



South Carolina House of Representatives

# Legislative Update

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

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# HOUSE WEEK IN REVIEW

The House of Representatives approved **S.155**, providing for the **RATIFICATION OF THE EMINENT DOMAIN CONSTITUTIONAL AMENDMENT**, and enrolled the bill for ratification. Eminent domain is the power of a governmental entity to take private real estate for public use, with or without the permission of the owner. This proposed constitutional amendment received a favorable vote during the 2006 general election, and this legislation ratifies the constitutional amendment. The legislation provides that private property must not be condemned by eminent domain, unless the condemnation is for public use. The legislation also revises the manner in which blighted property may be condemned to protect the health and safety of the community.

The House and Senate voted to override the Governor's veto **H.3226**, pertaining to **ETHICS ACT REVISIONS**. The legislation 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 employees 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 and Senate voted to override the Governor's veto on **S.408**, pertaining to a **COUNTY'S DESIGNATION FOR JOBS TAX CREDIT PURPOSES**. The legislation revises jobs tax credit provisions, so as to provide that a county's designation may not drop more than one tier in the following year as a result of the annual ranking and designation of counties by the Department Of Revenue. The legislation also provides that, for tax year 2006 only, due to adjustments to the jobs tax credit classification as a result of legislative changes, a taxpayer has until March 31, 2007, to lock into the county classification.

The House amended Senate amendments to **H.3199**, the "**ATM SAFETY ACT**", and returned the bill to the Senate.

The House amended, approved, and sent to the Senate **H.3428**, pertaining to **RESERVE POLICE OFFICERS**. This bill provides for law enforcement agencies to appoint reserve officers in the same manner as municipal and county law enforcement agencies.

The House amended, approved, and sent to the Senate **H.3304**, pertaining to **EMERGENCY MEDICAL TECHNICIANS**. A person seeking EMT certification or recertification must undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division (SLED), and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported to the Department of Health and Environmental Control (DHEC). SLED is authorized to retain the fingerprints for certification purposes and for notification of DHEC regarding criminal charges. The cost of the state criminal records check must not exceed eight dollars and must be paid to DHEC by the EMT or the EMS agency upon application for the state check. The cost of the national records check is established by the FBI and must be paid to DHEC by the EMT or the EMS agency upon application for the national check. The state and national criminal records checks are not required for an EMT employed as of July 1, 2007, until the EMT applies for recertification.

The House approved and sent to the Senate **H.3762**, pertaining to the **MAINTENANCE OF SALT WATER QUALITY NEAR CHANNELS USED BY SHIPS IN INTERCOASTAL TRADE AND FOREIGN COMMERCE**. 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.

The House approved and sent to the Senate **H.3256**, pertaining to **ADVERTISING GIFTS GIVEN BY INSURANCE AGENTS**. This bill increases from five to twenty-five dollars the value of advertising merchandise that may be given by insurance agents to insureds and others that has an advertisement for the insurer or agent printed on it.

The House gave third reading approval to **H.3124**, providing for the **PUBLIC SCHOOL OPEN ENROLLMENT CHOICE PROGRAM**, and sent the bill to the Senate.

The House gave second reading approval to **S.498**, a bill designating the twenty-seventh day of February of each year as '**GENERAL FRANCIS MARION MEMORIAL DAY**' in honor of this South Carolina Revolutionary War hero.

The House recommitted to the Agriculture, Natural Resources and Environmental Affairs Committee **H.3292**, a bill relating to fees for **UNDERGROUND STORAGE TANKS**.

## **HOUSE COMMITTEE ACTION**

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

The full committee did not meet this week.

## EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

## JUDICIARY

The full committee met on Tuesday, April 10, 2007.

**S.155, RATIFICATION OF THE EMINENT DOMAIN CONSTITUTIONAL AMENDMENT**, received a favorable report from the Judiciary Committee. Eminent domain is the power of a governmental entity to take private real estate for public use, with or without the permission of the owner. This proposed constitutional amendment received a favorable vote during the 2006 general election, and this legislation ratifies the constitutional amendment. The legislation provides that private property must not be condemned by eminent domain, unless the condemnation is for public use. The legislation also revises the manner in which blighted property may be condemned to protect the health and safety of the community.

**S.156, RATIFICATION OF THE CONSTITUTIONAL AMENDMENT PERTAINING TO SESSIONS OF THE GENERAL ASSEMBLY**, received a favorable report from the full committee. This proposed constitutional amendment received a favorable vote during the 2006 general election, and this legislation ratifies the constitutional amendment. The legislation provides that after the General Assembly convenes on the second Tuesday in January of each year that the Senate and the House of Representatives may recess for a period not to exceed 30 calendar days, unless extended by a two-thirds vote. The legislation further provides that each body may provide for meetings during the legislative session, as it considers appropriate. The legislation also permits organizational sessions of the Senate. The legislation deletes the section of the State Constitution, which provides that neither house, during the session of the General Assembly, shall without the consent of the other adjourn for more than three days, nor adjourn to meet in another place.

The full committee gave a favorable with amendment report to **H.3428**, pertaining to **RESERVE POLICE OFFICERS**. This bill provides for law enforcement agencies to appoint reserve officers in the same manner as municipal and county law enforcement agencies.

**H.3624**, relating to **NONALCOHOLIC BEVERAGES**, received a favorable report. This bill increases from five to fourteen the maximum percentage of alcohol by weight in beers, ales, porters, and similar malt beverages that are considered nonalcoholic beverages.

**H.3134**, relating to **GRANDPARENT VISITATION**, received a favorable with amendment recommendation. This bill allows family court to order visitation for the grandparent of a minor child if the court finds that the child's parents or guardians are depriving the grandparent of the opportunity to visit with the child and (a) the court finds by clear and convincing evidence that the child's parents or guardians are unfit, or (b) the court finds by clear and convincing evidence that there are compelling circumstances

to overcome the presumption that the parental decision is in the child's best interest. This item does not apply to a family in which the parents and child or children reside in the same household. Attorney's fees and costs shall be awarded to the prevailing party.

The full committee gave a favorable report to [H.3711](#). This bill redesignates the "Joint Municipal Water Systems Act" as the "**JOINT AUTHORITY WATER AND SEWER SYSTEMS ACT.**" The legislation provides for the appointment of members of a joint authority water and sewer system commission that may consist of no more than eleven members. The legislation provides that a change in the membership of a joint system is not final until notice of the change is filed with the Secretary of State. The legislation authorizes a joint system to enter a contract to sell water or provide sewer service.

The committee adjourned debate on the following:

- [H.3274](#), pertaining to the **UNLAWFUL PRACTICE OF LAW**
- [H.3547](#), relating to the **CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT**
- [H.3605](#), relating to the **ATTORNEY-CLIENT RELATIONSHIP**
- [H.3623](#), pertaining to the **SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**

## LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, April 10, and reported out two bills.

The committee took up **H.3499** with proposed amendments and reported out the revised language as committee bill **H.3846** pertaining to **ELECTRIC UTILITIES**. The legislation enacts the "Base Load Review Act" which establishes a procedure allowing an investor-owned electric utility to recover from ratepayers some of the costs associated with constructing a new large generating facility prior to the completion of the project. A base load plant covered by the legislation is a new coal or nuclear fueled electrical generating facility that is designed to be operated, at a capacity factor exceeding seventy percent annually, has a gross initial generation capacity of at least three hundred fifty megawatts, and is intended in whole or in part to serve retail customers of a utility in South Carolina. The legislation requires applications for the recovery of capital costs to be reviewed by the Public Service Commission. Following a satisfactory review, the commission is authorized to issue an order establishing that if a plant is constructed in accordance with an approved construction schedule, approved capital costs estimates, and approved projections of in-service expenses, the plant is considered to be used and useful for utility purposes such that its capital costs are prudent utility costs and are properly included in rates. The legislation provides for review and compliance audits by the Commission's Office of Regulatory Staff representing the public interest.

**H.3846** revises **SERVICE RIGHTS OF ELECTRIC SUPPLIERS**. The legislation establishes provisions for 'corridor rights' and other provisions to enhance predictability in the determination of which electric supplier has the right to provide service in a given area or location. The legislation establishes provisions specifying situations in which electric suppliers must obtain Public Service Commission approval for construction of facilities

**H.3846** also expands what is considered a fuel cost that a utility is authorized to recover from its ratepayers. The **EXPANDED DEFINITION OF FUEL COSTS** includes the cost of fuel transportation and costs associated with compliance with federal requirements for reducing or treating emissions. These include the cost of ammonia, lime, limestone, urea, and dibasic acid, and catalysts consumed in reducing or treating emissions; the cost of emission allowances, as used, including allowances for SO<sub>2</sub>, NO<sub>x</sub>, mercury, and particulates; and, as permitted by order of the Public Service Commission, other variable environmental costs or environmental allowances related to the consumption of fuel which are required or caused to be required by federal government.

The committee gave a favorable report on **H.3256**, pertaining to **ADVERTISING GIFTS GIVEN BY INSURANCE AGENTS**. This bill increases from five to twenty-five dollars the value of advertising merchandise that may be given by insurance agents to insureds and others that has an advertisement for the insurer or agent printed on it.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee met on Tuesday, April 10, 2007, and gave consideration to several bills.

**H.3317**, a bill that makes **CHANGES TO THE GIFT OF LIFE TRUST FUND AND ORGAN AND TISSUE DONOR REGISTRY**, received a favorable report. The Gift of Life Trust Fund was formed in 1996 as an eleemosynary corporation to promote organ and tissue donation and education and assist transplant recipients. This bill changes the name of the Gift of Life Trust Fund to Donate Life South Carolina. Gift of Life recently became a partner with Donate Life America, a national organ and tissue donation promotion organization. The bill also establishes an organ and tissue donor registry to be administered by Donate Life South Carolina. The purpose of the registry is to facilitate anatomical donation and to evaluate the effectiveness of organ and tissue educational programs. Registry information is confidential and only may be accessed by a licensed or regulated organ or tissue procurement organization. LifePoint is the federally designated organ procurement organization and State designated tissue procurement organization in South Carolina.

The full committee gave a favorable with amendment recommendation to **H.3136**, which enacts the “**CERVICAL CANCER PREVENTION ACT.**” This bill directs the Department of Health and Environmental Control (DHEC), beginning with the 2009-2010 school year, to include cervical cancer vaccination in its required set of vaccinations for children enrolled in schools and day care facilities. Under the bill, all girls entering seventh grade (or the next grade after a girl turns eleven years old) will be required to receive the cervical cancer vaccination series. A parent or guardian may opt out of having a female student vaccinated against cervical cancer without having to assert a medical or religious reason. DHEC will provide to each school district information brochures about the vaccine and about vaccination requirements and exemptions, and each school district will be required to provide these brochures to the parents or guardians of all female students in the sixth grade. Implementation will be contingent upon state and federal funding to cover the cost of providing the vaccination series. The anticipated cost of the vaccine, administered in three shots over six months, is \$96 per injection.

**H.3286** received a favorable report. This bill provides for the use of **PLAIN LANGUAGE COMMUNICATIONS BY EACH STATE AND LOCAL EMERGENCY, FIRE, AND LAW ENFORCEMENT AGENCY.**

**H.3304**, pertaining to **EMERGENCY MEDICAL TECHNICIANS**, received a favorable with amendment recommendation. A person seeking EMT certification or recertification must undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division (SLED), and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported to the Department of Health and Environmental Control (DHEC). SLED is authorized to retain the fingerprints for certification purposes and for notification of DHEC regarding criminal charges. The cost of the state criminal records check must not exceed eight dollars and must be paid to DHEC by the EMT or the EMS agency upon application for the state check. The cost of the national records check is established by the FBI and must be paid to DHEC by the EMT or the EMS agency upon application for the national check. The state and national criminal records checks are not required for an EMT employed as of July 1, 2007, until the EMT applies for recertification.

The committee adjourned debate on **S.518**, pertaining to a **VIDEO PRESENTATION ON THE DANGERS OF SHAKING INFANTS AND YOUNG CHILDREN AND THE IMPORTANCE OF PARENTS AND CAREGIVERS LEARNING INFANT CPR**.

## WAYS AND MEANS

The full Ways and Means Committee met on Wednesday, April 11, and reported out several bills.

The committee gave a favorable report on **S.451**. This bill revises provisions for **ATHLETIC FACILITIES REVENUE BONDS** for Clemson University and for the University of South Carolina so as to raise the outstanding debt limit for these bonds to two hundred million dollars.

The Committee gave a report of favorable with amendments on **S.243**. This bill provides for the "**SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT ACT**". The bill establishes within the State Treasurer's Office the South Carolina Hydrogen Infrastructure Development Fund. Revenues of the fund must be distributed in the form of grants to the South Carolina Hydrogen and Fuel Cell Alliance and subgrantees to promote the development of fuel cell technology. A total of fifteen million dollars in grants may be made from the Fund, and neither grants nor subgrants may be made after June 30, 2012. The South Carolina Research Authority shall administer and distribute the subgrants. The Authority is required to submit an annual report to the Governor and General Assembly concerning the Fund. The Fund is authorized to receive donations, grants and any other funding as provided by law, and taxpayers may receive state income tax credits for contributions subject to certain limitations. The legislation also authorizes the Fund to receive automatic appropriations from the General Fund: seven million dollars for fiscal year 2007-08; five million dollars for fiscal year 2008-09; and three million dollars for fiscal year 2009-10. Revenues, regardless of source, remaining in the Fund after June 30, 2012, relapse to the General Fund. The legislation requires state agencies to consider purchasing equipment and machinery operated by hydrogen fuel cells. Additionally, the legislation provides for a sales tax exemption for equipment or machinery operated by or used to distribute hydrogen fuel cells and for equipment and machinery used predominately for research and development of hydrogen fuel cells.

**S.243** also provides for an **ECONOMIC IMPACT ZONE TAX CREDIT FOR A QUALIFYING MANUFACTURER** that employs at least 5000 full-time workers in South Carolina, has an in-state capital investment of at least \$850 million, and invests an additional \$350 million in this State prior to July 1, 2011.

**S.243** also provides for a **SALES TAX EXEMPTION FOR AMUSEMENT PARK RIDES** and parts, machinery, and equipment used in their construction or operation for an amusement or theme park that makes a capital investment of at least \$250 million at a single site and creates at least 250 full time jobs and 500 part-time or seasonal jobs.

The committee gave a report of favorable with amendments on **H.3568**. This bill provides for additional **AGRITOURISM** uses for agricultural real property that do not affect the eligibility of the property for agricultural use classification for purposes of the



property tax. The agritourism uses, such as hayrides, wineries, roadside stands, farm tours, etc., must be incidental and supplemental to the tract's primary agricultural use.

The committee gave a favorable report on **H.3789**, a bill pertaining to **EMPLOYEES AND RETIREES INSURANCE-ACCOUNTING FOR POST-EMPLOYMENT BENEFITS**. 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.

The committee gave a report of favorable with amendments on **H.3045**, a bill enacting the **"VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT ACT OF 2007 (V-SAFE)"**. The legislation requires the General Assembly to appropriate not more than \$3 million annually to offer grants of not more than \$30,000 to eligible volunteer and combination fire departments for the purpose of protecting local communities and regional response areas from incidents of fire, hazardous materials, and terrorism, and to provide for the safety of volunteer firefighters. The legislation specifies the purposes for which grant money must be used, including fire suppression equipment, self-contained breathing apparatus, training, protective clothing, decontamination equipment, and special operations vehicles. The legislation provides that the grants must be administered by the State Fire Marshall in conjunction with a peer review panel. The State Fire Marshall is required to submit an annual report to the chairmen of the House Ways and Means and Senate Finance Committees detailing the grant awards and corresponding fire department purchases. At least three percent of the funds of this legislation must be awarded to the South Carolina State Firefighters Association annually for the purpose of establishing and maintaining a recruitment and retention program for volunteer firefighters.

The committee gave a favorable report on **H.3495**, a bill requiring **AGENCY HEAD SALARY COMMISSION REVIEW OF TECHNICAL COLLEGE PRESIDENTS**. This bill includes technical college presidents in provisions requiring performance and salary recommendations to be reviewed by the Agency Head Salary Commission.

The committee gave a favorable report on **S.321**, relating to the use of the **STUDENT RECOVERY FUND** and other revisions to the South Carolina Nonpublic Post Secondary Institution License Act. The legislation provides the proceeds of a surety bond and monies in the Student Recovery Fund may be used for the benefit of students who suffer financial losses of tuition and fees prepaid to a nonpublic post secondary institution as a result of the closing of the institution. The funds may be used to pay refunds to these students for unearned tuition and fees, to pay for or subsidize the cost of providing facilities and instruction for these students to complete their programs, or to pay expenses to store and maintain student records of these students. The legislation also provides that requirements imposed on higher education recruitment do not apply to an institution's occasional, incidental, and informational appearances at high school recruitment fairs and similar activities.

The committee gave a favorable report on **H.3826**. 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 provide that **PHYSICIANS MAY OPT OUT OF THE STATE RETIREMENT SYSTEM.**

The committee gave a report of favorable with amendments on **H.3713**, a bill directing the Employee Insurance Program of the Budget and Control Board to review its health plans in order to identify possible incentives to be offered to plan participants to encourage **PARTICIPATION IN PROGRAMS THAT PROMOTE HEALTH AND PREVENTION OF DISEASE.** Based on that review, the Employee Insurance Program is further directed to develop a proposal on possible premium reductions or other financial incentives for those plan participants who participate in these health programs. The proposal shall be submitted to the Senate Finance Committee and the House Ways and Means Committee by January 15, 2008.

The Committee gave a favorable report on **H.3239.** This joint resolution authorizes the South Carolina Employment Security Commission to expend up to five hundred thousand dollars of the funds made available to the State under Section 903 of the Social Security Act for the purpose of acquiring land on which to erect an **EMPLOYMENT SECURITY COMMISSION ONE-STOP FACILITY IN SPARTANBURG COUNTY.**

The committee gave a report of favorable with amendments on **H.3526**, a bill providing for a **STATE INCOME TAX CREDIT FOR EMPLOYING AN APPRENTICE.** The bill provides that a taxpayer who employs an apprentice under a program registered with the Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor is allowed an income tax credit equal to one thousand dollars for each apprentice employed. A credit is not allowed unless the apprentice was in the employ of the taxpayer for at least seven full months of the taxable year and a credit is not allowed for an individual apprentice for more than four taxable years. Apprenticeship programs are used by such occupations as electricians, carpenters, and plumbers.

The committee gave a report of favorable with amendments on **H.3372** the **ANNUAL TAX CLEAN-UP BILL** that makes numerous technical revisions and updates to revenue provisions.

The committee gave a report of favorable with amendments on **H.3659.** This bill revises provisions relating to the **EXCISE TAX ON ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION,** so as to require that a state agency or local entity that does not receive the same amount of revenue from the excise tax as it did from the minibottle tax in fiscal year 2004-2005 is to receive the difference from the general fund within thirty days after the close of each quarter in a calendar year.

The committee gave a favorable report on **S.153**, a bill providing for the **RATIFICATION OF STATE CONSTITUTIONAL AMENDMENTS ON PROPERTY TAXES.** This bill ratifies amendments to the South Carolina Constitution approved by voters at the general election that authorize the General Assembly to determine the methods of valuation and assessment for taxation of real property.

The committee gave a report of favorable with amendments on **S.139**, a bill allowing **CERTAIN WATERCRAFT AND RECREATIONAL TRAILERS TO BE TAXED AS REAL RATHER THAN PERSONAL PROPERTY.** This bill allows a watercraft or

recreational trailer that is pulled by a motor vehicle to be taxed as real property rather than personal property if it meets federal Internal Revenue Code criteria qualifying it as a primary or secondary residence. Under current law, this tax status is allowed for qualifying motor homes statewide and for qualifying boats in a county that authorizes the status by ordinance.

The committee gave a favorable report on **H.3233**. This bill **REVISES THE REQUIREMENT FOR PERSONAL PROPERTY TAXES ON A WATERCRAFT AND OUTBOARD MOTORS TO BE CURRENT BEFORE THE TITLE TO THESE ITEMS MAY BE TRANSFERRED**, so as to provide that this prohibition on the transfer of title applies only for property taxes due for property tax years beginning after 1999. The legislation provides that used watercraft and used outboard motors obtained from a licensed dealer on or after October 3, 2000, are free of the lien for the payment of property taxes for property tax years before 2000. The legislation provides that no refunds of property taxes on watercraft and outboard motors are payable for property tax years before 2000. The legislation repeals Act 451 of 2002 relating to transfer of titles to watercraft in Lexington County.

The committee gave a report of favorable with amendments on **H.3015**, a bill providing a particular option for a **TAX CREDIT RATHER THAN JUST COMPENSATION**. This bill establishes the option of a property tax credit or personal income tax credit, instead of just compensation, for the value of property that is subject to a condemnation action to a landowner that grants property to a condemner for the purpose of building a sidewalk or bicycle path.

The committee gave a favorable report on **H.3544**, relating to **MOTOR HOMES VALUED AS MOTOR VEHICLES FOR PROPERTY TAX PURPOSES**. This bill revises provisions for property taxes on motor homes, so as to provide that the fair market value of a motor home classified for property tax purposes as a primary or second residence must be determined in the manner that motor vehicles are valued for property tax purposes.

The committee gave a report of favorable with amendments on **H.3765**, pertaining to **PROPERTY TAXES ON WATERCRAFT AND MOTORS**. This legislation provides that a county, by ordinance, may exempt from the property tax 42.75% of the fair market value of a watercraft and its motor. The exemption for a watercraft motor applies whether the motor is located in, attached to, or detached from the watercraft.

The committee gave a favorable report on **H.3569**. This joint resolution creates the **SOUTH CAROLINA WIRELESS TECHNOLOGY AND COMMUNICATIONS COMMISSION** for the purpose of implementing a statewide wireless broadband network. The commission is composed of the following thirteen members, of whom eleven are voting members and two are nonvoting members: (1) two members of the South Carolina Senate appointed by the President Pro Tempore of the Senate; (2) two members of the House of Representatives appointed by the Speaker of the House of Representatives; (3) two members of the private sector appointed by the President Pro Tempore of the Senate; (4) two members of the private sector appointed by the Speaker of the House of Representatives; (5) one member from the private sector appointed by the Governor; (6) the Secretary of Commerce or his designee; (7) the Chairman of the South Carolina Educational Television Endowment; (8) the State Chief Information Officer (CIO), or his designee, shall serve ex officio in a nonvoting and advisory capacity;

and (9) the Executive Director of the Office of Regulatory Staff, or his designee, shall serve ex officio in a nonvoting and advisory capacity.

The committee gave a report of favorable with amendments on **H.3024**, providing for **SUNSET REVIEW OF STATE GOVERNMENT PROGRAMS**. This bill establishes the South Carolina Sunset Commission and a Sunset Review Division of the Legislative Audit Council, to establish procedures providing for the manner in which the programs of certain agencies and departments of State government must be evaluated to determine if they should be continued in existence, modified, or terminated. The legislation establishes the procedures by which these programs must be continued, modified, or terminated.

The committee gave a favorable report on **H.3783**, a bill **REDUCING THE ALCOHOLIC BEVERAGE MANUFACTURER'S LICENSE FEE**. This bill revises biennial license taxes granted 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.

The committee gave a report of favorable with amendments on **H.3567**, a bill providing for a **CIGARETTE TAX INCREASE AND A REDUCTION IN THE SALES TAX ON GROCERIES**. The legislation provides for an additional 1.5-cent surcharge on each cigarette, which amounts to an additional 30 cents collected on each pack of twenty cigarettes. The legislation provides for the revenue received from the additional surcharge as follows:

- 5% of the revenue generated must be credited to the Youth Smoking Prevention and Cessation Fund established by this legislation and used by the Department of Health and Environmental Control for youth smoking prevention and cessation programs.
- \$1 million of the revenue generated must be credited to the Department of Agriculture for research and promotion of healthy lifestyles with food grown in this State.
- 1 cent of the surtax imposed is allocated to the Department of Health and Environmental Control Superb Fund to be used to satisfy any existing Environmental Protection Agency deficiency. After satisfaction of that deficiency, this one-cent amount must be deposited in the Reserve Fund for the State Medicaid Program within the Department of Health and Human Services.
- The legislation establishes the Health Care Trust Fund to receive revenue generated by the surtax. Health Care Trust Fund revenues must be expended in an amount sufficient to expand coverage under the State Medicaid Program to include those whose family incomes do not exceed 100% of the federal poverty level, or in an amount totaling \$70 million, whichever is less.
- The legislation establishes a Reserve Fund for the State Medicaid Program within the Department of Health and Human Services to receive unobligated proceeds from the taxation on cigarettes as well as the department's existing reserves and ongoing previous-year program refunds. The reserve fund may not be used for new initiatives or program expansions and may only be assessed to

meet unanticipated shortfalls occurring with DHHS's annual operating budget. The Reserve Fund is capped at a level of 1.5% of agency appropriations for all funds as defined annually by the Office of State Budget. Funds in excess of this cap must go to the State general fund to be used by the General Assembly for nonrecurring capital projects.

**H.3567** establishes requirements for affixing cigarette tax stamps.

**H.3567** reduces from 3% to 1.5% the sales tax rate on groceries (unprepared foods that may be purchased lawfully with United States Department of Agriculture Food Coupons). The reduced rate is effective January 1, 2008. The legislation provides for transfers from the State's general fund to the Education Improvement Act Fund in amounts sufficient to offset the estimated loss of revenue from this sales tax rate reduction.

The committee gave a report of favorable with amendments on **S.355**, **DEPARTMENT OF TRANSPORTATION REFORM**. The amendment replaces the Senate legislation with the Department of Transportation reform legislation approved by the full House in **H.3575**.

The committee did not adopt **H.3168**, a bill providing for such matters as establishing the **SOUTH CAROLINA SCHOOL FACILITIES INFRASTRUCTURE AUTHORITY** to provide loans and other financial assistance to school districts to finance school facilities.

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

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

**S.368 *FLEET MANAGEMENT PROGRAM* Sen. Ritchie**

This bill provides that the Fleet Management Program shall make efforts to reduce pollutants and that a preference must be given to alternative fuel vehicles when available at a comparable quantity and price.

**S.447 "*PUBLIC WATERS NUISANCE ABATEMENT ACT*" Sen. Gregory**

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.

**S.452 ALLIGATOR CONTROL PROGRAMS Sen. Grooms**

The stated intent of this bill is to create more opportunity for hunting and for the controlled harvest of the alligator by allowing the taking of the alligator under strictly controlled conditions and circumstances and in compliance with federal law. Criminal penalties are provided for violations of alligator control programs.

**S.597 YOUTH HUNTERS Sen. Campsen**

Relating to the requirements for youth hunting days, this bill provides that a person who is less than eighteen years of age may be a youth hunter.

**S.613 CONIFER AND HARDWOOD SEEDLINGS Sen. Grooms**

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.

**H.3832 PINE STRAW Rep. Toole**

This bill requires a person who gathers pine straw for the purpose of selling it to obtain written permission from the landowner to harvest the pine straw. The bill also requires the execution of a certificate of harvest by a landowner in order for a person to gather, bale, transport, or sell pine straw. Criminal penalties are provided for violations.

**H.3854 RESTRICTIONS ON THE OPERATION OF CERTAIN WATERCRAFT  
*IN*  
*MURRELLS INLET* Rep. Miller**

This bill provides for restrictions on the operation of certain watercraft, devices or vessels within one hundred feet of a moored or anchored vessel, dock or pier, or person in the water in certain portions of Murrells Inlet.

**H.3859 DIESEL FUEL Rep. Toole**

Relating to exemptions from the user fee on motor fuels, this bill exempts diesel fuel used by a farm truck in spreading manure in poultry raising operations.

**H.3873 OFFICIAL STATE DUCK Rep. Toole**

This bill designates the "summer duck" as the Official State Duck.

**H.3881 ILL-TREATMENT OF ANIMALS Rep. Hagood**

Relating to the ill-treatment of animals, this bill clarifies that these provisions do not apply to the practice of veterinary medicine in accordance with accepted veterinary practice standards.

**H.3882 DEER HUNTING Rep. Toole**

This bill provides that a person who is not a resident of South Carolina who obtains a state nonresident permit or license allowing him to hunt big game in this State is not permitted to hunt deer in a particular game zone until thirty days after the open season for deer has begun in that game zone. Penalties are provided for violations.

## EDUCATION AND PUBLIC WORKS

### **S.425 HANDICAPPED LICENSE PLATES Sen. Sheheen**

This legislation makes numerous revisions with regards to the issuance of handicapped license plates.

### **S.449 IMPLEMENTATION OF THE FEDERAL REAL ID ACT Sen. Martin**

In May 2005, the United States Congress enacted the REAL ID Act of 2005 (REAL ID Act) as part of Public Law 109-13, a federal supplemental appropriations measure. The REAL ID Act requires states to: (a) issue a driver's license or state identification card in a uniform format, containing uniform information, all as prescribed by the United States Department of Homeland Security; (b) electronically verify the issuance, validity, and completeness of all primary documents used to issue a driver's license, such as those showing that the bearer is a United States citizen or a lawful alien, a lawful refugee, or a person holding a valid visa; (c) provide for secure storage of all primary documents that are used to issue a federally approved driver's license or state identification card; and (d) provide fraudulent document recognition training to all persons engaged in issuing driver's licenses or state identification cards.

This bill provides that South Carolina will not participate in the implementation of the REAL ID Act until: (1) the Department of Homeland Security, through regulation, takes all practical and prudent steps to ensure that the implementation of the REAL ID Act will not compromise the privacy of any citizen or resident of the State of South Carolina; (2) the federal government provides one hundred percent of the funding necessary for the implementation of the REAL ID Act; and (3) the federal government, through regulation by the Department of Homeland Security, adopts the changes to the REAL ID Act as outlined in the report entitled '*The REAL ID Act: National Impact Analysis*' of the *National Conference of State Legislatures, the National Governor's Association and the American Association of Motor Vehicle Administrators*' published September 2006, or as amended since then.

### **H.3847 ASSESSMENT OF STUDENT PERFORMANCE Rep. Bedingfield**

This bill changes the date by which high school students are required to pass certain high school credit courses in which end-of-course examinations are administered.

### **H.3853 LAMP OR FLAG ON PROJECTING LOAD Rep. Witherspoon**

This bill revises the circumstances upon which the red light, lantern, or flag must be placed upon the load and provides that under certain circumstances an amber strobe light must be affixed to the load.

### **H.3869 LICENSE PLATES Rep. Cooper**

This bill requires that the name of the county in which a vehicle is registered and property taxes are paid must be shown on the license plate.

**H.3871 GENERAL MOTORIST SERVICES SIGNS Rep. Funderburk**

Relating to the placement of information signs on certain highway right-of-way areas, this bill provides for the placement of general motorist services signs along these highway rights-of-way.

## JUDICIARY

**S.9 GUARDIANS AD LITEM Sen. Hayes**

This bill provides that when an appointed guardian ad litem is an attorney, additional legal counsel must not be appointed by the family court to the guardian absent extraordinary circumstances.

**S.13 "UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT" Sen. Hayes**

This comprehensive legislation revises procedures for establishing and enforcing child custody and visitation when one of the parties resides in this State and the other does not.

**S.15 "UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC-VIOLENCE PROTECTION ORDERS ACT" Sen. Hayes**

This comprehensive legislation provides uniform procedures for the interstate enforcement of domestic violence protection orders.

**S.17 "UNIFORM INTERSTATE FAMILY SUPPORT ACT" Sen. Hayes**

This comprehensive legislation is an update to uniform legislation to assist with the interstate enforcement of family support, including civil and criminal enforcement procedures.

**S.43 SEX OFFENDER SURVEILLANCE Sen. Ford**

This bill provides that sex offender who is serving a probationary sentence and has been determined by the Department of Probation, Parole and Pardon Services to pose a great risk of becoming a recidivist, or has been convicted of a second offense, must be placed under global positioning system satellite surveillance continuously for the duration of his probationary sentence by the department.

**S.204 ADOPTION AND FOSTER PARENTS Sen. Ritchie**

This bill requires anyone seeking approval to adopt a child in the custody of the Department of Social Services (DSS) to undergo a fingerprint review. Relating to restrictions on foster care replacement with persons with a history of child abuse or neglect or other criminal convictions or pleas, this bill includes a prohibition on placing a DSS child in a home for foster care or adoption where anyone in the home over the age of eighteen has pled guilty or no contest to unlawful conduct toward a child or cruelty to children.



**S.274 DAY REPORTING CENTERS Sen. Fair**

This bill allows the Department of Probation, Parole, and Pardon Services (PPP) to establish day reporting centers for certain inmates or offenders. 'Day reporting center' means a state facility providing supervision of inmates or offenders placed on supervision that includes, but is not limited to, mandatory reporting, program participation, drug testing, community service, and any other conditions as determined by PPP.

**S.282 PROCUREMENT Sen. Leatherman**

This comprehensive legislation modifies procurement requirements regarding selection methods, source selection, and surety.

**S.331 DAMAGE TO COMMUNICATION EQUIPMENT Sen. Knotts**

Under this bill, it is unlawful for a person, with the intent to commit a criminal offense or with the intent to facilitate the commission of a criminal offense, to interrupt, cut, break, disable, destroy, or in another way injure a communication device, a communication system, or any piece, part, or component of a communication device or system. The bill also provides that it is unlawful for a person, with the intent to commit a criminal offense or with the intent to facilitate the commission of a criminal offense, to obstruct, impede, or impair the service or transmission of a communication device or communication system during the commission of a crime, or to facilitate the commission of a criminal offense. The bill outlines penalties for violations.

**S.338 DAMAGE TO SECURITY DEVICE Sen. Reese**

This bill provides that it is unlawful to tamper with, alter, damage, or destroy a security device. The bill outlines penalties for violations.

**S.370 DEATH PENALTY Sen. Gregory**

Relating to the punishment for murder, this bill adds arson in the first degree to the list of crimes included in the statutory aggravating circumstances for purposes of imposing the death penalty.

**S.459 "JESSICA HORTON CAMPUS CRIME ACT" Sen. Sheheen**

This bill provides that campus police shall notify and work with the State Law Enforcement Division and local law enforcement agencies on the investigation of a death or a criminal sexual conduct offense resulting from an incident occurring on the campus of an institution of higher learning.

**S.327 TRAINING FOR ELECTION OFFICIALS Sen. Sheheen**

County Board of Registration members and County Commissioners of Election are required to complete a training program. This bill provides that those failing to complete the training program within eighteen months must be removed from their position by the Governor.

**S.389 PROPOSED CONSTITUTIONAL AMENDMENT REGARDING THE AGE OF CONSENT FOR FEMALES Sen. Campsen**

This joint resolution proposed to submit to the voters at the next General Election whether or not to amend the State Constitution so as to remove the provision enabling females to give consent for sexual intercourse upon reaching age fourteen.

**S.446 "INDIGENT DEFENSE ACT" Sen. Malloy**

This comprehensive legislation creates Circuit Public Defender Selection Panels, outlines their duties and responsibilities in appointing Circuit Public Defenders, and makes revisions to the public defender system.

**H.3851 SENTENCING Rep. Harrison**

This bill provides that the court may correct, within seven days of sentencing, a sentence that resulted from arithmetical, technical, or other clear error. Upon motion of the State, a court may reduce a sentence when a defendant, after sentencing, provides substantial assistance in the investigation or prosecution of another person. Under this bill, the court may reduce a sentence below the minimum sentence set by law when the defendant provides substantial assistance after sentencing.

**H.3852 PUBLIC HEALTH EMERGENCIES Rep. Harrison**

This bill revises definitions used in the Emergency Health Powers Act. The bill amends the definition of "qualifying health condition" to include an illness or health condition caused by a natural disaster. The bill amends the definition of the term "trial court" to provide if that court is unable to function because of the isolation, quarantine, or public health emergency, the trial court is a circuit court designated by the Chief Justice upon petition and proper showing by the Department of Health and Environmental Control (DHEC).

Relating to powers and duties regarding safe disposal of human remains, this bill specifies that the existing provisions in the State Emergency Operations plan govern the disposal of remains. If the plan is not sufficient, measures may be adopted relating to, among other things, death certificate and autopsy procedures.

Relating to isolation and quarantine of individuals and penalties for noncompliance, **H.3852** establishes a maximum penalty of a fine of one thousand dollars or thirty days in prison, or both.

An employer may not fire, demote or otherwise discriminate against an employee subject to isolation or quarantine orders; however, an employer may require an employee subject to isolation or quarantine to use annual or sick leave to comply with such an order.

Relating to isolation and quarantine procedures, **H.3852** provides that before the declaration of a public health emergency isolation and quarantine orders issued must be undertaken in accordance with the Emergency Health Powers Act.

Relating to appointment and use of in-state and out-of-state health personnel in a state of public health emergency, **H.3852** provides that any in-state or out-of-state health care provider appointed by DHEC is immune from civil liability for damages resulting from medical care or treatment under certain circumstances. This provision applies whether or not the health care provider receives financial gain from the State for its volunteer

services, and even if the health care provider receives compensation benefits from the health care provider's employer.

**H.3857 BOND AND BENCH WARRANTS Rep. Jennings**

This bill provides penalties for failure to appear in court under certain circumstances when the person has been released on bond. Relating to surety relieved on bond and surrender of a defendant, this bill provides procedures when a bench warrant may be issued for arrest of a defendant. Under the bill, the nonpayment of fees alone does not warrant immediate incarceration of the defendant. Relating to the issuance of a bench warrant and the remission of judgment, this bill increases the period of time before the bond is forfeited for failure to appear from thirty to ninety days from the issuance of the bench warrant. The bill further provides that the bench warrant must be available for pickup by the surety within seven days of issuance.

**H.3858 SPECIAL ELECTIONS Rep. Ceips**

This bill specifies that if there is a vacancy requiring a primary election to fill the vacancy, then the provisions of S.C. Code Ann. §7-13-190 apply.

**H.3872 FEE DISPUTE BETWEEN AN ATTORNEY AND CLIENT**

**Rep. F.N. Smith**

This bill provides that an appeal of a fee dispute between a client and an attorney must be heard de novo. The bill allows an attorney to reimburse fees to a client while fee dispute litigation is pending or during the fee dispute litigation.

**H.3875 POWERS OF COUNTY GOVERNMENT Rep. Stavrinakis**

This bill authorizes the governing body of a county to adopt by ordinance the requirement that a property owner shall keep a lot or other property clean and free of rubbish so as not to constitute a public nuisance and provide a procedure for enforcement of the ordinance.

**H.3876 FIREARMS Rep. Stavrinakis**

Among other things, the bill prohibits the sale of firearms to all convicted felons and prohibits the possession of firearms by a convicted felon. The bill creates a three-tiered penalty scheme including creating a mandatory minimum penalty for the offense of the possession of firearms by convicted felons.

**H.3880 BROWNFIELD/VOLUNTARY CLEANUP PROGRAM Rep. W.D. Smith**

Relating to the Brownfields/Voluntary Cleanup Program, this bill revises the liability protection provided to parties who are not responsible for environmental contamination of property and who subsequently become responsible for the property. The bill further specifies the scope of a covenant not to sue provided to parties who are responsible for environmental contamination of property. The bill specifies that property on to which a release of petroleum products occurred is property eligible for participation in this voluntary cleanup program. The bill further specifies the contents of a voluntary cleanup contract and grounds for termination of the contract. The bill requires the Department of Health and Environmental Control to report to the General Assembly on the activities of this program.

## LABOR, COMMERCE AND INDUSTRY

### **S.332 WORKERS' COMPENSATION Sen. Martin**

This bill provides for comprehensive revisions to the State's workers' compensation provisions.

### **S.344 WORKERS' COMPENSATION Sen. McConnell**

This bill provides that, at least thirty days prior to using new rates, every insurer writing workers' compensation must file its multiplier for expenses, assessments, profit, and contingencies and any information relied upon by the insurer to support the multiplier and any modifications to loss costs. A copy of the filing must be provided simultaneously to the Consumer Advocate. The legislation specifies the information the filing must contain at minimum. The legislation requires actuarial review of these filings, allows an insurer to request a hearing, and provides for when the insurer may use the rates developed using the multiplier of expenses, assessments, profit, and contingencies. Under the legislation, an insurer's workers' compensation rates developed using its most recent multiplier for expenses, assessments, profit, and contingencies and any modifications to loss costs may be disapproved at any time after they become effective if the director or his or her designee determines that they do not meet requirements. The legislation requires the director or his or her designee must issue a report to the General Assembly by the first of January each year that evaluates the state of the workers' compensation insurance market in this State. The report must contain an analysis of the availability and affordability of workers' compensation coverage and document that the department has complied with the provisions regarding both workers' compensation loss cost filings submitted by an advisory or rating organization and multiplier filings submitted by every insurer writing workers' compensation insurance.

### **S.414 "VEHICLE PROTECTION PRODUCT ACT" Sen. Land**

This bill enacts the "Vehicle Protection Product Act", to require the regulation of vehicle protection product warranties. The legislation provides the Director of Insurance with means of enforcing the provisions and imposing civil penalties for violations.

### **S.456 "SUITABILITY IN ANNUITY TRANSACTIONS ACT" Sen. Martin**

This bill enacts the "Suitability in Annuity Transactions Act" to provide standards and procedures for recommendations to consumers to ensure that annuity products for address consumers' insurance and financial needs.

### **S.589 CAPTIVE INSURANCE COMPANY REQUIREMENTS FOR ASSUMED RISKS Sen. Thomas**

This bill pertains to a captive insurance company taking credit for reserves on risks or portions of risks ceded to reinsurers complying with the provisions relating to security for liabilities. The bill provides that an industrial insured captive insurance company may not take credit if not in compliance with those provisions of law, and provides that all other captive insurance companies may not take credit for reserves pursuant to those provisions unless specific approval has been granted by the Director of Insurance.

**S.598 “TELEVISION PROGRAMMING PROTECTION ACT” Sen. Campsen**

This bill enacts the “Television Programming Protection Act” to require a cable or video service provider to block all video and audio on any channel that a subscriber has not purchased.

**H.3831 DEFERRED PRESENTMENT TRANSACTIONS Rep. Thompson**

This bill provides for the development, implementation, and maintenance of a statewide database of deferred presentment transactions accessible to deferred presentment licensees for the purpose of tracking open and closed transactions with other licensees and accessible to the Board of Financial Institutions for the purposes of investigation and enforcement. The legislation revises restrictions and requirements for a deferred presentment transaction, so as to limit a licensee to a maximum loan amount for any one customer of three hundred dollars during any sixty-day period. The legislation limits the number of transactions in a year to six for any one customer. The legislation requires a licensee to grant a six-month repayment grace period and a repayment plan option to a customer. The legislation revises penalties and remedies for violations by a deferred presentment licensee, so as to require the board to impose certain civil penalties; to provide that violations run with the licensee, or the person subject to the licensing requirement, and not with the location; to provide for cumulative civil remedies, including injunctive relief, damages and attorney’s fees, unfair trade practice remedies, and voiding of the contract; and to prohibit the enforcement of an arbitration clause if a court finds that specified circumstances render the contract unconscionable.

**H.3870 SECURITY FOR THE UNINSURED FUNDS ON DEPOSIT OF A LOCAL**

**GOVERNMENT ENTITY AND THE STATE Rep. Cato**

This bill revises provisions relating to the collateral required to secure the uninsured funds on deposit of a local government entity and the State, so as to define a financial institution in which these funds are deposited as a qualified public depository; to allow such a depository to secure these funds using the dedicated method or the pooling method; and to provide that the local government entity or State Treasurer may require such a depository to use the dedicated method.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### **H.3879 COMMUNITY RESIDENTIAL CARE FACILITIES Rep. Kirsh**

Relating to community residential care facilities, this bill provides that the Department of Health and Environmental Control may not remove a resident from a community residential care facility if the resident, the resident's family, the resident's physician, and the facility agree to the resident's continued stay and if the facility is capable of providing or obtaining necessary services for the resident.

## WAYS AND MEANS

### **S.355 DEPARTMENT OF TRANSPORTATION Sen. Grooms**

The bill provides for comprehensive revisions to provisions governing the oversight and conduct of the State Department of Transportation. Under the legislation, The Department of Transportation is governed by a Board of seven members appointed by the Governor (one from each Congressional District and one at-large), screened by the Joint Transportation Review Committee (JTRC), and confirmed by the Senate. Board members may only be removed for cause. A board member must have a background of substantial duration and expertise in at least one of the following: transportation issues; finance; accounting; engineering; or law. No county within a congressional district shall have a resident board member for more than one consecutive term and no board member may be appointed from the same county as another serving board member. The Board employs the Executive Director on an at-will basis and the Chief Highway Engineer on a for-cause basis. The Board and all SCDOT employees are subject to Chapter 13 of Title 8, the State Ethics Act, and the provisions of Chapter 78 of Title 15, the South Carolina Tort Claims Act. The Board, in conjunction with the chief highway engineer, develops the methodology for designing the Statewide Transportation Improvement Program (STIP) that includes budgeting and prioritization. The Board must hold public hearings for input. The JTRC promulgates the STIP as a regulation which is voted on by the General Assembly. The legislation establishes the Joint Transportation Review Committee (JTRC) comprised of: one appointed by the Chairman of the Senate Finance Committee; one appointed by the Chairman of the Senate Judiciary Committee; one appointed by the Chairman of the Senate Transportation Committee; two members of the general public appointed by the President Pro Tempore of the Senate upon the recommendations of the Senate majority leader and the Senate minority leader; one appointed by the Chairman of the House Ways and Means Committee; one appointed by the Chairman of the House Judiciary Committee; one appointed by the Chairman of the House Education and Public Works Committee; and two members of the general public appointed by the Speaker of the House of Representatives. Powers and duties of the JTRC include screening the Governor's appointments to the Department of Transportation Board and evaluating the actions of the Board.

**H.3829 SPARTANBURG, COLUMBIA, AND CHARLESTON ASSISTED LIVING**

**MEDICAID WAIVER PROGRAM Rep. Mitchell**

This bill enacts the Spartanburg, Columbia, and Charleston Assisted Living Medicaid Waiver Program. The legislation provides that the Department of Health and Human Services shall seek federal approval to include federal matching funding for this program. The legislation requires the department to develop Medicaid eligibility determination criteria. The legislation requires the General Assembly to appropriate matching funds from general revenues annually to fund this program and to provide the reimbursement rate and methods to adjust this rate annually. The legislation requires the department to evaluate, monitor, and report on this program to the General Assembly five years after its implementation.

**H.3830 TAX INCREMENT FINANCING Rep. Perry**

This bill revises definitions and procedures for adopting redevelopment plans for purposes of the tax increment financing law. The legislation revises the definitions for “redevelopment plan” and “redevelopment project costs”, and requires additional findings before adoption of a redevelopment plan by a municipality. The legislation revises definitions and procedures for adopting redevelopment plans and intergovernmental agreements for purposes of the Tax Increment Financing Act for counties. The legislation revises definitions for “conservation area” and “redevelopment project area” and requires additional findings before adoption of a redevelopment plan by a county. The legislation clarifies the application of municipal and county tax increment financing laws to intergovernmental agreements.

**H.3848 REVISIONS TO FEE IN LIEU OF PROPERTY TAXES ARRANGEMENTS**

**Rep. Kirsh**

This bill revises provisions for fee in lieu of property taxes arrangements. The legislation allows an applicable piece of property to qualify for the annual fee in lieu of property taxes for an additional ten years by resolution of the county. The legislation extends the maximum time a project qualifies for a fee from thirty years to forty years. The legislation eliminates the requirements to qualify for a four percent assessment ratio that a sponsor must invest a total of three hundred million dollars when added to previous investments and that a sponsor must invest at least four hundred million dollars and create two hundred full-time jobs at a project. The legislation allows a sponsor to invest at least six million dollars to qualify for a four percent assessment ratio. The legislation allows only a county to retain revenues from a fee in lieu of property taxes and allows the county to use these revenues to offset improvement costs. The legislation prohibits a direct payment of cash for a project either in or not in an industrial development park for specified amounts, and defines improvement costs. The legislation revises provisions relating to industrial development parks, so as to eliminate the requirements to qualify for a four percent assessment ratio that a sponsor must invest a total of three hundred million dollars when added to previous investments and that a sponsor must invest at least four hundred million dollars and create two hundred full-time jobs at a project. The legislation allows a sponsor to invest at least six million dollars to qualify for a four percent assessment ratio. The legislation revises provisions relating to property tax classifications for real property, so as to allow any warehousing or wholesale distribution real property to be exempt from the ten and one-half percent classification for manufacturing property.

**H.3874 SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT REVISIONS  
Rep. Limehouse**

This bill revises provisions of the South Carolina Motion Picture Incentive Act, so as to: revise and add definitions; simplify application requirements; increase the payroll rebate allowed from fifteen to twenty percent; increase the annual limit on these rebates from ten to fifteen million dollars; clarify the assignment of these rebates; provide that no rebate may be paid if the motion picture production company is delinquent on taxes or loans owing the State and political subdivisions of the State; allow but not require such a company to be barred from claiming the rebate; clarify recordkeeping requirements; provide for additional annual appropriations from the general fund of the State equal to ten million dollars for these rebates; clarify that an additional one percent of State Admissions License Tax revenues must be appropriated annually to the Department of Commerce and used by the South Carolina Film Commission to promote collaborative efforts between higher education institutions in this State and motion picture related entities; eliminate the requirement for the promulgation of regulations; increase from twenty-one to thirty days total in a year that state property may be used without a location or facility fee and to provide that such use must be directly for filming.

**H.3885 "SOUTH CAROLINA TWENTY-FIRST CENTURY SCHOLARS PROGRAM" Rep. Sellers**

This bill creates the "South Carolina Twenty-First Century Scholars Program" which establishes normative standards and requirements for students receiving needs based scholarships in 2012-2013. The bill's stated objective is to reduce the number of students who withdraw from high school before graduation; increase the number of students who are prepared to enter the workforce upon graduation; increase the number of students entering institutions of higher learning; encourage eligible students to attend institutions of higher learning by reducing the financial burden on the eligible students and their families; and decrease drug and alcohol abuse by encouraging higher educational pursuits. Beginning in 2007-2008, provides the opportunity for students enrolled in grade eight (who would begin college in 2012-2013) at a public or an accredited nonpublic school who are eligible for free or reduced priced lunches and agree in writing, together with the student's custodial parents or guardian, that the student will: graduate from a secondary school located in South Carolina that meets the admission criteria of an institution of higher learning; not illegally use controlled substances or consume alcoholic beverages; not commit a felony or misdemeanor other than a traffic violation; when the eligible student is a senior in high school, timely apply: to an institution of higher learning for admission; and apply for any federal and state student financial assistance available to the eligible student to attend an institution of higher learning; and achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale. Provides a "Tuition scholarship", financial assistance provided from the Twenty-First Century Scholars Fund, to the extent monies are available in the fund, to a student to offset the costs of tuition and other regularly assessed. The Commission on Higher Education shall identify and recommend to the General Assembly, no later than December 31, 2010, a new or existing funding source. The commission must consider needs based scholarship funding as a potential funding source for the program. Each institution of higher learning that participates in the program shall develop by September 1, 2011, specific mentoring programs to assist the scholarship recipients through particularized academic and social counseling.

**H.3886 OPTION OF ASSISTANT SOLICITORS TO PARTICIPATE IN THE**



**SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM**

**Rep. Vick**

This bill extends to assistant solicitors the option allowed probate judges to participate in the South Carolina Police Officers Retirement System.

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