



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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Vol. 25

May 6, 2008

No. 17

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## HOUSE WEEK IN REVIEW

The House of Representatives amended Senate amendments to **H.4735** and returned the legislation to the Senate. The joint resolution creates the **SOUTH CAROLINA EDUCATIONAL BROADBAND SERVICE COMMISSION** for the purpose of obtaining and evaluating proposals from commercial entities for the leasing of the excess spectrum capacity licensed to the South Carolina Educational Television Network that will become available following the federally required conversion to digital broadcast. The legislation specifies the public officials responsible for appointing the seven members of the commission all of whom must be from the private sector and have a background of substantial duration and expertise in business. The legislation establishes the competitive process that is to be used by the commission. After evaluation, the commission is to present the proposals and its recommendations to the Joint Bond Review Committee. If the Joint Bond Review Committee determines that a proposal should be approved it is presented to the Budget and Control Board for review and approval. The commission is exempt from the Consolidated Procurement Code. The commission shall terminate six months after all agreements resulting from an approved proposal are finally executed or no later than June 30, 2010. Upon termination of the commission, the Budget and Control Board assumes responsibility for the management and administration of all agreements resulting from an approved proposal.

The House approved and sent to the Senate **H.4346**, regarding the **DISCLOSURE OF EARMARK PROJECTS IN APPROPRIATIONS BILLS**. This bill provides that every request by a legislator for an earmark project or program included in an appropriations bill must be made in writing utilizing a designated form. The bill establishes new disclosure requirements for information concerning these earmarks including the name of the legislator making the request and a brief explanation the program or project. Under the legislation, an earmark project or program includes an appropriation or proviso for a specific program or project not originating with a written agency budget request or not included in an appropriations bill from the prior fiscal year.

The House amended, approved, and sent to the Senate **H.4355**, a bill **ALLOWING THE STATE SALES TAX EXEMPTION FOR GROCERIES TO BE EXTENDED TO LOCALLY IMPOSED SALES TAXES**. The legislation authorizes a county governing body by ordinance to exempt unprepared food items eligible for purchase with United States Department of Agriculture food coupons from a locally imposed sales and use tax, including the Local Option Sales Tax, the Capital Project Sales Tax, the Personal Property Tax Exemption Sales Tax, and the Transportation Infrastructure Sales Tax.

The House concurred in Senate amendments to **H.5043**, a concurrent resolution providing that the members of the South Carolina General Assembly shall annually designate a Saturday in spring as **CITIZENS REMEMBRANCE DAY**, to be observed in honor and memory of victims of fatal motor vehicle crashes.

The House amended, approved, and sent to the Senate **H.4900**, the “**REDUCED CIGARETTE IGNITION PROPENSITY STANDARDS AND FIREFIGHTER PROTECTION ACT**”. The legislation provides that, in order to be sold in this State, cigarettes must undergo laboratory testing for ignition propensity, receive certification that they meet this legislation’s fire safety performance standards, and marked to show

that they comply with these reduced ignition propensity standards. Manufacturers are required to pay a certification fee for each cigarette brand style to the State Fire Marshal to defray the costs of the legislation's processing, testing, enforcement, and oversight activities. The fee is initially set at two hundred fifty dollars, but the State Fire Marshal is authorized to adjust the fee annually to ensure that actual costs are defrayed. Manufacturer are required to maintain copies of the reports of tests conducted on cigarettes for a period of three years, and must make copies of these reports available to the State Fire Marshal and the Attorney General upon written request. Civil penalties are established for noncompliant cigarette sales, false certifications, failure to meet reporting requirements, and other violations of the legislation. Cigarettes that have been sold or offered for sale that do not comply with the performance standards are subject to forfeiture and destruction. The Attorney General, the Department of Revenue, the State Fire Marshal, and other law enforcement personnel are provided authority to examine the books, papers, invoices, and other records related to cigarette sales in order to enforce the provisions of the legislation.

The House approved and sent to the Senate **H.5009**, a bill to provide that **ARSONISTS ARE BARRED FROM FIREFIGHTING DUTIES**. This bill revises provisions relating to a criminal records check for a firefighter, so as to provide that no person may volunteer as a firefighter, be employed as a firefighter, or perform firefighting duties if he has been convicted of, pled guilty to, or pled no contest to arson.

The House of Representatives amended, approved and sent to the Senate **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 punishable by a fine of not more than \$500 dollars or imprisonment for not more than 30 days.

The House amended, approved, and sent to the Senate **H.4758**, which relates to **STUDENT TRANSFERS AND ELIGIBILITY TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES**. The legislation provides that a 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 may transfer with the consent of the student's school district to another high school within or out of the district within thirty school days of the restraining order being violated, without any loss of eligibility to participate in interscholastic activities at the school to which the student transfers.

The House amended, approved, and sent to the Senate **H.4694**, a bill providing that **INDIVIDUALS CHARGED WITH CERTAIN CRIMINAL OFFENSES ARE PROHIBITED FROM SERVING ON A STATE GRAND JURY**. The legislation provides that a person who is currently charged in a state or federal court with a criminal offense that carries a maximum penalty of one year or more is not qualified to serve as a juror on a state grand jury. However, he must be eligible to serve on the next grand jury following dismissal of the charges or a finding that he is not guilty of the charges.

The House amended, approved, and sent to the Senate **H.4984**, a bill providing **REVISIONS TO THE YOUTHFUL OFFENDER ACT**. The bill revises the definition of youthful offender to include persons who commit a broader range of criminal offenses. This bill also provides that a person under the age of 21 sentenced pursuant to the Youthful Offender Act, convicted of armed robbery shall receive and serve a minimum

sentence of at least three years, no part of which may be suspended. The person is not eligible for parole or probation until he has served a three-year minimum sentence. A person between the ages of 21 and 25 who is convicted of armed robbery may not be sentenced pursuant to the Youthful Offender Act.

The House of Representatives amended, approved and sent to the Senate **H.5001**. This bill creates the offense of trespass upon the grounds or structure of a **DOMESTIC VIOLENCE** shelter; violations are felonies. Upon conviction, a person must be fined not more than \$5,000 dollars or imprisoned for not more than five years, or both. If a court decides to release a person pending his trial, the court shall inform the person in writing if his household member is living in a domestic violence shelter and he trespasses onto the property, then he could be charged and face a felony conviction. Relating to a warrantless arrest or search when a person is believed to have committed a criminal domestic violence offense, this bill clarifies that a warrantless arrest or search may be undertaken by law enforcement when there is probable cause to believe a violation has occurred.

The House of Representatives amended, approved and sent to the Senate **H.4377**, a bill pertaining to **DUTIES OF THE DEPARTMENT OF SOCIAL SERVICES (DSS) CONCERNING REPORTS AND INVESTIGATIONS OF CHILD ABUSE AND NEGLECT**. Among many other things, this bill increases from five years to ten years the timeframe that DSS must keep information concerning reports classified as unfounded. When DSS receives a report of suspected child abuse or neglect, whether or not the information related by the reporter appears to indicate a violation of criminal law, this bill provides that DSS must notify the appropriate law enforcement agency of that information within 24 hours of DSS receiving the report. When the report is of alleged sexual abuse, DSS must notify the appropriate law enforcement agency within 24 hours of receipt of the report and a collaborative investigation must begin. The legislation also deletes the current requirement pertaining to when DSS must seek an order placing a person in the Central Registry of Child Abuse and Neglect. Persons, agencies, or entities who are engaged in the care, supervision, or treatment of children shall obtain the results of a review of the **CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT** before hiring a potential employee. This bill specifically provides that persons charged with hiring school district employees shall review the Central Registry of Child Abuse and Neglect. An employer who is required to check the Central Registry of Child Abuse and Neglect must comply with all requirements. DSS is authorized to charge a fee for reviewing the Central Registry of Child Abuse and Neglect. Relating to child protective services appeals, this bill provides that the family court shall conduct a trial de novo. This bill also repeals Section 20-7-50, relating to unlawful conduct towards a child.

The House amended, approved, and sent to the Senate **H.4892**, the “**ENERGY INDEPENDENCE AND SUSTAINABLE HOMES ACT**”. The legislation establishes a one thousand dollar state income tax credit for a residential builder who constructs a high-performance residence in this State that meets the legislation’s green building standards for maximizing energy efficiency and minimizing adverse environmental impact. The Department of Revenue is required to submit an annual report to the General Assembly detailing the number of high-performance residences, the tax credits that have been claimed, and any barriers that hinder the legislation’s promotion of green building standards. The legislation also provides that a local government or homeowners association may not impose a greater requirement on a person wishing to install a solar energy heating or cooling system in a residential home than it otherwise

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would impose on a person wishing to install another heating, cooling, or similar mechanical system.

The House amended, approved, and sent to the Senate **H.4766**, a bill establishing new **ENERGY CONSERVATION GOALS FOR STATE AGENCIES**. For buildings in use on July 1, 2008, the legislation establishes a goal of reducing energy consumption by at least one percent annually for five consecutive years. The plan also must have a goal of ultimately reducing energy consumption by twenty percent by July 1, 2020, relative to year 2000 levels. An agency shall implement all available cost-effective energy-saving measures to pursue these goals. In determining whether an energy-saving method is cost effective, an agency should primarily consider the measure's cost effectiveness over a five-year period rather than within one fiscal year. The State Energy Office shall provide agency assistance and information needed to help meet these goals. These provisions do not apply to a building designed, constructed or rehabilitated, and maintained in compliance with the Energy Independence and Sustainable Construction Act of 2007. The legislation provides for annual status reports to the State Energy Office and requires an agency that does not attain its required annual reduction goals to include in its report a detailed justification that it implemented all available, cost-effective energy conservation methods. The legislation also requires state agencies to replace incandescent light bulbs with compact fluorescent bulbs when the incandescent bulbs need to be replaced, and if the agency determines use of a compact fluorescent bulb is more cost effective over a five-year period. A state agency may purchase incandescent bulbs if the agency verifies, in writing, that compelling circumstances require their use.

The House amended, approved, and sent to the Senate **H.4337** relating to **STORM WATER RUNOFF FEES**. This bill exempts agricultural lands, forest lands and undeveloped lands from any fee imposed by a local governing body for a storm water, sediment or erosion control program.

The House concurred in Senate amendments to **H.4520** and enrolled the bill for ratification. The legislation provides that, upon receiving approval of the South Carolina State Budget and Control Board and upon review by the Joint Bond Review Committee, the Board of Trustees of the **UNIVERSITY OF SOUTH CAROLINA IS AUTHORIZED TO ISSUE REVENUE BONDS FOR THE PURPOSES OF ACQUIRING, CONSTRUCTING, AND EQUIPPING A NEW FACILITY FOR THE MOORE SCHOOL** in the Innovista District on the Columbia Campus and renovating the Close-Hipp Building (CH building) and related facilities for the purpose of leasing the building to the federal government.

The House amended, approved, and sent to the Senate **H.4950**, a bill enacting the "**SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT**" to provide for revised incentives for the rehabilitation, renovation, and redevelopment of abandoned textile mill sites located in South Carolina

The House amended, approved, and sent to the Senate **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 House, amended, approved, and sent to the Senate **H.3975**. This joint resolution authorizes the governing body of a county by ordinance to **POSTPONE FOR ONE ADDITIONAL YEAR A COUNTYWIDE PROPERTY TAX EQUALIZATION AND REASSESSMENT PROGRAM**.

The House amended, approved, and sent to the Senate **H.4783**, which **REVISES PROVISIONS FOR THE LICENSURE AND REGULATION OF ARCHITECTS**. The legislation establishes provisions allowing intern architects. The legislation increases from ten thousand dollars to twenty thousand dollars the maximum amount of total fines that the Board of Architectural Examiners may impose. The legislation revises licensure requirements, so as to provide that application fees are nonrefundable and that applicants must be enrolled and participating in an intern development program. The legislation revises license renewal and continuing education requirements, so as to further clarify required continuing education topics and to require registrants to comply with audit deadlines and requirements. The legislation authorizes the use of an electronic seal and signature by architectural firms. The legislation specifies that engineers are not subject to architect provisions. The legislation further specifies which farm buildings, buildings less than three stories high, and detached single family or two-family dwellings do not require the services of an architect. The legislation provides that architectural services are not required for alterations and renovations to buildings that do not increase the areas or capacities of buildings beyond that governed by these provisions, that do not affect the structural safety of the building, or that do not change the building's access or exit pattern.

The House amended, approved, and sent to the Senate **H.4750**, a bill relating to **DISCIPLINARY PROCEDURES FOR THOSE WHO MANAGE CONTINUING CARE FACILITIES**. Notably, the legislation provides grounds for which disciplinary action may be taken, requires that disciplinary action occur subject to the Administrative Procedures Act, and requires a person who has undertaken unlawful conduct to repay enforcement costs.

The House amended, approved, and sent to the Senate **H.4908**, bill **PROVIDING THE DEPARTMENT OF TRANSPORTATION WITH CERTAIN AUTHORITY OVER EXISTING TOLL ROAD PROJECTS**.

The House amended, approved, and sent to the Senate **H.4921**, a bill **REVISING EXEMPTIONS TO ILL TREATMENT OF ANIMALS PROVISIONS**, so as to provide a specific exemption for an activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog and another animal does not occur during this training exercise.

The House amended, approved, and sent to the Senate **H.4847**. 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."

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- 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.

The House approved and sent to the Senate **H.4312**, which provides for the **PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY**. This bill provides that a guardianship, conservatorship, or other protective order established by reason of incapacity, and not merely minority, does not terminate automatically upon the attainment of the age of majority by the incapacitated person.

The House amended, approved, and sent to the Senate **H.4764**, regarding **WATER RESOURCES PLANNING FOR WATERCRAFT EQUIPMENT AND OPERATIONS**. This comprehensive bill makes numerous changes to the equipment, operations and titling for watercraft and water devices used on the waters of this State. The bill outlines watercraft to mean anything used or capable of being used as a means of transportation on the water but does not include a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or anything that does not meet construction or operational requirements of the state or federal government for watercraft. The fee for a certificate of title for a watercraft and an outboard motor is ten dollars. The fee for providing a duplicate copy is five dollars. An owner of a watercraft or outboard motor titled in this State must notify the department if ownership is transferred to another person, entity or transferred out of state or otherwise disposed. Any person coming into possession of a watercraft or outboard motor without proper proof of ownership must apply to the department for a title. The application must be supported by an affidavit setting forth the circumstances under which the watercraft or outboard motor was acquired. The applicant must attempt to notify the last known titled or registered owner and any lien holder of record by certified mail of the application. The applicant must provide proof of mailing. The applicant must publish an advertisement in a newspaper of general circulation in the county of residence of the last known owner. If there is no prior owner of record, the advertisement must be published in the county where acquired. After thirty days, if no claim of interest or ownership is made and the item has not been reported stolen, the department shall issue a clear title. If the item is reported stolen, the department shall dispose of the item according to law. If there is a claim of interest adverse to the applicant, the department shall not issue a title until the issue is resolved. The parties may apply to a court of competent jurisdiction for resolution. The bill also provides for permits and operational standards for marine dealers. It requires marine dealers to sell a minimum of ten new or used watercraft or outboard motors a year in order to renew permits. In addition, the bill repeals Section 50-21-35 Dealer Demonstration Numbers for Watercraft; Section 50-21-60 Personnel Expenses and Salaries of Department Employees and Sections 50-23-15, 50-23-40, 50-

23-50, 50-23-65, 50-23-100 and 50-23-160 all relating to certificates of title or marine dealer permits.

The House recommitted **H.4592**, which provides for a **PROHIBITION ON CERTAIN DRIVERS OPERATING VEHICLES WHILE USING CELLULAR PHONES AND OTHER DEVICES**, to the Education and Public Works Committee.

The House recommitted **S.157**, the **SOUTH CAROLINA TEACHER PROTECTION ACT**, to the Judiciary Committee.

The House recommitted **H.4978**, relating to facilities and training approved by the **SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**, to the Judiciary Committee.

The House committed **H.3797**, relating to as the **LICENSURE OF IN-HOME CARE SERVICE PROVIDERS**, to the Ways and Means Committee.

The House recommitted **H.4862**, a bill revising the **PROHIBITION AGAINST BAITING WILD TURKEYS**, to the Agriculture, Natural Resources and Environmental Affairs Committee.

The House amended and rejected **H.4446**, a bill authorizing the **INCLUSION OF DIRECT EMPLOYEES OF THE SOUTH CAROLINA ATHLETIC COACHES ASSOCIATION IN THE STATE HEALTH AND DENTAL INSURANCE PLANS**.

The House amended and tabled **H.3274**, pertaining to the **UNLAWFUL PRACTICE OF LAW**.

## HOUSE COMMITTEE ACTION

The full committees did not meet this week.

## BILLS INTRODUCED IN THE HOUSE THIS WEEK

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

**S.1158 SCENIC RIVER DESIGNATIONS Sen. Hayes**

This bill designates a portion of the Catawba River as a scenic river. The portion that is designated is located between the Lake Wylie Dam and the South Carolina Highway 9 Bridge crossing of the Catawba River.

**S.1210 SCENIC RIVER DESIGNATIONS Sen. Leatherman**

Currently, the portion of the Lynches River located between U.S. 15 near Bishopville and the eastern boundary of Lynches River State Park is designated as a scenic river. This bill expands that designation by including that portion located between the eastern boundary of Lynches River County Park and the confluence with the Great Pee Dee River as a scenic river.

## EDUCATION AND PUBLIC WORKS

### **S.145 GENERAL EDUCATION DEVELOPMENT (GED) PILOT PROGRAM**

**Sen. Malloy**

Subject to funds appropriated by the General Assembly, this bill creates the General Education Development (GED) Pilot Program to be implemented beginning in the 2008-2009 school year. The program shall be designed to allow students, ages 16--19, currently enrolled in a high school and who are one to two years behind in high school graduation requirements, the opportunity to remain a high school student while receiving appropriate instruction to achieve a GED diploma. The program shall consist of developing and implementing a self-paced GED preparation program that includes, but is not limited to, academic course work, computer lab work, career readiness certificate preparation, and vocational training. The program shall be designed by the State Department of Education and shall be modeled after the American Council on Education's GED Options Program. The bill includes additional provisions for the implementation of this program.

### **S.773 STORM EYE INSTITUTE SPECIAL LICENSE PLATES** Sen. Hawkins

This bill provides that the Department of Motor Vehicles shall issue special motor vehicle license plates to certain officials associated with the Storm Eye Institute for private passenger motor vehicles owned by them.

### **S.997 REQUIREMENT FOR COMPLETION OF A TEEN DEFENSIVE DRIVING COURSE PRIOR TO ISSUANCE OF A CONDITIONAL OR SPECIAL RESTRICTED DRIVER'S LICENSE** Sen. Lourie

This bill provides that after December 31, 2008, a person must have successfully completed a teen defensive driving course that is approved by the Department of Public Safety before he is issued a conditional or special restricted driver's license.

### **S.1311 PUBLIC EDUCATION FUNDING EFFECTIVENESS AND FAIRNESS PANEL** Sen. Leatherman

This joint resolution creates a thirteen-member Public Education Funding Effectiveness and Fairness Panel. The legislation includes provisions for the panel's membership, powers, duties and responsibilities. Members of the commission must have substantial experience in fiscal management or policy. Among other things, the panel shall study and propose to the General Assembly changes regarding the distributions of education

funds to the public school districts of this State. The panel shall prepare a report of its recommendations, including proposed legislation, and submit the report to the General Assembly by January 1, 2010. Upon submission of the report, the panel shall terminate.

**S.1329 'I BELIEVE' SPECIAL LICENSE PLATES Sen. McGill**

This bill authorizes the Department of Motor Vehicles to issue 'I Believe' special motor vehicle license plates to owners of private motor vehicles registered in their names. The plate must contain the words 'I Believe' and a cross superimposed on a stained glass window.

## JUDICIARY

**S.401 REVISIONS TO THE CONSOLIDATED PROCUREMENT CODE**

**Sen. Setzler**

This bill makes revisions to the Consolidated Procurement Code. Among other things, the bill provides for preferences for end products from South Carolina and from the United States and for contractors and subcontractors who employ individuals domiciled in South Carolina.

**S.429 "ACCESS TO JUSTICE POST-CONVICTION DNA TESTING ACT" AND "PRESERVATION OF EVIDENCE ACT" Sen. Malloy**

This comprehensive legislation outlines procedures for post-conviction DNA testing as well as provides procedures for the preservation of evidence.

**S.511 MECHANICS' LIENS Sen. Thomas**

Among other things, this bill provides that a person or firm who has not procured a license or registered with the South Carolina Residential Builders Commission may not file a mechanics' lien. The bill further provides that a mechanics' lien and associated bonds may be released by a court order, a written affidavit of the bond-holder's attorney, or by a written affidavit from the defendant's attorney citing six months has passed since the lien was attached and there has been no suit filed or notice of pendency filed or citing the failure of the filing party to take some other timely action.

**S.638 "SOUTH CAROLINA PUBLIC INVOCATION ACT" Sen. Campsen**

This bill outlines a procedure whereby a deliberative public body, by ordinance, resolution, or written policy statement, may adopt a policy to permit a public invocation before each meeting of the public body.

**S.808 "MILITARY PARENT EQUAL PROTECTION ACT" Sen. Hawkins**

This bill outlines provisions for the modification of a custody or visitation order if one of the parents is in the military service. If a military parent is called to military service, either parent may file a notice of activation of military service and petition to modify a support order. The legislation also includes provisions for the temporary modification of support order. Except for modifying a child support obligation during military service pursuant to these provisions, a military parent's income during military service must not be used to determine the military parent's income or earning capacity. As military necessity may preclude court adjudication before mobilization, the legislation encourages the parties to negotiate mutually agreeable arrangements prior to mobilization. The legislation includes provisions for the award of attorney's fees.

The bill further provides that a service member who is entitled to a stay in civil proceedings pursuant to the federal Service Members Civil Relief Act may elect to proceed while the service member is reasonably unavailable to appear in the geographical location in which the litigation is pursued and may seek relief and provide evidence through video-conferencing, internet camera, email, or any other reasonable electronic means. Any testimony presented must be made under oath, in a manner viewable by all parties, and in the presence of a court reporter. In matters when a party who is physically present in the State is permitted to use affidavits or seek temporary relief, the service member may submit testimony by affidavit. The court must allow a party to proceed pursuant to this section unless an opposing party establishes a compelling reason not to proceed by clear and convincing evidence. The court must allow a party to present evidence pursuant to a method provided by this section unless an opposing party established that the method will cause a substantial injustice, deny effective cross examination, deny the right to confront the witness, or abridge any other constitutional right.

**S.879 "UNIDENTIFIED HUMAN REMAINS DNA DATABASE ACT"**

**Sen. Campsen**

Under this bill, family members of a missing person may submit DNA samples to the State Law Enforcement Division (SLED). If the person is missing 30 days after a missing person report has been submitted to the Missing Person Information Center, SLED must conduct DNA identification, typing, and testing on the family members' samples. SLED may, within its discretion, conduct DNA identification, typing, and testing on the family members' samples prior to 30 days if SLED determines that such activity is necessary. If SLED does not have the technology necessary for a particular method of DNA identification, typing, or testing, SLED may submit the DNA samples to a Combined DNA Indexing System (CODIS) laboratory that has the appropriate technology. The results of the identification, typing, and testing must be entered into CODIS.

Upon notification by the Medical University of South Carolina or other facility preserving the body of an unidentified person that the body remains unidentified after 30 days, the SLED must conduct DNA identification, typing, and testing of the unidentified person's tissue and fluid samples. SLED may, within its discretion, conduct prior to 30 days if SLED determines that such activity is necessary. The results of the identification, typing, and testing must be entered into the CODIS.

A coroner performing an autopsy on an unidentified body must obtain tissue and fluid samples suitable for DNA identification, typing, and testing. The samples must be transmitted to SLED. If the body cannot be identified through reasonable efforts, the coroner must forward the body to the Medical University of South Carolina or other suitable facility for preservation. If the body remains unidentified 30 days after the coroner forwarded the body, the Medical University of South Carolina or other facility preserving the body must immediately notify SLED. If the body has not been identified within 30 days after SLED has entered the unidentified person's DNA profile into CODIS, the Medical University may retain possession of the body for its use and benefit or return the body to the coroner of the county where death occurred for disposition as provided by law. A facility other than the Medical University utilized by the coroner for storage of an unidentified body may dispose of the body as provided by law or return the body to the coroner of the county where death occurred for disposition.

**S.881 RULE TO SHOW CAUSE FOR FAILURE TO PAY SUPPORT Sen.**

**Cleary**

If a court order requires a parent to provide monetary support for a child, including, but not limited to, payment of health, medical, or educational expenses, but excluding periodic payment of funds for the support of the child, and the parent fails to do so, this bill provides that the other parent or the child's custodial guardian may petition the court for relief using an authorized affidavit and supporting documents setting forth the existence of the expense and the failure of the parent to pay the required support. Within 60 days of approval by the Governor of this act, Court Administration shall prepare the authorized affidavit form and make it available to petitioners seeking relief. The bill outlines certain information which the affidavit must contain. Upon receipt of a petition accompanied by an authorized affidavit, the court shall issue a rule to show cause to the alleged non-paying parent for nonpayment of the required support. The parent must be served in accordance with the South Carolina Rules of Civil Procedure. The court also shall provide notice of the hearing to the petitioner. At the hearing on the rule to show cause, the order requiring the monetary support, the authorized affidavit, and the supporting documentation constitute prima facie evidence, without further proof or foundation, that the parent is in violation of the court order requiring the support. Once a prima facie case is established, the burden is on the parent asserting a defense to establish the defense. If the family court determines that the petitioner's claim for support is frivolous, or that the petitioner knowingly or intentionally made or filed a false authorized affidavit, or knowingly or intentionally submitted false documents in support of the petition, the court may award the parent reasonable attorney's fees and other litigation costs reasonably incurred in the defense of the petition.

**S.980 COUNTY GUARDIAN AD LITEM PROGRAMS Sen. Lourie**

Among other things, this bill provides that a county providing the guardian ad litem services prior to the effective date of this legislation may continue to provide such services, provided the county guardian ad litem program is a member of the National Court Appointed Special Advocate Association. However, a county guardian ad litem program must comply with all state and federal laws, even if compliance with state or federal laws would result in the violation of a requirement for membership in the National Court Appointed Special Advocate Association. This bill provides that the reports and information maintained by a county guardian ad litem program are confidential. This bill also provides that the chief administrator of a county guardian ad litem program may disclose to the media information contained in a child protective service records, if disclosure is limited to discussion of the program's activities in handling the case.

**S.1048 SUNDAY SALE OF WINE Sen. Martin**

This bill provides that wine may be sold on Sunday if the wine is produced using grapes grown in this State, the grapes are harvested, processed, fermented, bottled, and sold at the same contiguous location, the seller meets all applicable licensing and taxing requirements, and the local governing body of the county or municipality where the sale occurs adopts an ordinance permitting wine sales on Sunday under these limited circumstances.

**OR**  
**S.1125 PROHIBITION ON MISREPRESENTATION AS A TRIBE OR GROUP  
SPECIAL INTEREST ORGANIZATION THAT HAS RECEIVED  
RECOGNITION BY THE STATE COMMISSION FOR MINORITY  
AFFAIRS Sen. Hutto**

A person or entity must not knowingly and intentionally represent himself or itself, either orally or in writing, as being a member of a state recognized tribe, group, or special interest organization unless he is a member of a tribe, group, or special interest organization that has received state recognition by the State Commission for Minority Affairs. Any person or entity that violates these provisions is guilty of a misdemeanor and, upon conviction, must be fined up to \$500 dollars for each violation.

**S.1172 FILLING OF VACANCIES IN THE OFFICE OF THE CORONER**

**Sen. Knotts**

In the event of a vacancy in the office of coroner, this bill provides that the Governor shall fill the office by appointing a qualified replacement to serve until the earlier of the following: (1) the next general election for the office of coroner; or (2) the next general election, in which case an election shall be to fill the unexpired term. In either circumstance, the person appointed by the Governor shall hold office until his successor shall qualify. 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. Except when the coroner is suspended, the chief deputy or second in command of the coroner's office shall act as coroner until the vacancy is filled by the Governor's appointment. 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.

**S.1260 "PROVISIONS FOR COST OF ANIMAL CARE ACT OF 2008"**

**Sen. Lourie**

This legislation provides that the custodian of an animal taken into custody due to civil or criminal violations by its owner may petition the court for expenses related to providing care to the animal. The legislation establishes procedures for hearing such petitions and for the collection and use of funds ordered to be paid. A person who fails to pay such funds forfeits rights of ownership to the animal, and the legislation includes provisions for the disposition of such an animal. The legislation also includes provisions for the return of funds when a person is not found to be in violation.

**H.5091 SOUTH CAROLINA STATE GUARD Rep. Cooper**

This bill authorizes the Adjutant General to establish an Emergency Air Wing within the State Guard. The bill provides for the organization and duties of the Emergency Air Wing, and it has provisions relating to the liability of airplanes used by volunteer participants in the Emergency Air Wing. Relating to exceptions to liability under the Tort Claims Act, this bill further provides for exceptions to liability in regard to the South Carolina National Guard and the South Carolina State Guard. Relating to political subdivisions and other entities which may participate in the workers' compensation insurance program, this bill provides that the recovery of workers' compensation benefits by members of the Emergency Air Wing of the South Carolina State Guard shall be payable from the State Accident Fund.

**H.5092 TELEMARKETING Rep. Haskins**

This bill provides that an expenditure of state funds under contract through a governmental body for telemarketing services requires contract provisions that the services must be performed in the United States and that only United States citizens and legal residents with valid work permits authorized to work in the United States may be

employed. Relating to the regulation of unsolicited telephone calls, this bill provides for disclosure of certain information from a consumer sales or service call center.

**H.5101 PROCEDURES FOR INMATES TO ATTEND FUNERALS AND HAVE CERTAIN VISITATION Rep. Allen**

When the parent or parent substitute, sibling, spouse, child, grandparent, or grandchild of an inmate becomes seriously ill to the point of imminent death or dies, then this bill provides that an inmate must be offered the choice to either attend the person's funeral service or, prior to the person's death, visit the person in the hospital. The inmate, or a third party on behalf of the inmate, must present verification of the person's relationship to the inmate and either the person's illness or death. The Department of Corrections shall provide the necessary security and transportation for the inmate. The department also may engage the services of the sheriff of the county in which the inmate is housed to provide the necessary security and transportation for the inmate. The department may collect a reasonable charge for the transportation. The charge may not exceed the actual expense incurred by the department or sheriff. This charge must be collected from a third party on behalf of the inmate or, if no third party pays, through a deduction from the inmate's trust account. Relating to furloughs for qualified inmates, this bill deletes the provision that allows an inmate to attend the funeral of certain persons.

## **LABOR, COMMERCE AND INDUSTRY**

**S.1010 "HEALTH CARE ACCESSIBILITY FOR YOUNG AMERICANS ACT" Sen. Lourie**

This bill establishes provisions for health insurance coverage under a parent's policy for an unmarried child under the age of twenty-five years who primarily is dependent for financial support from his parent. The legislation also establishes provisions for health insurance coverage under a parent's policy for certain military personnel on termination of active duty status.

**S.1090 "THE SOUTH CAROLINA MORTGAGE LENDING ACT" Sen. Thomas**

This bill requires licensure for mortgage lenders, requiring criminal and financial background checks, training and testing. The legislation establishes continuing education requirements and periodic reporting requirements. Criminal penalties are established for mortgage fraud violations.

**S.1141 ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVES Sen. McConnell**

This bill refines the definition of a manufactured home that is subject to a maximum sales tax because it meets certain energy efficiency standards. The legislation establishes an incentive program for the purchase and installation of energy efficient manufactured homes in South Carolina.

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

**S.1156 STAFFING REQUIREMENTS FOR PHARMACIES Sen. Cromer**

The current law states that a pharmacist can supervise up to three pharmacy technicians of which two must be state certified. This bill states that a pharmacist can supervise up

to four pharmacy technicians of whom at least two must be state certified. If a pharmacist supervises three technicians at least one of the three must be state-certified.

## WAYS AND MEANS

### **S.241 STATE RETIREMENT SYSTEM PROHIBITED FROM INVESTING WITH COMPANIES COMPLICIT WITH THE GOVERNMENT OF SUDAN IN THE DARFUR GENOCIDE Sen. Lourie**

This bill requires the Retirement System Investment Commission, acting consistently with its fiduciary responsibility, to divest its portfolio of investments in certain companies that in their operations are complicit with the government of Sudan in the Darfur genocide and to prohibit future investments by the commission in such companies.

### **S.488 STATE REQUIRED TO FOREGO COMMISSIONS OR REVENUES FOR PROVIDING PAY TELEPHONES TO INMATES Sen. Ryberg**

This bill requires the State to forego any commissions or revenues for the provision of pay telephones in institutions of the Department of Corrections and the Department of Juvenile Justice for use by inmates. The State Budget and Control Board shall ensure that the telephone rates charged by vendors for the use of those phones must be reduced accordingly.

### **S.1006 HEALTH AND DENTAL BENEFITS FOR A SPOUSE OR DEPENDENT OF A LAW ENFORCEMENT OFFICER OR FIREFIGHTER KILLED IN THE LINE OF DUTY Sen. Ritchie**

This bill establishes conditions under which a spouse or dependent of a law enforcement officer or firefighter killed in the line of duty may continue to receive health and dental benefits.

### **S.1076 FINANCIAL ASSISTANCE TO LOW-INCOME HOUSEHOLDS TO IMPLEMENT ENERGY EFFICIENCY AND CONSERVATION MEASURES Sen. McConnell**

This bill creates a non-profit entity named Operation Empowered in order to provide financial assistance to low-income households to implement energy efficiency and conservation measures.

### **S.1140 ENERGY EFFICIENCY AND RENEWABLE ENERGY GOALS FOR STATE GOVERNMENT Sen. McConnell**

This bill establishes energy efficiency and renewable energy goals for state government. The legislation directs state agencies to procure energy efficient products and replace incandescent light bulbs with compact fluorescent light bulbs.

### **S.1143 SALES TAX EXEMPTION FOR ENERGY EFFICIENT APPLIANCES Sen. McConnell**

This bill provides an exemption from the state sales tax for the gross proceeds of sales of noncommercial home or personal use appliances with a sales price of no more than two thousand five hundred dollars that meet standards for energy efficiency. The exemption applies only to sales occurring during October (National 'Energy Efficiency

Month') until 2019. The legislation includes provisions for only allowing the exemption during periods when the Board of Economic Advisors is forecasting annual revenue growth of at least five percent.

**S.1224 FRANCIS MARION UNIVERSITY ATHLETIC FACILITIES REVENUE BONDS** Sen. Leatherman

This bill establishes provisions authorizing Francis Marion University Athletic Facilities Revenue Bonds.

**S.1232 "EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX ACT"** Sen. Cleary

This bill enacts the "Education Capital Improvements Sales and Use Tax Act" to allow a one percent local sales and use tax to be imposed in a county for not more than fifteen years upon referendum approval with the revenues of the tax used by the county's school district board of trustees to pay for specific public school capital improvements in the county. The legislation provides a method whereby revenue of the tax may be shared for the purposes of specific capital improvements on the campuses of a technical college or other state institution of higher learning located in the county.

**H.5097 INCOME TAX CREDITS FOR CONSERVATION GIFTS** Rep. Vick

This bill revises income tax credits for gifts of land for conservation or qualified conservation contributions of a qualified real property interest, so as to provide that the maximum limit of the credit for certain taxpayers which are not individuals is on a per shareholder or partner basis.

**H.5111 SCHOOL IMPACT FEES USED FOR CLASSROOM OPERATIONAL EXPENSES** Rep. Gullick

This bill provides that if a school impact fee is imposed by law or local ordinance it may be used for classroom operational expenses.

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