



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 a **STATE GOVERNMENT BUDGET** for fiscal year 2008-2009. The House approved and sent to the Senate **H.4800**, the **GENERAL APPROPRIATIONS BILL**, and **H.4801**, a joint resolution providing for **CAPITOL RESERVE FUND APPROPRIATIONS**. Highlights of the proposed state government budget include:

- Full funding of the Education Finance Act with \$94.5 million, for a base student cost of \$2,578.
- Teacher salaries are funded at \$300 over the southeastern average.
- The school bus replacement cycle is fully funded with \$19.7 million; \$1 million is provided for the purchase of school bus service vehicles; and, \$29 million is provided for school buses, parts, fuel, and other school transportation items.
- \$3.3 million is included for textbooks.
- \$1 million is provided for interim and formative assessments.
- The Public School Child Development Education Pilot Program is fully funded with \$15.8 million.
- \$1.6 million for full funding of Young Adult Education.
- \$12 million is included for summer schools.
- The National Board Certification Incentive is funded at \$2.2 million.
- \$1.7 million to allow \$275 for each teacher for the purchase of classroom supplies.
- Full funding of the LIFE, HOPE, and Palmetto Fellows Scholarship programs.
- \$3 million is appropriated to the Center for Accelerated Technology, which works with businesses locating in South Carolina and technical colleges in order to provide training for workers.
- \$5 million is provided for the Hydrogen Grants program at the South Carolina Research Authority.
- \$4.5 million for the LightRail broadband, high-speed optical research network at the state's research universities.
- A 1% State employee pay increase is provided with \$19.9 million.

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- State Health Insurance Plan increases are funded from projected 2008 surpluses within the plan.
- \$2.9 million is appropriated for the Home and Community Based Services Program which provides services for senior citizens such as Meals on Wheels.
- \$39 million is appropriated to the Department of Health and Human Services for Medicaid Maintenance of Effort.
- \$3 million is appropriated to the Department of Health and Human Services for rural hospital grants.
- \$13 million is appropriated to the Department of Health and Human Services for Institutes for Mental Health Transition.
- \$4.5 million is included for the Pervasive Developmental Disorder Waiver within the Department of Disabilities and Special Needs for the Early Intensive Behavior Intervention Treatment program that serves children diagnosed with such developmental disorders as Autism and Asperger's Syndrome.
- \$2.4 million is appropriated to the Department of Health and Environmental Control for the AIDS Drug Assistance Program to eliminate completely the waiting list for treatment.
- \$2 million is appropriated to the Department of Health and Environmental Control for the Best Chance Network early detection breast and cervical cancer screenings.
- \$2 million is appropriated to the Department of Health and Environmental Control for the SUPERB Fund.
- \$7 million in Capital Reserve Funds is provided for the Closing Fund used by the Department of Commerce in recruiting business and industry.
- The Department of Parks, Recreation, and Tourism receives \$2 million for the Advertising and Marketing Program and \$10 million for Destination Specific Grants.
- \$1 million in Capital Reserve Funds is appropriated to the Department of Agriculture for the South Carolina Certified Grown initiative for promoting the state's agricultural products.
- \$1.3 million is appropriated to the Department of Transportation for Mass Transit.
- The Department of Public Safety receives \$5 million towards a trooper class of 50 law enforcement officers and \$4.6 million for replacement of high mileage vehicles in the fleet.
- The Department of Corrections receives \$2.1 million to operate the Leath Correctional Institution.

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- \$14.9 million is provided for the elimination of the Tuition Prepayment Program's unfunded liability.

The House amended, approved, and sent to the Senate **H.3094**, a bill placing **RESTRICTIONS ON WHERE A SEX OFFENDER MAY RESIDE**. This bill provides that it is unlawful for sex offenders who have been convicted of certain offenses to reside within 1,000 feet of a school, daycare center, children's recreational facility, park, or public playground. If a person is in violation of this provision, a local law enforcement officer must notify the person of his violation and the person must be given 30 days to vacate his residence. If the person fails to vacate his residence within that time period, the bill includes criminal penalties. There are graduated penalties for subsequent violations. The bill also provides that local school districts must make certain information available to parents and guardians regarding any sex offenders that reside within 1,000 feet of a school bus stop. The bill includes grandfather provisions. Local governments may not enact an ordinance that contains penalties that exceed or are less lenient than the penalties contained in this legislation.

The House approved and sent the Senate **H.4830**, a joint resolution which provides that, notwithstanding the annual fee prescribed for the standard **LICENSE PLATE ISSUED TO AN AUTOMOBILE MANUFACTURER FOR VEHICLES USED IN A BENEFIT PROGRAM FOR THE MANUFACTURER'S EMPLOYEES OR FOR TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION**, the registration fee for applications filed in 2009 and 2010 is seven hundred twenty-six dollars. In accounting for the revenue of this fee for applications filed in 2009 and 2010, twenty dollars is credited to the general fund of the State and the amount required to be remitted to a local government is seven hundred six dollars.

HOUSE COMMITTEE ACTION

The committees did not meet this week while the budget was taken up by the full House.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.1067 CLASSIFICATION OF BIRDS, ANIMALS AND FISH Rep. Gregory

This bill adds Cobia *Rachycentron canadum* to the list of saltwater gamefish. The addition of Cobia *Rachycentron canadum* expires three years after the effective date of this act unless extended before this expiration date.

S.1120 DEPARTMENT OF NATURAL RESOURCES LIFETIME COMBINATION LICENSE Rep. Land

This bill provides that a non-resident may purchase a lifetime combination license from the Department of Natural Resources from June 1, 2008 to September 30, 2008. The lifetime combination license has the same privileges as a statewide combination license. The bill also provides the cost of the license and outlines certain conditions.

H.4833 "SOUTH CAROLINA FARM TO SCHOOL PROGRAM ACT" Rep. Cooper

This bill creates the South Carolina Farm to School Program within the South Carolina Department of Agriculture. This program will foster a direct relationship between South Carolina farms and schools to provide schools with fresh and minimally processed foods for student consumption. This bill also outlines the duties and responsibilities of a program director.

H.4862 PROHIBITION AGAINST BAITING WILD TURKEYS Rep. Duncan

This bill outlines that the following does not constitute baiting wild turkeys:

- areas that are not otherwise baited;
- standing crops on the field where grown; or
- other areas that have distributed or scattered food solely as a result of a normal agricultural practice on the land where grown including crops grown for wildlife management purposes.

EDUCATION AND PUBLIC WORKS

S.965 RELEASE OF CERTAIN STUDENT INFORMATION RELATING TO CRIMINAL GANG ACTIVITY Sen. Martin

To the extent permitted by federal law, this bill allows certain school personnel that have regular contact with students on school grounds, to release information regarding a student, including the relevant portion of a student's education records, that relates to criminal gang activity to law enforcement. The resource officer or law enforcement agency that receives the information shall utilize the information or education records to aid in the effort to disassociate the student and other students from criminal gangs. If the information released is part of the student's education records, the information must

be utilized to aid the Department of Juvenile Justice in its ability to effectively serve the student, and the resource officer or law enforcement agency must certify in writing to the educational institution releasing the education records that the record will not be disclosed to any party not involved with law enforcement. The bill further provides that to the extent permitted by federal law, a school resource officer may release any portion of the law enforcement records that the school resource officer maintains for the purpose of law enforcement, to a state or local law enforcement agency.

**S.991 DISPOSITION OF DUPLICATIVE ARCHIVAL MATERIAL BY THE
SOUTH CAROLINA COMMISSION OF ARCHIVES AND HISTORY
Sen. McConnell**

Legislation relating to disposition of duplicative archival material by the South Carolina Commission of Archives and History was erroneously codified under the Commission of Higher Education. This legislation repeals the current section and places its text in a corrected code citation in the title and chapter that relates to the Department of Archives and History.

**H.4836 CHARTER SCHOOL STUDENTS AND GOVERNOR'S SCHOOL
STUDENTS PARTICIPATION IN COMPETITIVE INTERSCHOLASTIC
ACTIVITIES Rep. Bedingfield**

This legislation permits charter school students and governor's school students to participate in competitive interscholastic activities of the school district in which the student resides pursuant to certain conditions.

JUDICIARY

**S.333 REQUIREMENT THAT CERTAIN DRIVING UNDER THE INFLUENCE
REPEAT OFFENDERS WEAR A CONTINUOUS REMOTE ALCOHOL
MONITORING DEVICE Rep. Fair**

As a condition of probation for a second or subsequent violation of certain driving under the influence offenses, and in addition to any other penalties imposed by the court, this bill provides that a person may be required to abstain from alcohol consumption for not less than 30 days and not more than 60 days verified by an alcohol monitoring device. If the court finds that the person has failed to abstain from alcohol consumption for the specified time period, then the person may be deemed to have violated the terms of his probation. In addition to any other penalties imposed by the court on the person as a result of violating his probation, the court may suspend the person's driver's license for up to an additional twelve months. A person on probation required to wear or use an alcohol monitoring device shall periodically report to probation authorities for the purpose of verifying that the alcohol monitoring device is operating correctly. The Department of Probation, Parole and Pardon Services may collect reasonable fees from a person required to wear or use an alcohol monitoring device. The fees collected must be used to offset the costs associated with the alcohol monitoring device program. If a person required to wear or use an alcohol monitoring device is determined to be indigent by the court and cannot afford to pay the fees, the court may order the fees be waived.

**S.500 IMMUNITY FOR THE LAW ENFORCEMENT TRAINING COUNCIL
Sen. Knotts**

Relating to immunity under the Tort Claims Act, this bill provides civil liability immunity for a loss resulting from certain documents relating to the administration of the Law Enforcement Training Council. This bill also provides that an oral or written report, document, statement, or other communication that is written, made, or delivered concerning the requirements or administration of the Law Enforcement Training Council or regulations promulgated under it must not be the subject of or basis for an action at law or in equity in a court of the State if the communication is between: (1) law enforcement agencies, their agents, employees, or representatives; or (2) law enforcement agencies, their agents, employees, or representatives and the South Carolina Criminal Justice Academy or the Law Enforcement Training Council, its agents, employees, or representatives.

S.577 ASSAULTS AND BATTERIES AGAINST SPORTS OFFICIALS AND COACHES Sen. Sheheen

Relating to jurisdiction and procedure in magistrates' courts, this bill provides that a magistrate may punish by fine not exceeding \$1,000 dollars or imprisonment for a term not exceeding 60 days, or both, all assaults and batteries against sports officials and coaches.

H.4847 REVISIONS PERTAINING TO ABANDONED VEHICLES Rep. Cotty

This bill makes various revisions pertaining to abandoned vehicles. Among other things these revisions include, but are not limited to, the following:

- Relating to the towing, storage, and disposition of certain vehicles and personal property, this bill deletes the term "law enforcement officer" and replaces it with the term "officer."
- Relating to the placement of a colored tag on unattended vehicles as notice that it may be considered to be abandoned, this bill revises the conditions upon which a colored tag may be placed upon a vehicle.
- Relating to the right of certain governmental officials to enter private property to enforce the provisions that regulate the disposal of abandoned vehicles, this bill makes certain technical changes.
- Relating to vehicles that are not subject to the provisions that regulate the disposal of abandoned motor vehicles, this bill provides that a vehicle housed or protected from the elements must be kept within a closed permanent structure to be exempt from these provisions.
- Relating to penalties that must be imposed also upon a person who abandons a vehicle, this bill provides that these penalties must be imposed upon a person who fails to abate a derelict vehicle within a certain time period.

H.4864 ADMINISTRATIVE LAW JUDGES PARTICIPATION IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS) Rep. Edge

This bill allows administrative law judges serving before July 1, 2008 to elect to participate in SCPORS or remain under regular state retirement. The bill further provides that all administrative law court judges taking office after June 30, 2008, shall participate in SCPORS.

H.4865 NONALCOHOLIC MERCHANDISE THAT A RETAIL ALCOHOLIC LIQUOR DEALER MAY SELL IN HIS PLACE OF BUSINESS Rep. Herbkersman

This bill provides that retail dealers may sell drinking glassware and barware as well as nonalcoholic liquids and nonalcoholic cocktail condiments consumed in conjunction with alcoholic liquors. For purposes of this legislation, 'nonalcoholic liquids' means carbonated and noncarbonated drinks, juices, spirits, mixers, tonic, and water; and 'nonalcoholic cocktail condiments' means olives, onions, cherries, lemons, limes, potato chips, pretzels, corn chips, crackers, peanuts, and mixed nuts.

LABOR, COMMERCE AND INDUSTRY

S.1063 FRAUDULENT CHECKS Sen. Martin

This bill revises provisions relating to the drawing of a fraudulent check by increasing the time a payee has to deposit a check to twenty-one days so that the drawer of the check may be prosecuted.

H.4843 REPORTS ON DEPLOYMENT OF BROADBAND INTERNET SERVICE Rep. Loftis

This bill requires the South Carolina Public Service Commission to adopt regulations that require broadband providers to submit reports periodically to the commission on the deployment of broadband Internet service to the public. The legislation specifies the required contents of the reports and requires the commission to publish the reports on the commission web site.

H.4849 TERMINATION OF PRIVATE MORTGAGE INSURANCE REQUIRED FOR CONSUMER HOME LOANS Rep. Toole

This bill provides that a lender that requires private mortgage insurance in connection with a consumer home loan must terminate the requirement and discontinue acceptance of the portion of the mortgage payment representing the mortgage premium on the first day of the month immediately following the date that the borrower repaid the loan in the amount of eighty percent of the current value of the property securing the loan. If the lender established an escrow account to accommodate payment of the mortgage insurance premiums, the lender must return all unearned private mortgage insurance premiums to the borrower within forty-five days after termination of private mortgage insurance coverage. If the lender fails to return premiums within forty-five days, then on the forty-sixth day, the lender must pay the borrower the unearned premiums plus the legal rate of interest.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4845 TRAUMA ADVISORY COUNCIL, Rep. Neilson

This bill adds a physician representative from the South Carolina Orthopedic Association and a physician representative from the South Carolina Chapter of the American Academy of Pediatrics to the Trauma Advisory Council.

H.4846 MITOCHONDRIAL DISEASE AWARENESS WEEK, Rep. Moss

This bill designates the third week of September each year as "Mitochondrial Disease Awareness Week" in South Carolina.

WAYS AND MEANS

S.865 REVISIONS STANDARDIZED PROPERTY TAX BILL REQUIREMENTS

Sen. Alexander

This bill revises requirements for the standardized property tax bill to reflect the exemption from millage imposed for school operations for owner-occupied residential property and the amount reimbursed the school district from the Homestead Exemption Fund for that exemption and to reflect any credit against the property tax liability for county operations on owner-occupied residential property attributable to excess balances in the Homestead Exemption Fund.

S.1030 VENTURE CAPITAL INVESTMENT ACT REVISIONS Sen. Ritchie

This bill revises provisions of the Venture Capital Investment Act of South Carolina. The legislation revises provisions relating to definitions, so as to clarify the definition of "lender" and provide a definition for "interest." The legislation clarifies language relating to the submission of investment plans. The legislation requires that the South Carolina Venture Capital Authority to establish guidelines for procedures to issue tax credits and eliminates the requirement that the authority also establish regulations. The Budget and Control Board is required to approve guidelines issued by the authority. The legislation revises venture capital investment requirements, so as to allow an investor to be qualified if he proves that he has made prior investments in South Carolina or South Carolina based companies.

H.4848 "TWENTY-FIRST CENTURY SOUTH CAROLINA GOVERNMENT ACT" Rep. Loftis

This bill enacts the "Twenty-First Century South Carolina Government Act", to create a South Carolina Enterprise Information System and provide for its power, duties, and responsibilities. The legislation provides for the appropriation of monies from the general fund of the state to fund this act.

H.4860 ECONOMIC DEVELOPMENT TAX CREDIT AND INCENTIVES REVISIONS Rep. W. D. Smith

This bill provides for revisions to numerous tax credit and incentives provisions relating to economic development.

H.4863 "COUNTY TRANSPORTATION COMMITTEE ENHANCEMENT ACT OF 2008" Rep. McLeod

This bill enacts the "County Transportation Committee Enhancement Act of 2008." The legislation requires representation of public transit stakeholders on the county transportation committee. The legislation revises provisions for the allocation and uses of motor fuels user fees credited to the County Transportation "C" Fund, so as to require a portion of a county's "C" fund revenues to be used for public transit needs. The legislation revises the allocation percentage on the uses of a county's "C" fund revenues and revises provisions relating to the uses of the revenues of the user fee on motor fuels, so as to steer additional revenues of this user fee to the county transportation "C" fund.

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