an additional 120 days to complete service of process upon payment of an additional filing fee equivalent to the fee charged for the filing of a summons and complaint as set by the Supreme Court.

The House amended, approved, and sent to the Senate **H.3140**. Relating to **RESTRICTIONS ON DEFICIENCY JUDGMENTS IN CONSUMER CREDIT SALES**, this legislation corrects cross-references to the Uniform Commercial Code.

The House amended, approved, and sent to the Senate 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 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.

The House approved and sent to the Senate **H.3356**, a bill pertaining to **VIOLATIONS OF LICENSURE AND REGULATION PROVISIONS FOR CONTRACTORS**. This bill provides that the Department of Labor, Licensing, and Regulation may not assess costs of investigation and prosecution of a case against a person found in violation of the provisions for the licensure and regulation of contractors. The legislation revises the prohibition against engaging in construction in a name other than the exact name that appears on a contractor's license and prohibiting enforcement of a contract if it is entered into in a name other than the one that appears on the license, so as to also prohibit engaging in construction under a license number other than that which appears on the license and to provide that a construction contract may not be enforced if the contract does not contain the license number that appears on the license.

The House approved and sent to the Senate **H.3748**, a joint resolution to extend until April 15 for the year 2007, only, the **SEASON FOR COMMERCIAL FISHING FOR SHAD FOR THE SANTEE RIVER** below Wilson Dam including the Rediversion Canal below St. Stephen Dam, North Santee River and Bay, South Santee River, and all tributaries and distributaries to them.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee met on Wednesday, March 21, 2007.

**H.3258**, pertaining to **HUNTING REVISIONS IN GAME ZONE 1**, received a favorable with amendment recommendation from the full committee. This bill revises the open season for taking antlered deer in Game Zone 1 as well as the equipment that may be used during certain periods. The bill also revises the open season for hunting and taking bear in Game Zone 1 as well as the equipment that may be used during certain periods. The bill further provides for certain lawful and unlawful activities in regards to bear hunting.

**H.3543**, relating to the **REINSTATEMENT OF A LICENSE ISSUED BY THE ENVIRONMENTAL CERTIFICATION BOARD**, received a favorable report. This bill changes the period in which a licensee may file an application to reinstate a lapsed license from 90 days to 365 days. The bill also requires that an applicant seeking reinstatement of a lapsed license meet certain continuing education requirements

The following bills were reported out of the committee favorable with amendment; however, as of March 26, 2007, the amendments were not available:

- **H.3373**, relating to **PERMITS ISSUED BY DHEC TO INSTALL INDIVIDUAL WASTE TREATMENT AND DISPOSAL SYSTEMS**
- **H.3292**, pertaining to **REGISTRATION OF UNDERGROUND STORAGE TANKS AND RELATED ENVIRONMENTAL IMPACT FEE**
- **H.3466**, enacting the "**PUBLIC WATERS NUISANCE ABATEMENT ACT**"

### EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Wednesday, March 21, 2007, and reported out one bill.

**H.3124**, which provides for **SOUTH CAROLINA PUBLIC SCHOOL CHOICE PROGRAMS**, received a favorable with amendment report. Highlights of the legislation include:

#### **Requirements For School Year 2007-08**

The State Department of Education (the Department) establishes the Office of School Choice and Innovation (the Office) to provide districts with public school choice and open enrollment program information and assistance. The Office will: (1) conduct a statewide inventory on district growth projections, choice programs available, and choice options parents would like to have; (2) establish and assist district choice and open enrollment pilot programs where district participation is voluntary; and (3) provide information and recommendations to districts regarding problems experienced in pilot programs and the costs of implementation.

Each district convenes a School Choice Committee to develop an action plan.

The State Board develops guidelines listing factors to be used in determining school capacity. In developing the guidelines, a task force will be established with membership to include, but not be limited to, school board members, superintendents, principals, parents, and business and community leaders. The membership of the task force shall reflect urban and rural areas of the State.

#### **Requirements For School Year 2008-09**

Districts begin implementing school choice plans, providing at a minimum a choice option for elementary, middle, and high school students.

The School Choice Committee and district develop plans to implement an Open Enrollment Choice Program.

The Department reports to the General Assembly by January 1, 2009, regarding findings from pilot programs.

#### **Requirements For School Year 2009-10**

A parent may enroll his child in a public school in any district without paying tuition, and all districts must participate.

Assignment of students is based on capacity of receiving school. The receiving district shall: (1) notify resident district of receipt of application; (2) take action by the last day of February of the school year preceding enrollment to approve or deny an application; and (3) notify the parent and the resident district within five days after board action, with a written explanation if the application is denied. Students residing in a school attendance zone may not be displaced by a student outside the attendance zone.

School districts are not required to: (1) accept students outside of the district in excess of 3% of district's highest average daily membership in any year over the preceding ten year period; (2) alter the structure of a requested school; (3) establish and offer in a school a program not currently offered; or (4) alter or waive eligibility criteria for a program.

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School boards will adopt policies for capacity standards, standards of approval, and priorities of acceptance. Standards for capacity may not be set less than 75% of those established in State Board regulations. Applications must be considered in order received, but for assignment of students priority must be: (1) students residing in district who desire to attend a school outside their attendance zone; (2) returning students; (3) students who seek to attend the designated school in the district's feeder pattern; (4) siblings of students already enrolled in the school; and (5) students whose parents or guardian is employed by the school.

Receiving districts may deny students only if: (1) there is lack of capacity in district, school, or program requested; (2) the school requested cannot meet the special needs of a student; (3) student does not meet eligibility criteria for participation in a particular program; (4) denial is necessary to comply with a desegregation plan; or (5) the student is expelled or in the process of being expelled.

Sending districts may deny resident students a transfer only if the transfer would violate a desegregation plan. Denials by receiving district are subject to appeal to the State Board of Education.

Districts must annually submit capacity figures for all district schools to the Department and must post these figures, current enrollment, and school's current percentage of capacity on district and school websites. A student enrolled in a nonresident district may remain without reapplying until completion of the final grade within that school.

Receiving districts may terminate enrollment of nonresident students for habitual truancy, attendance policy violation, violations of student conduct code, or by mutual agreement between board of receiving and resident district and parents.

Parents are responsible for transportation, but parents with family income of 185% or less of federal poverty guidelines are eligible for transportation services provided by the district or for transportation reimbursement paid to the parent by the district (district would be reimbursed by the Department).

Districts receive 100% of base student cost for nonresident students.

Students enrolled in a receiving district are ineligible for interscholastic athletics participation for one calendar year after enrollment or, if student makes subsequent transfers, for one calendar year from date of each transfer. This restriction does not apply to a student's initial transfer, if student's district of residence does not offer the sport in which the student wishes to participate.

Department must annually survey districts to determine the number of students participating in the program and report to the General Assembly. Each year of implementation of the program is contingent upon appropriation of adequate State funding.

## JUDICIARY

The full Judiciary Committee met on Tuesday, March 21, 2007.

[H.3463](#), pertaining to the **JUDICIAL MERIT SELECTION COMMISSION**, received a favorable report. This bill changes the Judicial Merit Selection Commission's process for nominating judicial candidates from the nomination of three candidates to the release of a list of all qualified and fit candidates to the General Assembly. The bill deletes the requirement that the commission consider race, gender, national origin, and other demographic factors. This bill provides that a member of the General Assembly or member of his immediate family may not file for a judicial office while the member is serving in the General Assembly. The bill defines the term "immediate family member" as an individual who is: (1) a child residing in the person's household; (2) a spouse of the person; or (3) claimed by the person or the person's spouse as a dependent for income tax purposes.

The full committee gave a favorable with amendment recommendation to [H.3019](#), a bill relating to the **DEFINITION OF THE TERM 'PERSON' FOR PURPOSES OF A CIVIL CAUSE OF ACTION**. For purposes of a civil cause of action, this bill provides that the term "person" includes an unborn child. The term "unborn child" means a child in utero with certain exceptions.

[H.3159](#) received a favorable with amendment report. This bill provides that each municipality, county, or other political subdivision of this State including, but not limited to, school boards are authorized to post the **FOUNDATIONS OF AMERICAN LAW AND GOVERNMENT DISPLAY** in a visible, public location in the public buildings of this State and its political subdivisions. The Foundations of American Law and Government display must include:

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- The national motto 'In God We Trust'; and
- Martin Luther King, Jr.'s 'I Have a Dream' speech.

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[H.3465](#) received a favorable with amendment report. Relating to **COMMENCEMENT OF CIVIL ACTIONS**, this bill provides that the statute of limitations is tolled when the summons and complaint are filed with the clerk of court if actual service is accomplished within 120 days after filing. However, the court must grant an additional 120 days to

complete service of process upon payment of an additional filing fee equivalent to the fee charged for the filing of a summons and complaint as set by the Supreme Court.

The full committee gave a favorable recommendation to **H.3427**. Under this bill, **COMMON LAW MARRIAGE** in the State may not be recognized on and after January 1, 2008; an exception is provided for common law marriages existing as of December 31, 2007. The bill also repeals a code section relating to the validity of a marriage contracted without the issuance of a license.

The full committee adjourned debate on **H.3134**, a bill pertaining to **GRANDPARENT VISITATION**.

**H.3525**, pertaining to **SPECIAL ROUTE-RESTRICTED DRIVER'S LICENSES**, received a favorable with amendment report; however, as of March 26, 2007, the amendment is not available.

**H.3140** received a favorable with amendment recommendation. Relating to **RESTRICTIONS ON DEFICIENCY JUDGMENTS IN CONSUMER CREDIT SALES**, this legislation corrects cross-references to the Uniform Commercial Code.

The full committee gave a favorable with amendment recommendation to **H.3033**. This bill provides for a **DOCUMENT OF RESCISSION TO CORRECT AN ERRONEOUS RECORDING OF A SATISFACTION OF A MORTGAGE OR OTHER LIEN AFFECTING REAL PROPERTY**. The term 'document of rescission' means a document stating that an identified satisfaction or affidavit of satisfaction of a mortgage or other lien affecting real property was recorded erroneously or that a mortgage or other lien affecting real property was satisfied of record erroneously, the secured obligation remains unsatisfied, and the mortgage or other lien affecting real property remains in force. The legislation provides protection for a priority creditor who records after the erroneous recording, and it establishes a civil cause of action for a person injured by a wrongful recording of a document of rescission. The bill includes a model form for a document of rescission and authorizes the collection of a filing fee.

The following were recommitted to their respective subcommittees:

- **H.3633**, a joint resolution pertaining to the **EMINENT DOMAIN STUDY COMMITTEE** (Constitutional Laws Subcommittee)
- **H.3111**, a joint resolution providing for **FOUR-YEAR TERMS FOR MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES** (Constitutional Laws Subcommittee)
- **H.3142**, a bill pertaining to election dates with regards to the implementation of **FOUR-YEAR TERMS FOR MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES** (Election Laws Subcommittee)
- **H.3147**, a bill providing for a **PILOT PROGRAM TO TEST VOTE CENTERS** (Election Laws Subcommittee)
- **H.3346**, a bill allowing for **ACCESS TO CEMETERIES ON PRIVATE PROPERTY** (Special Laws Subcommittee)



## **LABOR, COMMERCE AND INDUSTRY**

The full House Labor, Commerce and Industry Committee met on Tuesday, March 20, and reported out two bills.

The committee gave a report of favorable with amendment on **H.3516**, a bill requiring a **CRIMINAL RECORD CHECK AND COMPETENCY REVIEW FOR LICENSURE AS A REAL ESTATE BROKER, SALESPERSON, OR PROPERTY MANAGER**. This bill revises the requirements for licensure as a real estate broker, salesperson, or property manager, so as to also require an applicant to provide and pay for criminal record reports and satisfy the Real Estate Commission that he possesses the competency, honesty, truthfulness, integrity, and general moral character necessary to protect the public interest and promote public confidence in the real estate brokerage business. The Real Estate Commission shall issue a license if: (a) the applicant completes all requirements, including but not limited to, education requirements; (b) the commission finds that the results of any required competency examination and investigation of the applicant's moral character are satisfactory; and (c) the applicant pays the fee for licensure. If the applicant has an unsatisfactory examination or investigation, the commission must notify the applicant in writing. The applicant has sixty days from the date of notification to respond to the commission.

The committee submitted a favorable report on **H.3356**, a bill pertaining to **VIOLATIONS OF LICENSURE AND REGULATION PROVISIONS FOR CONTRACTORS**. This bill provides that the Department of Labor, Licensing, and Regulation may not assess costs of investigation and prosecution of a case against a person found in violation of the provisions for the licensure and regulation of contractors. The legislation revises the prohibition against engaging in construction in a name other than the exact name that appears on a contractor's license and prohibiting enforcement of a contract if it is entered into in a name other than the one that appears on the license, so as to also prohibit engaging in construction under a license number other than that which appears on the license and to provide that a construction contract may not be enforced if the contract does not contain the license number that appears on the license.

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

The full committee did not meet this week.

## **WAYS AND MEANS**

The full committee did not meet this week.

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

## EDUCATION AND PUBLIC WORKS

### **H.3728 UNIFORM GRADING SCALE Rep. Funderburk**

Beginning with the 2007-2008 school year, this bill provides that dual credit courses must receive the same weightings on the uniform grading scale as honor courses.

### **H.3767 EDUCATIONAL TELEVISION COMMISSION Rep. Harvin**

This bill provides that on July 1, 2007, the duties, functions, assets, liabilities, and personnel of the South Carolina Educational Television Commission are transferred to the State Department of Education to operate as a separate division of the department. The bill further provides that on July 1, 2007, the members of the Educational Television Commission shall act as an advisory board of the department.

## JUDICIARY

### **H.3738 HATE CRIMES Rep. Whipper**

This bill provides penalties for a person convicted of a crime with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, or sexual orientation. This bill also revises the penalties for malicious injury to real property offenses so as to provide additional penalties for persons who maliciously injure personal or real property of another person with the intent to assault, intimidate, or threaten that person.

### **H.3740 CORONERS Rep. Rutherford**

Among other things, this bill revises the manner in which vacancy in the office of the coroner is filled. The bill authorizes coroners to appoint investigators as well as deputies. The bill requires coroners or medical examiners to immediately request an autopsy if a child's death is unattended, and the autopsy must be performed as soon as possible by a pathologist with forensic training. Relating to the duties of the State Child Fatality Advisory Committee, this bill provides that the committee shall meet with the coroner from the county in which the child death occurs.

### **H.3747 TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS, BEER OR WINE Rep. Gullick**

This bill allows the Department of Revenue to issue a temporary license to allow the on-premises possession, sale, and consumption of alcoholic liquors by the drink in those county areas which collect a minimum of \$450,000 dollars in one fiscal year in revenues from the state accommodations tax. Relating to temporary permits for the possession, sale, and consumption of beer or wine, this bill allows for temporary beer and wine permits under the same circumstances.

### **H.3764 INCREASED PENALTY FOR CERTAIN SCHOOL PERSONNEL WHO COMMIT CRIMINAL SEXUAL CONDUCT OFFENSES AGAINST STUDENTS Rep. Allen**

Relating to criminal sexual conduct with a minor, this bill provides an increased penalty for certain school personnel who commit these offenses against students.

### **H.3766 PREREQUISITES FOR PERFORMANCE TO ABORTION Rep. Viers**

Except in the case of a medical emergency, this bill provides that an abortion may not be performed sooner than 24 hours after the woman receives the written materials required pursuant to the Woman's Right To Know Act.

**H.3770 "SENIOR PROTECTION ACT" Rep. Ceips**

This bill creates an additional penalty for a person who commits an assault and battery offense against a person 70 years of age or older and provides that the additional penalty is mandatory and must be served consecutively.

**H.3771 PROHIBITION ON A SHERIFF, DEPUTY SHERIFF, OR SHERIFF'S CLERK FROM PRACTICING LAW Rep. Harrison**

This bill removes the prohibition on a sheriff, deputy sheriff, or sheriff's clerk from practicing law.

## **LABOR, COMMERCE AND INDUSTRY**

**S.334 EMPLOYMENT SECURITY BENEFITS FOR SPOUSE OF TRANSFERRED MILITARY PERSONNEL Sen. Leventis**

This bill provides that leaving an employer because of the transfer of a spouse from one military assignment to another does not disqualify a person from receiving employment security benefits.

**H.3751 SMALL EMPLOYER HEALTH GROUP COOPERATIVES Rep. Cato**

This bill revises provisions relating to small employer health insurance availability, so as to provide that small employers may form a cooperative for the purpose of providing health insurance to their employees. The legislation defines "health group cooperative", provides for the group size for a health group cooperative, and establishes requirements, powers, duties, and restrictions of such a cooperative. The bill requires the South Carolina Department of Insurance and Office of Research and Statistics of the Budget and Control Board to submit a report to the Governor and the General Assembly by January 1, 2010, on the effectiveness of the health group cooperative in expanding the availability of health insurance coverage for small employers.

**H.3769 ELIGIBILITY REQUIREMENTS FOR AN ENGINEER LICENSE Rep. J.H. Neal**

This bill revises eligibility requirements for obtaining a license as an engineer, so as to require that a professional engineer be certified as an engineer-in-training before being licensed. The legislation provides that an applicant will receive his professional engineer license to practice upon passing the National Council of Examiners for Engineers and Surveyors (NCEES) examination, principles, and practice. The legislation defines "NCEES examination", revises the definition of "professional engineer", and eliminates the definition of "associate professional engineer".

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

**S.518 VIDEO PRESENTATION ON THE DANGERS OF SHAKING INFANTS AND YOUNG CHILDREN AND THE IMPORTANCE OF PARENTS AND CAREGIVERS LEARNING INFANT CPR**  
**Senate Medical Affairs Committee**

This bill requires every hospital in this State to make available to the parents of each newborn baby delivered in the hospital a video presentation on the dangers of shaking infants and young children and the importance of parents and caregivers learning infant CPR. The hospital must request that the maternity patient, the father, or the primary caregiver view the video. The persons whom the hospital request to view the video shall sign a document prescribed by the Department of Health and Environmental Control (DHEC) stating that they have been offered an opportunity to view the video. DHEC shall make the video available all childcare providers and facilities at cost. The Director of DHEC shall review all submitted videos and approve acceptable videos. Further the Director of DHEC shall establish a protocol for health care providers to educate parents or primary caregivers about the dangers associated with shaking infants and young children. The Department of Social Services must make the video available to all adopting parents.

**H.3737 "DENTAL HYGIENE PRACTICE ACT" Rep. Duncan**

Among other things, this bill provides for the licensure and regulation of dental hygienists by the Department of Labor, Licensing and Regulation through the Dental Hygiene Advisory/Disciplinary Board. The stated intent of the bill is that it is necessary in the interest of public health, safety, and welfare to establish an advisory/disciplinary board and to separately regulate the practice of dental hygienists in this State and to provide consumer protection for both health and economic matters to the public through legal remedies.

**H.3739 "THE BIRTH CONTROL PROTECTION ACT" Rep. Sellers**

This bill provides that consenting individuals have the right to use safe and effective methods of contraceptive without governmental interference. The bill further provides that no governmental entity or person acting on behalf of a governmental entity may deprive consenting individuals of the right to obtain and use safe and effective contraceptives or interfere with or discriminate against, in the regulation or provision of benefits, facilities, services, or information, the right of consenting individuals to obtain and use safe and effective contraceptives.

**H.3741 PODIATRISTS Rep. Mahaffey**

Relating to definitions used in connection with the licensure and regulation of podiatrists, this bill revises the definition of the term "podiatry" to also include the diagnosis and treatment of ailments of the ankle. The bill defines the term "practice of podiatry" as a person licensed to diagnose and treat ailments of the foot and ankle.

**H.3772 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES Rep. Spires**

This bill provides that Schedule II prescriptions identical to a previously prescribed drug may not be written or dispensed earlier than 48 hours from the date the previous prescription would be exhausted; the bill provides for certain exceptions.

**H.3774 "SOUTH CAROLINA ELECTRONIC TRANSMISSION PRESCRIPTION ACT" Rep. Spires**

Among other things, this bill establishes the requirements for transmitting a prescription electronically and provides procedures for maintaining the confidentiality of information

in the electronic transmission of prescriptions. The bill also provides sanctions that may be imposed by the Board of Pharmacy for failing to maintain confidentiality. The bill prohibits a pharmacist or pharmacy from providing electronic devices to practitioners or facilities as an incentive to refer patients to that pharmacist or pharmacy.

## WAYS AND MEANS

### **S.91 “RESEARCH AND DEVELOPMENT TAX CREDIT REFORM ACT”**

**Sen. Campsen**

This bill provides an individual income tax credit equal to 5% of the taxpayer’s qualified research expenditures made in South Carolina. Corporate income taxpayers already may claim this credit against their corporate income tax liability or their license fee liability. Qualified research expenses are limited to research undertaken to discover information that is technological in nature, and its application must be intended for use in developing a new or improved business component of the taxpayer. The research must relate to new or improved function, performance, reliability, or quality.

### **H.3762 MAINTAINANCE OF SALT WATER QUALITY NEAR CHANNELS USED BY SHIPS IN INTERCOASTAL TRADE AND FOREIGN COMMERCE Rep. Herbkersman**

This bill eliminates the sales and use tax exemption currently provided for fuel, lubricants, and supplies used on ships in intercoastal trade or foreign commerce and establishes an account in the State Treasury to receive all revenues attributable to the elimination of this exemption. The legislation provides that this revenue must be distributed upon application to coastal municipalities and counties and used to maintain salt water quality in SAA waters near channels used by ships in intercoastal trade and foreign commerce.

### **H.3763 TAXATION OF WATERCRAFT Rep. Limehouse**

This bill exempts from the property tax sixty-two percent of the fair market value of a watercraft and its motor, if it is not attached to the watercraft. The legislation revises provisions for property tax on boats with tax situs in South Carolina, so as to increase the number of days a boat that is used in interstate commerce must be present in the State to be subject to the property tax from thirty days to ninety days. The legislation increases the number of days a boat that is not used in interstate commerce must be present in the State from sixty consecutive days to one hundred twenty consecutive days.

### **H.3765 TAXATION OF WATERCRAFT Rep. Edge**

This bill exempts from the property tax sixty-two percent of the fair market value of a watercraft and its motor, if it is not attached to the watercraft. The legislation revises provisions for property tax on boats with tax situs in South Carolina, so as to increase the number of days a boat that is used in interstate commerce must be present in the State to be subject to the property tax from thirty days to ninety days. The legislation increases the number of days a boat that is not used in interstate commerce must be present in the State from sixty consecutive days to one hundred twenty consecutive days.

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