



South Carolina House of Representatives

# Legislative Update

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

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Vol. 24

April 3, 2007

No. 13

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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.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. Under the legislation, 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.

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Each commissioner shall serve for a term of four 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. 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 execution of contracts by the department; (5) the department's annual budget; (6) the statewide transportation improvement program; (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; (10) all contracts relating to road construction and maintenance; and, (11) accept the Transportation Improvement Program.

### **Project Priority List**

The legislation requires the department to establish within the Statewide Transportation Improvement Program 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. 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. Projects included in the transportation improvement plan and projects submitted by the State Infrastructure Bank are excluded from modification by the Secretary of Transportation or the Department of Transportation Commissioners.

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.

At the end of each month, the Department of Transportation must submit an itemized and complete report of all revenues spent and for what purpose to the State Treasurer, the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Funds for the next month's expenditures must not be released to the department until the report is received by all the required recipients.

The department is required to conduct an annual review all real property titled to it and make a determination as to whether the property is in excess of the department's needs. Upon approval of the Engineering Administrator and the District Commissioner, properties determined to be in excess of the department's needs must be disposed of at fair market value

**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

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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.

The House amended and gave second reading approval to **H.3124**, a bill providing for **SOUTH CAROLINA PUBLIC SCHOOL CHOICE PROGRAMS**. 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. Only permanent building structures are, however, allowed in the calculation of capacity. 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 parent 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.

The House committed **H.3175**, a bill establishing the **SOUTH CAROLINA CHILD DEVELOPMENT EDUCATION PROGRAM (CDEP)** to provide four-year-old kindergarten programs for at-risk children, to the Ways and Means Committee.

The Governor returned H.3226, a bill providing for **ETHICS ACT REVISIONS**, to the House with his veto.

The House appointed members to a conference committee to address differences with the Senate over H.3097, a bill establishing the **SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM**.

The House amended, approved, and sent to the Senate 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. The bill provides that a person who erroneously or wrongfully records a document of rescission is liable to a person injured by the recording for a sum of money not exceeding one-half of the original face amount of the debt secured by the mortgage or twenty-five thousand dollars, whichever is less, plus actual damages, costs, and attorney's fees. The bill includes a model form for a document of rescission and authorizes the collection of a filing fee.

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

The House approved and sent to the Senate H.3795, a joint resolution directing the South Carolina Commission of Archives and History to establish the **SOUTH CAROLINA AFRICAN-AMERICAN HERITAGE COMMISSION** to assist and enhance the efforts of the department to preserve and promote historic buildings, structures, and sites reflecting the State's African-American heritage.

The House amended, approved, and sent to the Senate 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 House amended, approved, and sent to the Senate **H.3525**, pertaining to **SPECIAL ROUTE-RESTRICTED DRIVER'S LICENSES**. This bill provides that a person whose driver's license has been suspended for failure to comply with an order for child support may obtain a special route-restricted driver's license from the Department of Motor Vehicles. The special route-restricted driver's license allows the person to operate a motor vehicle only as transportation between his home and work, or as a part of his work duties, or as transportation to a college, university, technical college, or any other institution of higher learning in which he is enrolled.

The House amended, approved, and sent to the Senate **H.3373**, relating to **PERMITS ISSUED BY DHEC TO INSTALL INDIVIDUAL WASTE TREATMENT AND DISPOSAL SYSTEMS**. After the Department of Health and Environmental Control (DHEC) has conducted soil suitability testing and has issued a permit for the installation of an individual waste treatment and disposal system, this bill provides that DHEC is only required to conduct random final inspections on ten percent of these installed systems. Penalties are provided for those out of compliance. The bill also requires DHEC to promulgate regulations for the licensure of persons who contract or advertise to offer to provider services for the installation, repair, modification, or final inspection and approval of on-site wastewater treatment disposal systems.

The House approved and sent to the Senate **H.3543**, relating to the **REINSTATEMENT OF A LICENSE ISSUED BY THE ENVIRONMENTAL CERTIFICATION BOARD**. 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 House amended, approved, and sent to the Senate **H.3258**, pertaining to **HUNTING REVISIONS IN GAME ZONE 1**. 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 with regard to bear hunting.

## **HOUSE COMMITTEE ACTION**

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

The House Agriculture, Natural Resources, and Environmental Affairs Committee met on Wednesday, March 28, 2007, and gave consideration to one bill.

**H.3545**, which makes **REVISIONS TO THE ATLANTIC INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT IMPLEMENTATION ACT (BARNWELL LEGISLATION)**, did not receive a favorable recommendation from the full committee.

The following bills were reported out of the committee favorable with amendment; on Wednesday, March 21, 2007; however, the amendments were not available in time to be included in last week's Legislative Update:

- **H.3373**, relating to **PERMITS ISSUED BY DHEC TO INSTALL INDIVIDUAL WASTE TREATMENT AND DISPOSAL SYSTEMS**

After the Department of Health and Environmental Control (DHEC) has conducted soil suitability testing and has issued a permit for the installation of an individual waste treatment and disposal system, this bill provides that DHEC is only required to conduct random final inspections on ten percent of these installed systems. Penalties are provided for those out of compliance. The bill also requires DHEC to promulgate regulations for the licensure of persons who contract or advertise to offer to provide services for the installation, repair, modification, or final inspection and approval of on-site wastewater treatment disposal systems.

- **H.3292**, pertaining to **REGISTRATION OF UNDERGROUND STORAGE TANKS AND RELATED ENVIRONMENTAL IMPACT FEE**

This bill increases the registration fee from \$100 dollars to \$135 dollars. This bill provides that the amount of registration and late fee revenue used for administration may not exceed the total amount collected from funds received by federal grant, interest, registration, and late penalty fees. Current law provides that the amount used for administration may not exceed three million a year. Additionally, the bill increases the environmental impact fee from one-half cent a gallon to one cent a gallon.

- **H.3466**, enacting the "**PUBLIC WATERS NUISANCE ABATEMENT ACT**"

The stated intent of this bill is to protect the waters of the State by authorizing the removal of nuisance structures from the public waters of the State in accordance with specified procedures and timetables.

The bill allows the owners of structures to apply for a permit from the Department of Natural Resources (DNR) authorizing the owner to maintain his structure in its permitted location for five years. There is a fifty-dollar fee for the permit; permits are not allowed if the structure presents a hazard to navigation or encroaches upon private property. The permit may be revoked by DNR under certain circumstances.

An unpermitted structure is declared to be a public nuisance. Reports of unpermitted structures must be made to the Attorney General, and the Attorney General is authorized to maintain an action for removal of the structure. The bill provides that magistrate's court shall have jurisdiction over these actions. The bill also includes criminal penalties for violations.

## **EDUCATION AND PUBLIC WORKS**

The full committee did not meet this week.

## **JUDICIARY**

The full committee did not meet this week.

## **LABOR, COMMERCE AND INDUSTRY**

The full committee did not meet this week.

## **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**

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

### **H.3777 CONIFER AND HARDWOOD SEEDLINGS Rep. Witherspoon**

This bill provides that a phytosanitary certificate or a permit may be issued by an inspector for intrastate and interstate shipments of conifer and hardwood seedlings to verify that they are apparently free of pests and diseases. To ensure pest and disease-free plant material, this bill provides that the preferred method of treatment is fumigation using methyl bromide in seedling plant beds prior to seeding.

## **EDUCATION AND PUBLIC WORKS**

### **S.324 NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS CERTIFICATION Sen. McGill**

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This bill provides that teachers who are certified by the National Board for Professional Teaching Standards (NBPTS), but not yet certified by the State, shall receive an increase in pay equal to that amount provided for state-certified teachers who also are NBPTS certified.

### **H.3776 SCHOOL CRIME REVISIONS Rep. Gullick**

This bill makes comprehensive revisions with regards to school crime. Revisions include:

- Beginning with school year 2008-2009 with funds appropriated by the General Assembly for this purpose, a school resource officer shall be provided by the governing body of a municipality or county in the manner provided by law to each middle school or high school within its jurisdiction that does not have a school-resource officer assigned to it.
- This bill requires the expulsion of students for at least one year who commit certain criminal offenses
- This bill requires local school officials to report evidences of gang activity and any portion of that gang activity which school officials believe constitutes criminal conduct. The bill also provides that law enforcement officials in turn shall notify school officials of a local district when they ascertain that gangs are undertaking activities at particular schools within the district.
- Relating to immunity of school officials when reporting school related crimes, this bill extends immunity to school officials when taking action in good faith to stop or prevent school-related crimes.
- Relating to searches by school administrators or officials with or without probable cause, this bill provides that school administrators and officials may cause searches to be conducted by law enforcement officials with drug dogs and may also utilize surveillance cameras under specified conditions.
- Beginning with the 2008-2009 school year the State Department of Education, with available funds provided by the General Assembly, shall establish in conjunction with local school officials alternative schools in those districts or combination of districts where alternative schools are not yet established and for which there is a justified need.
- Beginning July 1, 2008, students who have been expelled or suspended from school also may attend alternative schools in the manner and under the conditions provided by the State Department of Education by regulation.

### **H.3780 "TRANSPORTATION PERFORMANCE AND ACCOUNTABILITY ACT OF 2007" Rep. Loftis**

This bill provides that the Department of Transportation shall implement the Traffic Congestion Reduction Program whose purpose is to minimize traffic congestion along the state's highways in order to promote economic growth within the state and contribute to the well-being and safety of the state's citizens.

## JUDICIARY

### **H.3779 CRIMINAL RECORDS Rep. Kirsh**

This bill provides that a municipal, county, or state agency may not collect a fee for the destruction of criminal records when a charge against a person is discharged, dismissed, or the person is found innocent of the charge.

### **H.3781 VOTING PRECINCTS IN RICHLAND COUNTY Rep. Harrison**

This bill revises voting precincts in Richland County and redesignates a map number for the map on which lines of these precincts are delineated and maintained by the Office of Research and Statistics of the State Budget and Control Board. The bill provides that polling places must be selected by the Richland County Election Commission upon approval of a majority of the legislative delegation.

### **H.3790 SEX OFFENDERS Rep. Kirsh**

This bill prohibits a registered sex offender from living within a one-mile radius of a school; it also provides penalties for violations.

### **H.3792 PUBLIC NOTICE WEB SITES Rep. Duncan**

This bill authorizes publication of public or legal notices or advertisements through public notice web sites. The bill establishes certain requirements and procedures that must be followed by public notice web site providers.

### **H.3798 MARRIAGE CEREMONIES Rep. G.R. Smith**

This bill authorizes the Chief of a Native American Indian entity recognized by the South Carolina Commission for Minority Affairs to perform marriage ceremonies.

### **H.3804 DUAL OFFICE HOLDING Rep. Umphlett**

The State Constitution prohibits an individual from dual office holding. This joint resolution proposes to submit to the voters at the next general election whether or not to amend the State Constitution so as to provide that the prohibition against holding two offices does not apply to commissioned law enforcement officers employed by a county and municipal police officers employed in a county in which they do not reside who hold another office.

### **H.3813 "SOUTH CAROLINA ANIMAL ECOLOGICAL TERRORISM ACT" Rep. G.R. Smith**

This bill provides civil and criminal penalties for persons encouraging, financing, assisting, or engaging in acts of animal and ecological terrorism. The bill requires the establishment of a registry of animal and ecological terrorists within the Office of the Attorney General.

### **H.3814 PENALTIES FOR CERTAIN PROSTITUTION OFFENSES Rep. Howard**

This bill provides a separate penalty scheme for solicitation of prostitution. The bill increases second or subsequent offenses for solicitation of prostitution to felony status.

### **H.3815 "RIGHT TO LIFE ACT OF SOUTH CAROLINA" Rep. Davenport**

This bill establishes that the right to life is vested in each born and preborn human being at fertilization. The bill also provides that the rights of due process and equal protection are vested in each born and preborn human person at fertilization. The bill defines "human being" and "human person" to include every member of the species homo sapiens at all stages of life, including at fertilization.

**H.3816 PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE**  
**Rep. G.M. Smith**

Relating to property exempt from attachment, levy, and sale, this bill increases the amount of debtor's interest in certain delineated properties that are exempt from attachment, levy, and sale under order of a court or as a result of a bankruptcy proceeding.

**H.3824 COMMITTEE TO STUDY THE "ORANGEBURG MASSACRE"**  
**Rep. Weeks**

This joint resolution establishes a committee to review the events of February 8, 1968, referred to as the "Orangeburg Massacre." The committee is to make a report to the General Assembly and the Governor ascertaining the actual events of that day and concerning the historical, social, and ethical ramifications of those events.

**H.3827 ELECTION DAY SALES OF ALCOHOLIC LIQUORS** Rep. G.M. Smith

This bill deletes the prohibition on the sale of alcoholic liquors on statewide election days.

## **LABOR, COMMERCE AND INDUSTRY**

**H.3799 WORKERS' COMPENSATION REVISIONS** Rep. Thompson

This bill requires the burden of proof in a workers' compensation claim to be on the employee. The legislation establishes criteria for how causation in medically complex cases must be proven, and defines an expert witness. The legislation enhances penalty for fraud. The legislation authorizes the Attorney General to hire a forensic accountant. The legislation revises provisions relating to the amount of compensation and the period of disability for certain injuries. The legislation places restrictions on the Second Injury Fund, and provides for the closure of the fund on June 30, 2012. The bill revises provisions relating to an occupational disease. The legislation revises provisions relating to medical treatment and supplies being furnished and an employee's refusal to accept treatment, so as to provide for how long an employer must continue to provide medical benefits. The legislation revises provisions relating to privileged information communicated at employee examinations, so as to provide that a physician and other health care providers, without the employee's permission, may discuss and communicate an employee's medical treatment with the representatives of the insurance carrier, the employer, the employee, their attorney, the rehabilitation professional, or the Workers' Compensation Commission. The legislation provides for the disclosure of medical and vocational information. The legislation revises provisions relating to the review of an award on change of a condition, so as to require, in occupation disease cases, that a review must not be made after twelve months from the date of the last payment of benefits.

**H.3811 REQUIRED DISCLOSURES FOR PRIVATE WATER OR SEWER**

***SERVICE PROVIDERS REVISING RATES Rep. Gullick***

This bill provides that within five days after the filing of a new or changed rate schedule for water or sewer service provided by a privately-owned public utility, the utility shall make available certain independently-audited financial statements and consolidated financial statements for public inspection.

**H.3817 UNLAWFUL PURCHASE OR TRANSPORTATION OF ALUMINUM**

**Rep. G.M. Smith**

This bill revises provisions relating to the unlawful purchase or transportation of copper wire or copper pipe, so as to also include aluminum and products containing a mixture of copper and aluminum. The legislation provides an exception for aluminum cans.

**H.3820 "OMNIBUS COASTAL PROPERTY INSURANCE REFORM ACT OF 2007" Rep. Cato**

This bill enacts the "Omnibus Coastal Property Insurance Reform Act of 2007." The legislation allows an insurance policyholder to establish a catastrophe savings account and allows a taxpayer to claim a credit against the State Income Tax for qualified deposits made into such an account. The legislation allows a taxpayer to claim a credit against the State Income Tax for costs incurred to retrofit a legal residence to make it more resistant to loss due to hurricane, rising water, or other catastrophic wind event. The legislation allows a taxpayer to claim a credit against the State Income Tax equal to the insurance premium costs incurred by the taxpayer. The legislation allows a three percent sales tax on specified building materials used on homes to mitigate damage from wind. The legislation provides that the Director of the Department of Insurance has the authority to issue general orders applicable to all insurance companies after the Governor declares a state of emergency. The legislation provides that the Department by order, may adopt any rule that facilitates recovery from the emergency. The legislation provides that the Department shall adopt rules standardizing requirements that may be applied to insurers after a hurricane, addressing claims reporting requirements, grace periods for payment of premiums, temporary postponement of cancellations and nonrenewal, and any other rule the Director considers necessary. The legislation allows tax credit incentives to insurance companies that provide full insurance coverage to property owners along the coast of South Carolina. Insurers are required to disclose all available discounts to the insured. The legislation revises and clarifies the prohibition against insurance rates being excessive, inadequate, or unfairly discriminatory. The legislation revises provisions relating to essential property insurance and rating plan factors, so as to provide discounts for retrofitting property. The legislation clarifies that the South Carolina Wind and Hail Underwriting Association shall provide wind and hail insurance for residential and commercial property to applicants unable to procure it in the coastal areas of this State. The legislation revises the powers and duties of the South Carolina Wind and Hail Underwriting Association, require the Association to charge self-sustaining rates, and provides objective standards for expanding the territory covered by the Association. The legislation revises provisions for the Advisory Committee to the Director and the South Carolina Building Codes Council and Loss Mitigation Grant Program, so as to modify the membership of the Advisory Committee and to clarify that the continued existence of the program is subject to annual legislative appropriations. The legislation establishes the "South Carolina Hurricane Grant Damage Mitigation Program" which provides for a grant program for the mitigation of damage to or the enhancement of manufactured homes. The legislation provides for matching grants to encourage single-family site-built homes to retrofit to reduce the structure's vulnerability to a hurricane. The legislation provides matching grant funds to local governments for projects that reduce hurricane damage to single-family site-built

residential property. In addition to state appropriations and other potential grant funds, the premium taxes paid by the South Carolina Wind and Hail Underwriting Association and one percent of the commissions paid to producers must be used to fund this program annually. The bill revises provisions relating to the evaluation of natural hazard catastrophe models and requirements for modeling organizations, so as to require modelers to provide the Department with a list of variables that are subject to insurer input with their filing and to provide that the Department may impose a fee on modelers and insurers to recover the costs of evaluating hurricane models. The legislation revises notice requirements before cancellation or refusal to renew a policy of insurance, so as to increase the time period for notifying an insured of the cancellation or refusal to renew a policy of insurance.

**H.3828 OFFSHORE NATURAL GAS EXPLORATION STUDY COMMITTEE  
Rep. Cato**

This joint resolution creates a study committee to examine the feasibility of natural gas exploration in the Atlantic Ocean off the coast of South Carolina. The legislation provides for its composition, appointment, powers, duties, and responsibilities, and requires the committee to make a report on its recommendations to the General Assembly before January 8, 2008, at which time it is dissolved.

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

**H.3797 LICENSURE OF HEALTH FACILITIES Rep. Chalk**

Relating to requirements for licensure of a health facility, this bill makes the licensure requirements applicable to an "in-home care service provider." The bill provides a definition for the term "in-home care service provider."

**H.3803 COSMETOLOGY Rep. Haley**

This bill deletes references to certain practices that constitute the practice of cosmetology.

## **WAYS AND MEANS**

**H.3783 ALCOHOLIC BEVERAGE MANUFACTURER'S LICENSE FEE  
Rep. Limehouse**

This bill revises biennial license taxes granted pursuant under the Alcoholic Beverage Control Act, so as to reduce the biennial fee for the manufacturer's license from fifty thousand dollars to one thousand dollars.



**H.3789 EMPLOYEES AND RETIREES INSURANCE-ACCOUNTING FOR POST-EMPLOYMENT BENEFITS** Rep. Kirsh

This bill revises provisions regarding employees and retirement insurance so as to bring the State into compliance with new federal requirements of the Governmental Accounting Standards Board for post-employment benefits. The legislation establishes the South Carolina Retiree Health Insurance Trust Fund (SCRHI trust fund) and the South Carolina Long Term Disability Insurance Trust Fund as the method of paying and accounting for retiree health insurance premiums and basic long term disability income benefit plan premiums in compliance with the new federal accounting standards.

**H.3791 INCOME TAX DEDUCTIONS ALLOWED FOR IMPACT FEES AND FEES REQUIRED FOR IMPROVEMENTS** Rep. Knight

This bill revises provisions for taxable income for purposes of the South Carolina Income Tax, so as to allow the deduction of assessments other than property taxes imposed on real property in connection with providing services or potential services for the benefit of the property owner. The legislation also allows the deduction of the charge for a permit, license, or fee required to be paid to a unit of government in connection with improvements to real property.

**H.3793 LIFE SCHOLARSHIP ALLOWED FOR CHIROPRACTIC EDUCATION**  
Rep. Davenport

This bill provides that LIFE Scholarships are allowed for attendance at an institution that offers a doctorate of chiropractic degree program, was founded in 1973, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and the Commission of Accreditation of the Council on Chiropractic Education, and is located in South Carolina.

**H.3794 BERKELEY CITIZENS, BABCOCK CENTER, CHARLES LEA CENTER,  
AND TRI DEVELOPMENT CENTER EMPLOYEE BENEFITS**  
Rep. Littlejohn

This bill allows employees of Berkeley Citizens, Babcock Center, Charles Lea Center, and Tri Development Center of Aiken County to participate the State Health and Dental Insurance Plans and the South Carolina Retirement System.

**H.3796 INCOME TAX DEDUCTION ALLOWED FOR MILITARY RETIREMENT BENEFITS** Rep. Ceips

This bill allows a deduction from individual South Carolina Income Tax for military retirement benefits attributable to service on active duty in the armed forces of the United States.

**H.3800 LIMIT ON PROPERTY TAX MILLAGE INCREASES** Rep. Gullick

This bill revises provisions for the limit on property tax millage increases, so as to provide that a reduction in population and a decline in the Consumer Price Index does not decrease the applicable limit.

**H.3801 BIENNIAL STATE GENERAL APPROPRIATIONS ACT Rep. E.H. Pitts**

This bill provides that beginning with its 2009 session, the General Assembly shall enact a biennial state general appropriations act. The legislation requires the Governor and the General Assembly, including its appropriate committees, to use a “zero-base” budget process in the preparation of the biennial state general appropriations act. The bill revises provisions for the mandatory sine die adjournment date of the General Assembly, so as to, to provide that the General Assembly in even-numbered years shall adjourn sine die not later than 5:00 p.m. on the first Thursday in May. In an odd-numbered year beginning in 2009, the date of sine die adjournment for that year is shortened by one statewide day for each statewide day before March thirty-first that the biennial state general appropriations act is given third reading by the House of Representatives.

**H.3802 REQUIRED CLEAN UP OF ABANDONED RAILROAD PROPERTY**

**Rep. G. Brown**

This bill requires a railroad company to clean up facilities, buildings, and surrounding areas of abandoned property that are unsightly or unhealthy to the public. The State Budget and Control Board is allowed to clean up those facilities, buildings, and surrounding areas and assess and collect the costs against the company as a lien.

**H.3810 SPECIAL FOUR PERCENT TAX ASSESSMENT RATIO ON OWNER-OCCUPIED RESIDENTIAL PROPERTY Rep. Hagood**

This bill provides that the owner-occupant of residential property qualifies for the special four percent property tax assessment ratio allowed owner-occupied residential property if: the owner has made the proper certificate to the county assessor and the residence is the owner’s address on the owner’s South Carolina driver’s license or voter registration card; is the address on the owner’s personal property tax notices; and, the residence is not rented for more than ninety days a year. The legislation allows the assessor to require a copy of the applicant’s Federal Income Tax Return Schedule E for the applicable year to determine eligibility.

**H.3812 MILLAGE RATE LIMITATION TO PURCHASE RESIDENTIAL DEVELOPMENT RIGHTS IN UNDEVELOPED PROPERTY NEAR MILITARY INSTALLATIONS Rep. G.M. Smith**

This bill revises provisions for the limit on property tax millage increases, so as to provide for a millage rate limitation to purchase residential development rights in undeveloped property near military installations to prevent additional residential development near those military installations.

**H.3819 DAILY OCCUPATION TAX ON THE NONOWNER OCCUPANT OF A VACATION TIME-SHARING UNIT Rep. Bowers**

This bill provides for the imposition of a five-dollar daily occupation tax on the nonowner occupant of a vacation time-sharing unit. The five-dollar daily occupation tax must be administered, reported, paid, collected, deposited, and distributed in the same manner and used for the same purposes as the accommodations tax.

**H.3825 MARSH TACKY HORSES Rep. Limehouse**

This bill requires the assessment of a fee by the Department of Agriculture for an owner of a Marsh Tacky horse to register his horse with the department for the purpose of preserving and tracking Marsh Tackys in the State. The fees collected are required to

be used to offset the department's costs of maintaining a registry. Any unused portion of the fees must be remitted to the general fund of the State.

**H.3826 PHYSICIANS IN A HOSPITAL UNDER THE STATE RETIREMENT SYSTEM** Rep. White

This bill revises provisions under which personnel in a hospital under the State Retirement System have the option of joining the retirement system, so as to extend this option to physicians. The legislation provides that this option is irrevocable, and provides the method by which service credit must be established for a person entitled to retirement benefits.

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