



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 adopted the free conference report on **H.3355**, a bill relating to the **PREREQUISITES FOR THE PERFORMANCE OF AN ABORTION**. The Senate subsequently adopted the free conference report and enrolled the bill for ratification. The legislation revises the prerequisites for the performance of an abortion by providing that, if an ultrasound is performed, an abortion may not be performed sooner than one hour following the completion of the ultrasound. The physician who is to perform the abortion or an allied health professional working in conjunction with the physician must inform the woman before the ultrasound procedure of her right to view the ultrasound image at her request during or after the ultrasound procedure.

The House approved **S.1039**, pertaining to **PROHIBITIONS ON THE REGULATION OF FIREARMS**, and enrolled the bill for ratification. This bill provides that counties and municipalities may not enact regulations to prohibit a landowner from discharging a firearm on his property to protect family members, employees, or the general public from animals posing a direct threat or danger on a parcel of land comprised of at least 25 contiguous acres. Any ordinance regulating the discharge of firearms that does not specifically provide for an exclusion pursuant to this item is unenforceable as it pertains to an incident described in this item; otherwise, the ordinance is enforceable.

The House approved and sent to the Senate **H.5003**, a joint resolution directing the State Treasurer in fiscal year 2008-2009 to **TRANSFER FROM THE HOMESTEAD EXEMPTION FUND TO THE EDUCATION FINANCE ACT RESERVE FUND** sufficient monies, as determined by the Department of Education after consultation with the Department of Revenue, to provide each school district of this State with state funding under the Education Finance Act for fiscal year 2008-2009, at least equal to what the school district received in state funding under the Education Finance Act for fiscal year 2007-2008.

The House amended, approved, and sent to the Senate **H.4737**, the "**BEHAVIORAL HEALTH SERVICES ACT OF 2008**." This bill establishes the Department of Behavioral Health Services comprised of the Division of Alcohol and Other Drug Abuse Services and the Division of Mental Health. Among other things, the department is required to develop a State Plan for Behavioral Health Services which must include the delivery of coordinated, client-centered behavioral health services. The legislation also establishes a Department of Behavioral Health Services Advisory Committee to study the organizational structure of the department to evaluate the effectiveness, efficiency, and accountability of the department and to make recommendations for organizational and service delivery changes. This bill provides for a South Carolina Mental Health Advisory Board as well as a Division of Alcohol and Other Drug Abuse Services Advisory Board.

The House approved and sent to the Senate **H.4578**, a **PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO SPECIAL PURPOSE DISTRICTS**. This joint resolution proposing to amend the State Constitution would be submitted to the voters at the next general election. This joint resolution proposes to amend the State Constitution to authorize the General Assembly, by special or local law, to abolish a special or public service district created by the General Assembly and transfer its assets and liabilities to an assuming service provider.

The House amended, approved, and sent to the Senate H.3359. This bill provides that a **MARRIAGE THAT IS DECLARED VOID AB INITIO BY REASON OF FRAUD** does not relieve the party committing the fraud of the duty to provide spousal support.

The House amended, approved, and sent to the Senate H.4554, a bill placing **RESTRICTIONS ON LOCAL GOVERNMENT PROFESSIONAL TAXES AND FEES ON REAL ESTATE LICENSEES**. The legislation provides that, notwithstanding any other provision of law, the governing body of a county or municipality may not impose a license, occupation, or professional tax or fee upon real estate licensees, except upon the broker-in-charge at the place where the real estate licensee maintains a principal or branch office. The license, occupation, or professional tax or fee shall permit the broker-in-charge and the broker's affiliated associate brokers, salespersons, and property managers to engage in all of the brokerage activities without further licensing or taxing, other than the licenses issued by the State. No license, occupation, or professional tax or fee shall be required of the affiliated associate brokers, salespersons or property managers of a broker-in-charge for such gross receipts upon which a license, occupation, or professional tax or fee has already been paid. Brokered transactions of real property in counties or municipalities other than those in which the broker-in-charge maintains a principal or branch office create a nexus for imposition of a license, occupation, or professional tax or fee only with respect to gross receipts derived from transactions of property located in that county or municipality. The legislation revises provisions establishing municipal authority by providing that if the person or business taxed pays a license tax to a county or to another municipality, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other county or municipality.

The House amended, approved, and sent to the Senate H.3740, a bill relating to **CORONERS**. This bill revises the manner in which vacancy in the office of the coroner is filled. If a vacancy occurs in the office of coroner in any county of this State one year or less before the next general election for coroners, the Governor may appoint a suitable person who must be an elector of the county, and who, upon qualifying, is entitled to hold the office until his successor is elected and qualifies. The appointed coroner is subject to all the duties and liabilities incident to the office during the term of his service. If a vacancy occurs in the office of county coroner more than one year before the next general election for coroners, the Governor shall appoint a suitable person until a special election is held to elect a coroner to serve for the remainder of the unexpired term. If a county coroner is suspended by the Governor upon the coroner's indictment or for other reasons, the chief magistrate of that county shall act as coroner until the suspended coroner is reinstated or until a coroner is elected and qualifies in the next general election for coroners, whichever occurs first. The chief deputy or second in command of the coroner's office shall act as coroner until the vacancy is filled, except when a suspension occurs. While acting as coroner, the chief deputy or second in command is subject to the duties and liabilities incident to the office of coroner and shall receive the same salary as the former coroner at the time of the vacancy or suspension. The bill also authorizes coroners to appoint investigators as well as deputies.

The House approved and sent to the Senate H.5000. This bill provides that **NATIONAL PARK SERVICE PARK RANGERS** are federal law enforcement officers who are authorized to enforce South Carolina's criminal laws.

The House amended, approved, and sent to the Senate **H.4552**, pertaining to **UTILITY POLICE OFFICERS**. Currently, there are provisions in the law for the governor to appoint constables and special officers. This bill defines terms and outlines procedures for the appointment of utility police officers. The utility police officers may only take action in situations that pose an adverse effect on the utility, its infrastructure, or its employees and shall notify local or county law enforcement officials of their presence within the jurisdiction prior to taking law enforcement action except in the presence of an imminent threat, danger, or other emergency situation. In this case, notification must be made as soon as practical after the situation is rendered safe. The director of utility police shall appoint and designate persons for the position of utility police officer, unless after a due investigation, it appears these persons are not qualified to serve as a law enforcement officer of the State. Qualified persons must attend, be trained, and certified at the South Carolina Criminal Justice Academy or successor agency at the sole expense of the utility. The utility must reimburse the academy for all expenses associated with the training. The appointment granted may be for a limited or general certification as the director of utility police requests and deems appropriate and is effective upon the completion of training and certification.

The House amended, approved, and sent to the Senate **H.4520**, a bill **AUTHORIZING THE UNIVERSITY OF SOUTH CAROLINA TO ISSUE REVENUE BONDS TO PROVIDE FUNDS FOR THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF A NEW BUSINESS SCHOOL FACILITY** and for the renovation of the Close-Hipp Building for lease and occupancy by an agency of the federal government. The legislation provides that the revenue bonds shall be secured by and payable from a pledge of the lease payments. The legislation provides the process by which the revenue bonds may be issued.

The House approved and sent to the Senate **H.5012**, a bill authorizing **CRIMINAL RECORDS CHECKS IN THE LICENSURE OF NURSES**. The legislation provides that the State Board of Nursing may require a state and national criminal records check, supported by fingerprints. The South Carolina Law Enforcement Division is authorized to retain fingerprints for certification purposes and for notification of the department regarding criminal charges. The applicant is responsible for the cost of the criminal history background check. In addition, a licensed nurse shall wear a clearly legible identification badge bearing the nurse's official title and first or last name or both.

The House returned **S.71**, a bill relating to **AUTOMATED EXTERNAL DEFIBRILLATORS**, to the Senate with amendments. This bill provides that any person or entity, acting in good faith and gratuitously, that teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillator is immune from civil liability for providing this training for use if the: (a) person or entity has provided the training in accordance with the guidelines and policies of a national training organization; (b) person providing the training is authorized to deliver that course or curriculum; and (c) training delivery was not grossly negligent. The legislation also revises training requirements for automated external defibrillator users and body piercing technician to allow the substitution of American Safety and Health Institute certification or certification from a program that meets or exceeds the certification standards of the other organizations specified in the training requirements.

The House amended, approved, and sent to the Senate **H.3023**, a bill enacting the **INTERSTATE INSURANCE PRODUCT REGULATION COMPACT** and authorizing the

State to participate in the compact. The purposes of the Interstate Insurance Product Regulation Compact are, through means of joint and cooperative action among the compacting states to: (1) promote and protect the interests of consumers of individual and group annuity, life insurance, disability income, and long-term care insurance products; (2) develop uniform standards for insurance products covered under the compact; (3) establish a central clearinghouse to receive and provide prompt review of insurance products covered under the compact and, in certain cases, advertisements related to them, submitted by insurers authorized to do business in one or more compacting states; (4) give appropriate regulatory approval to those product filings and advertisements satisfying the applicable uniform standard; (5) improve coordination of regulatory resources and expertise between state insurance departments regarding the setting of uniform standards and review of insurance products covered under the compact; (6) create the Interstate Insurance Product Regulation Commission; and (7) perform these and other related functions consistent with the state regulation of the business of insurance.

The House returned S.642 to the Senate with amendments. 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. The legislation allows such a depository to secure these funds using the Dedicated Method or the Pooling Method. The legislation provides that the local government entity or State Treasurer may require such a depository to use the Dedicated Method.

The House amended, approved, and sent to the Senate H.4930, a bill relating to the **UNLAWFUL PURCHASE OF COPPER**. The legislation provides for additional information that purchasers of certain metals are required to keep regarding sellers. An exemption from the provisions is established for the purchase of copper wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, or stainless steel beer kegs or containers in any amount from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business. The provisions preempt all pertinent local regulations. This bill also revises certain criminal penalties.

The House amended, approved, and sent to the Senate H.4022, a bill relating to **COSMETOLOGISTS, ESTHETICIANS AND MANICURISTS TO PRACTICE IN BARBERSHOPS**. A licensed cosmetologist, esthetician, or manicurist may work in a barbershop registered in the state of South Carolina, and a licensed barber may work, within the scope of practice authorized by his or her license, in a cosmetologist's salon.

The House amended, approved, and sent to the Senate H.5021, a bill that provides that penalties for certain sales of exotic farm-raised venison do not apply to the sale or purchase of already processed and packaged **PET FOODS OR PET TREATS CONTAINING IMPORTED EXOTIC FARM-RAISED VENISON**.

The House did not concur in Senate amendments to H.3857, a bill relating to the procedure for the issuance of **BENCH WARRANTS**.

The House recommitted S.110, the "**UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS ACT**," to the Judiciary Committee.

The House committed **H.4864**, a bill relating to **ADMINISTRATIVE LAW JUDGES PARTICIPATION IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS)**, to the Ways and Means Committee.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture Committee met on Wednesday, April 16, 2008, and addressed the following matters.

The full committee gave a favorable with amendment recommendation to **H.4952 FERTILITY CONTROL AGENT OR CHEMICAL SUBSTANCE INTO WILDLIFE**, making it unlawful for a person to introduce a fertility control agent or chemical substance into any wildlife without a permit from the Department of Natural Resources. The department may issue a permit, authorizing the use of a fertility control agent or chemical in wildlife only for bonafide scientific research or management activities. The department is authorized to use fertility control agents or chemical substances on wildlife in order to protect human safety or for management, scientific or educational purposes. However, preference must be given to hunting as the primary method of controlling wildlife before a fertility control agent or chemical substance is utilized. Nothing prohibits the use pesticides for the control of commensal rodents. In addition, violation of the provisions is a misdemeanor and fines of not more than two thousand five hundred dollars or imprisonment not more than two years, or both. Magistrate court is vested with jurisdiction to hear and dispose of these cases.

The full committee gave a favorable recommendation to **H.4921 DEFINITION OF "ANIMAL"**, relating to cruelty to animals by changing the definition of animals to mean all domestic animals.

H.4862 PROHIBITION AGAINST BAITING WILD TURKEYS received favorable recommendation from the full committee. 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.

The full committee gave favorable recommendation to **H.4833** the "**SOUTH CAROLINA FARM TO SCHOOL PROGRAM ACT**" which creates a program that will foster a direct relationship between South Carolina farms and schools to provide schools with fresh and minimally processed foods for student consumption. This will help children develop healthy eating habits, and to improve South Carolina farmer's incomes and direct access to markets. As a result, the Department of Agriculture shall employ a director to

administer and monitor the programs and activities of the program. Some of the duties will include identifying and promoting critical components of individual farm to school programs and advising agencies on needed actions and strategies; seeking grants from private donations and other funding sources; and providing leadership at the state level to encourage school districts to develop and improve school nutrition plans using locally grown farm fresh products. In addition the Department must establish a web site for the program.

H.4764 regarding **WATER RESOURCES PLANNING FOR WATERCRAFT EQUIPMENT AND OPERATIONS**, received favorable with amendment recommendation from the full committee. The committee's proposed amendment to this bill was unavailable in time for publication of the *Legislative Update* this week.

H.4337 relating to **STORM WATER RUNOFF FEES** was given a favorable with amendment recommendation. This bill exempts farm land, forest land, and undeveloped land from storm water runoff fees. In addition, agricultural lands, forest lands and undeveloped lands are exempt from any fee imposed by a local governing body for storm water, sediment or erosion control program.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met on Wednesday, April 16, 2008, and gave consideration to several bills.

H.4451 received a favorable report from the full committee. This bill revises definitions relating to **QUALIFICATIONS TO RECEIVE STATE AID FOR EDUCATION** so as to exclude persons who are not lawfully present in the United States from eligibility to receive state aid for education.

The committee gave a favorable recommendation to **H.4697**. This bill provides that it is unlawful to produce, display or possess a **COUNTERFEIT DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CARD**. Violations are misdemeanors.

H.4980 received a favorable with amendment report. This bill increases the charter period for **CHARTER SCHOOLS** from five to ten years.

The committee gave a favorable report to **H.4758**, which relates to **STUDENT TRANSFERS AND ELIGIBILITY TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES**. Any high school student who is the victim of physical abuse, harassment, or stalking by a classmate during school hours or otherwise resulting in a restraining order being granted against the classmate by a court of competent jurisdiction under this bill may transfer with the consent of the student's school district to another high school within or out of the district, without any loss of eligibility to participate in interscholastic activities at the school to which the student transfers.

The Education and Public Works Committee gave favorable with amendment recommendations to the following bills. However, at the time of publication of the *Legislative Update* these amendments were not available in the House Journal.

- **H.4368**, which establishes the "**SOUTH CAROLINA OUTSTANDING EDUCATIONAL BENEFITS GARNISHMENT ACT**"

- [H.4909](#), the creates "**THE SOUTH CAROLINA DRUG FREE TRUCKING ACT**"
- [H.4911](#), relating to **IDLING RESTRICTIONS FOR COMMERCIAL DIESEL VEHICLES**
- [H.4592](#), which provides for a **PROHIBITION ON CERTAIN DRIVERS OPERATING VEHICLES WHILE USING CELL PHONES AND OTHER DEVICES**

JUDICIARY

The Judiciary Committee met on Tuesday, April 15, 2008, and gave consideration to three bills.

[H.4737](#), the "**BEHAVIORAL HEALTH SERVICES ACT OF 2008**," received a favorable with amendment report from the committee. This bill establishes the Department of Behavioral Health Services comprised of the Division of Alcohol and Other Drug Abuse Services and the Division of Mental Health. Among other things, the department is required to develop a State Plan for Behavioral Health Services which must include the delivery of coordinated, client-centered behavioral health services. The legislation also establishes a Department of Behavioral Health Services Advisory Committee to study the organizational structure of the department to evaluate the effectiveness, efficiency, and accountability of the department and to make recommendations for organizational and service delivery changes. This bill provides for a South Carolina Mental Health Advisory Board as well as a Division of Alcohol and Other Drug Abuse Services Advisory Board.

The Judiciary committee gave a favorable with amendment recommendation to [H.4263](#), pertaining to **AMUSEMENT REDEMPTION MACHINES**. This bill defines the terms 'amusement redemption machine' and 'element of skill.' The bill provides examples of what is an amusement redemption machine as well as provides a list of certain items that are not considered an amusement redemption machine. The bill further allows a player of an amusement redemption machine to accumulate winnings for the successful play of the amusement redemption machine through tokens, vouchers, points, or tickets. Points may be accrued on the machine. A player may carry over points on one play to subsequent plays.

The committee adjourned debate on [H.4395](#), a bill which provides for the **REMOVAL OF 'ROMEO LANGUAGE' AND MISTAKE OF AGE DEFENSE FROM "JESSICA LUNSFORD'S LAW."**

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, April 15, and reported out two bills.

The committee gave a report of favorable with amendments on [H.3023](#), a bill enacting the **INTERSTATE INSURANCE PRODUCT REGULATION COMPACT** and authorizing

the State to participate in the compact. The purposes of the Interstate Insurance Product Regulation Compact are, through means of joint and cooperative action among the compacting states to: (1) promote and protect the interests of consumers of individual and group annuity, life insurance, disability income, and long-term care insurance products; (2) develop uniform standards for insurance products covered under the compact; (3) establish a central clearinghouse to receive and provide prompt review of insurance products covered under the compact and, in certain cases, advertisements related to them, submitted by insurers authorized to do business in one or more compacting states; (4) give appropriate regulatory approval to those product filings and advertisements satisfying the applicable uniform standard; (5) improve coordination of regulatory resources and expertise between state insurance departments regarding the setting of uniform standards and review of insurance products covered under the compact; (6) create the Interstate Insurance Product Regulation Commission; and (7) perform these and other related functions consistent with the state regulation of the business of insurance.

The committee gave a report of favorable with amendments on **S.642**, a bill revising 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. The legislation allows such a depository to secure these funds using the Dedicated Method or the Pooling Method. The legislation provides that the local government entity or State Treasurer may require such a depository to use the Dedicated Method.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs committee met on Tuesday, April 15, 2008 and the following items were addressed.

The full committee adjourned debate until January 1, 2009 on **H.4771**, a bill enacting the **“RESPONSIBLE FAMILY PLANNING ACT”**.

The full committee gave a favorable with amendment recommendation to **H.3797 LICENSURE OF HEALTH FACILITIES**, referred to as the **“LICENSURE OF IN-HOME CARE PROVIDER ACT”**. This bill requires an in-home care provider to apply for and obtain a license issued by the Department of Health and Environmental Control to be effective for a specified time period following the date of issue. In-home care primarily means to assist an individual with an activity of daily living or in meeting a personal rather than a medical need, but not including skilled care or specific therapy for an illness or injury. In-home care is personal in nature but not mandating continuing attention or supervision from trained and licensed medical personnel. In-home care providers can be a person, business entity, corporation, or association whether operated for profit or not for profit that for compensation directly provides or makes provision for in-home care services through its own employees or agents or independent contractors. The service is provided for individuals who are elderly, convalescing, or who have a disability. An in-home care provider does not include, a) a home health agency, hospice or another person licensed under Section 44-7-260; b) an individual who provides only a house cleaning service; or c) an individual who provides in-home care at no more than

four locations if the care recipients at each location are related within the third degree of consanguinity. South Carolina Department of Health and Environmental Control will be required to promulgate regulations for in-home care providers to include requirements for bonding, record keeping and reporting to the department. The regulations also must include a list of in-home care provider employment criteria to include personal information, completion of a minimum education requirement, screening for communicable diseases and a criminal background check. In-home care providers will be required to undergo both state background checks and national background checks if they have less than one-year residency in South Carolina. DHEC will be authorized to charge fees for administration of the program. These fees are to be held separately and used exclusively to support the programs.

The full committee also gave a favorable with amendment recommendation to **H.4022** relating to **COSMETOLOGISTS, ESTHETICIANS AND MANICURISTS TO PRACTICE IN BARBERSHOPS**. A licensed cosmetologist, esthetician, or manicurist may work in a barbershop registered in the state of South Carolina, and a licensed barber may work, within the scope of practice authorized by his or her license, in a cosmetologist's salon.

WAYS AND MEANS

The full Ways and Means Committee met on Wednesday, April 16, and reported out several bills.

The committee gave a report of favorable with amendments on **H.4815**, the “**SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT OF 2008**.” The legislation revises and updates tax incentives for motion picture productions in this State by adding and modernizing definitions, eliminating the rebate of state and local sales taxes provided under former law, providing for the carry forward of rebate funds to avoid multiple applications, clarifying the wage incentive and resident hiring bonus, increasing the number of days state property may be used without fee from seven to ten days, and providing additional requirements for film credits for this State. The legislation allows for a rebate to a production company a portion of the South Carolina payroll of the employment of persons subject to South Carolina income tax withholdings in connection with production of qualified production activities. The rebate is an amount up to twenty percent of the total aggregate South Carolina payroll. Up to an additional ten percent rebate may be paid for all South Carolina residents who are paid a minimum of eighteen dollars an hour. The total aggregate payroll does not include the portion of the salary of an employee whose salary is greater than one million dollars for each qualified production activity. The legislation provides that an additional one percent of the general fund portion of admissions tax collected by this State for the previous year must be allocated to the South Carolina Film Commission for the development and funding of a trainee wage reimbursement program, apprenticeship programs, and other qualified production activity training programs for South Carolina residents. The legislation transfers the South Carolina Film Commission from the Department of Commerce and establishes it as a separate division of the Department of Parks, Recreation and Tourism.

The committee gave a favorable report on **H.4953**, a bill establishing the **SOUTH CAROLINA LIGHTRAIL CONSORTIUM** and provides for its governance, funding, duties, and powers. LightRail is a broadband, high-speed optical research network

designed to link all the State's major research universities and facilitate the exchange of large data sets.

The committee gave a favorable report on H.4340. This bill adds the chief investment officer of the Retirement System Investment Commission as an ex officio member of the **DEFERRED COMPENSATION COMMISSION**. The legislation also removes the provision under which an employee may defer no more than twenty-five percent of his compensation and instead provides that compensation may be deferred in an amount as provided for in a plan approved by the commission.

The committee gave a report of favorable with amendment on H.4887, a bill providing for numerous **TAX CODE REVISIONS**. This bill revises and updates numerous provisions relating to taxation largely to allow state provisions to correspond with federal taxation provisions.

The committee gave a report of favorable with amendment on H.3514, a bill that revises the Procurement Code preferences for resident vendors to allow **OUT-OF-STATE BUSINESSES TO RECEIVE CERTAIN PREFERENCES BY USING SOUTH CAROLINA GOODS, SERVICES, AND LABOR** for required significant percentages of their proposed contracts. In order to be eligible for any preferences, a business must have paid all taxes assessed by the State and registered with the Secretary of State and the Department of Revenue.

The committee gave a favorable report on H.4883, the "**EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX ACT.**" This legislation would allow a county to impose, through referendum approval, a one percent local sales and use tax for not more than fifteen years with the revenue to be used by the county's school district board of trustees to pay for public school capital improvements. A county would also have the option of sharing this revenue with public institutions of higher learning or technical colleges located in the county for capital improvements on those campuses.

The committee gave a report of favorable with amendment on H.4927, a bill establishing an **INCOME TAX CREDIT FOR THE ELECTRICITY COSTS OF RECYCLING FACILITIES**. The legislation allows a refundable income tax credit to a recycling facility equal to the yearly amount expended by the recycling facility for electric service multiplied by one percent in the first year the credit is claimed, two percent in the second year, three percent in the third year, and four percent in the fourth or subsequent year. The recycling facility must maintain or increase the number of employees in South Carolina in order to qualify for the credit. The credit is allowed only when the Board of Economic Advisors forecasts growth in general fund revenues of at least five percent.

The committee gave a report of favorable with amendment on S.951. This bill revises provisions for the distribution of the revenues from the five percent excise tax on the **SALE OF ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION**. The legislation revises eligibility requirements for licensure to sell alcoholic liquors for on-premises consumption so as to allow licenses to be issued to establishments that meet conditions for preparing and serving hot meals on the premises. The legislation imposes new reporting requirements on liquor wholesalers detailing their sales of alcoholic liquors to those licensed to sell alcoholic liquors for on-premises consumption.

The committee gave a report of favorable with amendments on **H.4942**, a bill providing **SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT REVISIONS**. The legislation revises provisions relating to determining the fair market value of real property at the point of sale for purposes of the South Carolina Real Property Valuation Reform Act. The legislation provides that if a parcel of real property which has had no further improvement since the most recent countywide reassessment program was implemented undergoes an assessable transfer of interest, the implementation of the transfer value is postponed until the property tax year of implementation of the next countywide assessment program. This transfer value is the value to which the limit on increases in fair market value applies. The legislation revises provisions relating to the time an assessable transfer of interest occurs, so as to revise the penalty for failure to provide notice or failure to provide accurate notice to the assessing authority of business entity transfers. The legislation revises provisions relating to the classification and valuation of property for purposes of the property tax, so as to require the deed to property held in trust to recite the name of the beneficiary for the property to qualify as the beneficiary's legal residence and to require Social Security Numbers of applicants for the legal residence assessment ratio. The legislation revises provisions relating to continuing education requirements for assessors.

The committee gave a report of favorable with amendments on **H.4499**. This bill revises provisions relating to the **AWARDING OF REASONABLE ATTORNEY'S FEES IF A TAXPAYER PREVAILS IN THE ASSESSOR'S DENIAL OF AGRICULTURAL USE VALUE OF REAL PROPERTY** and a finding by the Administrative Law Court that the assessor's action was unreasonable. Under the legislation, this provision applies to both the denial of an application for agricultural use value and an action by the assessor to remove real property from that status. The legislation provides for the payment of expenses plus attorney's fees and provides for this reimbursement of attorney's fees and expenses after the taxpayer prevails in any final appeal of the contested case. The legislation also eliminates the required finding that the assessor's decision was not reasonable.

The committee gave a favorable report on **H.4568**, relating to **LEGISLATIVE AUDIT COUNCIL ESTIMATES**. This bill requires the Legislative Audit Council to submit to a party requesting an audit an estimate of the cost of an audit at least thirty days before beginning the audit.

The committee gave a report of favorable with amendments on **H.4773**, relating to **EMPLOYMENT SECURITY COMMISSION EXPENDITURES**. This joint resolution authorizes the South Carolina Employment Security Commission to expend up to eight million dollars of funds made available to the state under a provision of the United States Social Security Act for specified purposes.

The committee gave a report of favorable with amendments on **H.4672**, a bill providing **REVISIONS TO THE SALES TAX EXEMPTION ALLOWED FOR CONSTRUCTION MATERIALS USED IN THE CONSTRUCTION OR EXPANSION OF A MANUFACTURING OR DISTRIBUTION FACILITY**. This bill moves the exemption forward from July 1, 2011, to July 1, 2008. The legislation reduces from one hundred million to fifty million dollars the minimum investment required to receive the exemption. The legislation revises provisions for the classification of property and applicable assessment ratios for purposes of the property tax, so as to revise the definition of manufacturing property with respect to warehousing and distribution facilities owned or

leased by a manufacturer. The legislation revises numerous provisions relating to tax credits and incentives for economic development.

The committee gave a report of favorable with amendment on **H.4797**, a bill providing that **LOCAL GOVERNMENTS ARE PROHIBITED FROM CHARGING FEES FOR RESPONDING TO TRAFFIC ACCIDENTS**. This bill provides that a municipality or county, or unit or agency of it, may not impose a fee or seek reimbursement of costs or expenses incurred as a result of responding to a motor vehicle accident. Such fees are authorized only: (1) where the coverage for these services is expressly provided by an insurance company to the insured and the services are billed lawfully to the insured; (2) where emergency medical services are provided to the insured by the county or municipal corporation, or unit or agency of it, if the insured's motor vehicle insurance policy expressly covers the services provided; or (3) where hazardous material clean up services are provided to the insured by the county or municipal corporation, or unit or agency of it, and where insurance coverage for that service is expressly required by state or federal law.

The committee gave a report of favorable with amendments on **H.4305**, a bill enacting the "**SOUTH CAROLINA EQUINE PROMOTION ACT**." The legislation imposes an assessment on certain commercial horse feed with the funds to be deposited in a newly created Equine Promotion Fund that must be used to promote the equine industry in South Carolina. The legislation establishes an Equine Promotion Board and specifies its responsibilities, composition, and method of selecting board members. Unless specifically reauthorized, these provisions are to sunset after five years.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.5029 SOUTH CAROLINA COASTAL ZONE MANAGEMENT PLAN Rep. Witherspoon

This bill is a concurrent resolution requesting that the Department of Health and Environmental Control undertake the actions prescribed and required by the South Carolina Administrative Procedures Act to promulgate, as regulations, those policies of the South Carolina Coastal Zone Management Plan that are both relevant and appropriate. This consist of, but not limited to, streamlining the environmental permitting process in the Coastal Zone, as it relates to overlapping programs within the Department of Health and Environmental Control and its often overlapping jurisdiction with the United States Army Corps of Engineers.

EDUCATION AND PUBLIC WORKS

S.641 PARENTAL INVOLVEMENT IN CERTAIN EDUCATIONAL DECISIONS Sen. Thomas

This bill provides that under certain circumstances a school must defer to the decision of parents or guardians of twins and multiples as to whether or not the children will be placed in the same classroom. This bill also provides that a parent or guardian whose child is six year of age on or before the first day of September of a particular school year may elect for the child to attend kindergarten or first grade if the child did not attend kindergarten in the previous school year. The election must be made in writing, and the school's governing body must comply with the election. However, nothing shall be construed to prohibit a child who does not meet the required standards for the first grade from remaining in kindergarten.

S.981 STATE HIGHWAY SYSTEM Sen. Grooms

This bill provides that all highways in the state highway system must be built according to state standards. The bill allows the Department of Transportation to add county and municipal roads to the state highway system when necessary for the interconnectivity of the state highway system. This bill includes additional provisions relating to the deletion and removal of roads from the state highway secondary system. Additionally, the bill repeals section 57-5-90, relating to belt lines and spurs.

S.996 FERRIES Sen. Ceips

Under this bill, the Department of Transportation may provide for the establishment, operation, maintenance, and supervision of public ferries connecting parts of the state highway system. The governing body of a county may provide for the establishment, operation, maintenance, and supervision of public ferries connecting parts of public roads located within the county that are not under the control of the department. Where the boundary line between adjoining counties runs though a river or other body of water,

the governing bodies of the counties may enter into an agreement providing for the establishment, operation, maintenance, and supervision of public ferries connecting state roads in the counties that are not under control of the department. Contributions from private citizens or public or private entities may be made to defray the operational or maintenance expenses of a ferry.

**S.1207 SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES
Sen. Matthews**

This bill revises the membership of the Board of Trustees and the selection process.

JUDICIARY

**S.111 CERTAIN DRIVERS ALLOWED TO PROCEED THROUGH STEADY
RED LIGHT Sen. Leventis**

If a driver of a motorcycle or moped, or a bicycle rider, approaches an intersection that is controlled by a traffic-control device, this bill provides that the driver may proceed through the intersection on a steady red light only if:

- the traffic-control device is equipped with a vehicle sensor;
- the vehicle sensor has failed to detect the motorcycle, moped, or bicycle because of the motorcycle's, moped's, or bicycle's size or weight; and
- the driver or rider, as the case may be: comes to a full and complete stop at the intersection for 120 seconds; exercises due care, otherwise treats the traffic control device as a stop sign, and it is safe to proceed.

S.880 "SOUTH CAROLINA CDL DRUG TESTING ACT" Sen. Campsen

This bill requires all medical review officers or breath alcohol technicians hired by or under contract to certain commercial driver employers to report to the employers within three business days a verified positive drug test or positive alcohol confirmation test, a refusal to provide a specimen, or the submission of an adulterated, diluted or substituted specimen. Employers must then make report of these items to the Department of Motor Vehicles (DMV) within three business days. Employers must maintain records of these reports for three years, and these records are subject to inspection by the Department of Public Safety. Failure to make required reports is subject to a fine of up to \$500 dollars, which must be credited to the Department of Public Safety - State Transport Division. This bill further provides that a person is disqualified from driving a commercial motor vehicle if a report has been received by the DMV that the person has received a verified positive drug test or positive alcohol confirmation test or refused to take a drug or alcohol test. The disqualification remains in effect until the person undergoes a drug and alcohol assessment by a substance abuse professional and has successfully completed a treatment program. A person who is disqualified for three times in a five-year period is disqualified for life.

**S.911 MEETINGS OF THE BOARD OF STATE CANVASSERS AND COUNTY
BOARDS OF CANVASSERS Sen. Martin**

This bill provides that nothing prohibits the meetings of these entities from being conducted by using telephone conference or other means of telecommunication or electronic communication. Any meeting must be accessible and without cost to the public and must comply with the notice requirements of the Freedom of Information Act.

S.987 BOATING LAWS Sen. Gregory

This bill makes numerous revisions to boating laws, including but not limited to:

- enforcement of boating laws;
- reporting requirements for accidents;
- cooperation with the Department of Natural Resources;
- accident reports and access to them by interested parties;
- abandonment of watercraft or outboard motor on public lands or waters or private property without the permission of the property owner;
- no wake zones;
- as well as repeals various statutes on the subject.

S.1070 CANDIDATE VOLUNTARY DRUG TESTING PROGRAM Sen. Peeler

This bill provides that any candidate for a popularly elected office or an office elected by the General Assembly may obtain a test for illegal drugs and submit the results when the candidate files for the office. For popularly elected offices, the results must be submitted to the authority with which the candidate files and forwarded to the State Elections Commission and published on the commission's website. For offices elected by the General Assembly, the results must be submitted to the committee screening the candidate and published on the General Assembly's website and included in any screening report on the candidate. The results published on the particular entity's website must include the candidate's full name, the office sought, whether or not he tested positive, and any drug for which he tested positive. The bill outlines requirements that must be met in order for the results to be published; however, the commission or screening committee has the final authority to determine whether a candidate's drug test results meet the requirements for publication.

S.1159 UNDERAGE PURCHASE OF ALCOHOL Sen. Lourie

This bill makes revisions with regards to the underage purchase of alcohol. Relating to the transfer of beer or wine and alcoholic liquors for consumption by persons under the age of 21, this bill deletes a reference for clarification. This bill also allows establishments to use persons under the age of 21 to test compliance.

H.5014 CIVIL LIABILITY FOR DEPRIVATION OF ANY RIGHTS, PRIVILEGES OR IMMUNITIES Rep. F.N. Smith

Among other things, this bill provides that a person who, under color of law, subjects, or causes to be subjected, a person within the jurisdiction of the law to the deprivation of any rights, privileges, or immunities secured by the laws of this State may be liable in a civil action to a person injured.

H.5023 REVISIONS TO THE OFFENSE OF CONTRIBUTING TO THE DELINQUENCY OF A MINOR Rep. Govan

This bill provides minimum fines and minimum terms of imprisonment for violations. The bill further provides that each day a violation occurs constitutes a separate offense.

H.5024 MEMBERS OF CERTAIN PROFESSIONAL SOCIETIES WHO ARE EXEMPT FROM TORT LIABILITY Rep. Govan

Relating to members of certain professional societies who are exempt from tort liability, this bill further provides for the medical facilities to which this exemption applies.

H.5040 "TYLER'S LAW" Rep. Cato

This bill provides that a person who operates a motor vehicle in violation of restrictions imposed on a driver's license issued pursuant to section 56-1-50 (beginner's permit), 56-1-175 (conditional), or 56-1-180 (special restricted) is guilty of a misdemeanor. The bill includes enhanced penalties if the person is involved in an accident in which he is at fault and great bodily injury or death results. This bill also provides that a parent or guardian may not knowingly permit a minor licensed to operate a motor vehicle to violate any of the restrictions on his driver's license or to knowingly permit a minor to operate a motor vehicle without a valid driver's license. A parent or guardian violating these provisions is guilty of a misdemeanor. The bill includes enhanced penalties if there is an accident in which the minor driver is at fault and great bodily injury or death occurs.

H.5044 "SOUTH CAROLINA CHILD SAFE PRODUCT ACT" Rep. Edge

This bill prohibits the sale of children's products or components that contain specified amounts of cadmium, phthalates, or lead. The Department of Health and Human Services must identify chemicals that are of high concern to the health of children and developing fetuses. The bill further provides that manufacturers of children's products that contain such chemicals must provide notice to the department and to retailers who sell these products. The department must establish and maintain a product safety education campaign. The bill includes to penalties for violations.

H.5045 CAMPAIGN PRACTICES Rep. Miller

Relating to definitions of campaign practices, this bill provides that anything of value given to make communications more than 45 days before an election to influence the outcome of an elected office is subject to the provisions of sections 8-13-1302 (maintenance of records of contributions, contributors, and expenditures) and 8-13-1308 (filing of certified campaign reports by candidates and committees).

LABOR, COMMERCE AND INDUSTRY

S.1131 INSURANCE PRODUCERS AND AGENCIES Sen. Thomas

This bill revises provisions relating to insurance producers and agencies.

H.5020 INSURANCE POLICIES ISSUED BY THE SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION Rep. Cato

This bill revises provisions relating to the powers of the South Carolina Medical Malpractice Liability Joint Underwriting Association to issue policies of insurance, so as to authorize the association to increase the limits of liability on policies of insurance subject to limits of liability not to exceed one million dollars for each claimant under one policy and three million dollars for all claimants under one policy in one year.

H.5022 RESTRICTIONS ON DEFERRED PRESENTMENT OR DEPOSIT OF CHECKS Rep. Govan

This bill revises restrictions and requirements for deferred presentment or deposit of check, so as to provide a check accepted for deferred presentment or deposit may not be repaid by means of electronic transfer of funds from an account of the customer.

H.5036 INDIVIDUAL OR A GROUP SPECIFIED DISEASE INSURANCE POLICIES Rep. Scarborough

This bill provides for the definition of the terms “actual charge”, “actual charges”, “actual fee”, or “actual fees” and “payment in full” when used in an individual or a group specified disease insurance policy. The legislation requires that an insurer or issuer of an individual or a group specified disease insurance policy may not pay any claim or benefits under the applicable policy in an amount in excess of actual charge or actual fee.

WAYS AND MEANS

S.1252 *CENTERS OF EXCELLENCE MATCHING ENDOWMENT*

Sen. Leatherman

This bill revises provisions relating to the Centers of Excellence Matching Endowment, to provide that the interest earnings in the fund may be used at the Research Centers of Excellence Review Board’s discretion for additional state awards.

**H.5019 ROLL CALL VOTES REQUIRED FOR PASSAGE OF LEGISLATION
RELATING TO EXPENDITURE OF STATE FUNDS Rep. Haley**

This bill provides that a bill or joint resolution which temporarily or permanently, directly or indirectly, adds, amends, or repeals any provision of law relating to the expenditure of state funds must receive a recorded roll-call vote before the bill or joint resolution passes the House of Representatives and the Senate.

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