



South Carolina House of Representatives

Legislative Update

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

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3314**, a bill restructuring **OVERSIGHT OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**. Beginning July 1, 2009, this bill provides that the department must be headed and governed by a director appointed by the Governor, with the advice and consent of the Senate. The director serves at the pleasure of the Governor and may be removed pursuant to section 1-3-240(b). The director may appoint and remove other officers and employees of the department in his discretion. The bill further provides that on this date the South Carolina Commission on Disabilities and Special Needs shall become an advisory board to the department. Numerous other code sections are amended to conform to these changes.

H.3314 also establishes new provisions for the **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS**. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation includes provisions for the assignment of agencies to standing committees; there are also provisions for joint investigating committees. Each standing committee must conduct oversight studies and investigations at least once every five years on all agencies within its jurisdiction. Also a standing committee may by a one third vote initiate a study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action. The legislation includes criminal penalties for anyone who appears before a committee or subcommittee and willfully gives false, misleading, or incomplete testimony under oath.

The House approved and sent to the Senate **H.3305**, a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE RIGHT TO VOTE BY SECRET BALLOT**. This joint resolution proposes to amend the South Carolina Constitution to provide that, where local, state, or federal law requires elections for public office or ballot measures, or requires designations or authorizations for employee representation, the right of individuals to vote by secret ballot is guaranteed.

The House amended, approved, and sent to the Senate **H.3084**, a bill imposing new conditions for **NAMING A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL**. The legislation provides that unless a road, bridge, or other highway facility is dedicated and named in honor of either a serviceman, law enforcement officer, or fireman killed in the line of duty, public funds may not be used to reimburse the Department of Transportation for expenses it incurs. If, however, money to fund the erection of a sign is raised privately, signs may be erected in honor of an individual. The legislation also provides that, before June 30, 2010, no 'C' Fund or General Fund revenues may be used to defray the costs of purchasing or erecting signs for traffic generators, except for those traffic generators, such as state and national parks, universities, museums, stadiums, etc., that are included in Department of Transportation guidelines and regulations.

The House approved and sent to the Senate **H.3161**, a bill requiring the **OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT** to employ at least five hearing officers, an attorney to advise the hearing officers and support staff in the performance of their duties, and other support and supervisory staff as deemed necessary by the chief judge. Relating to the filing fee to request an administrative hearing, the bill increases the filing fee from \$150 to \$200 dollars and provides these funds first must be used to meet the expenses of the Office of Motor Vehicle Hearings, including the salaries of its employees, as directed by the chief judge of the Administrative Law Court.

The House approved **S.432** and enrolled the joint resolution for ratification. This joint resolution extends the time in which the **SENTENCING REFORM COMMISSION**, as established by Act 407 of 2008, shall submit its report to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee from June 1, 2009, to February 1, 2010, at which time the commission shall be dissolved.

The House approved and sent to the Senate on **H.3438**, a bill that revises **INSURANCE PROVISIONS** to bring them into compliance with the accreditation standards of the National Association of Insurance Commissioners which allow South Carolina's insurance provisions to enjoy reciprocity with those of other states. The bill enacts provisions requiring certain insurers to file a statement of actuarial opinion and actuarial opinion summary annually and provide for the confidentiality of these documents. The legislation revises provisions relating to the revocation or suspension of license of an insurer and its officers and agents for the publication of the notice, so as to provide a procedure for an aggrieved insurer to request a hearing before the director or his designee and provide recourse through judicial review. The legislation redefines the term "company action level event". The legislation revises provisions relating to approval for acquisition of a domestic insurer by a controlling producer in another state, so as to eliminate the applicability to foreign producers and correct certain references. The House amended, approved, and sent to the Senate **H.3562**, a bill that revises **INSURANCE PRODUCER PROVISIONS** to bring them into compliance with the National Association of Insurance Commissioners' Producers Licensing Model Act which allows South Carolina's insurance provisions to enjoy reciprocity with those of other states. The bill revises insurance provisions. The legislation adds definitions of "general appointment", "local appointment", "special appointment", "crop insurance", and "travel insurance", corrects archaic language, and makes conforming amendments. The legislation revises provisions relating to premium service companies, so as to provide that the fee for licensure to engage in servicing insurance premiums in this state is due on a biennial rather than on an annual basis. The legislation revises provisions for

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license fees for insurance producers and agencies, so as to provide for a biennial producer license renewal fee of twenty-five dollars, increase the initial producer license renewal fee from twenty dollars to twenty-five dollars, and provide for the requirements relating to the payment of appointment fees. The legislation revises continuing education requirements for insurance producers, so as to provide that the biennial compliance period is based on the licensee's month and year of birth. The legislation revises insurance producer's license provisions, so as to provide that individual licenses must be renewed biennially based on the licensee's month and year of birth and provide for the requirements relating to renewal. The legislation eliminates existing provisions relating to the prohibition on splitting commissions with an unlicensed person by an insurance producer, and provides for requirements relating to the splitting and sharing of commissions. The legislation revises provisions relating to the definitions of an insurance broker, so as to provide for the qualifying duties and provide for exceptions. The legislation revises provisions relating to the requirements for licensure as an insurance broker, so as to eliminate the requirements that a broker hold at least one appointment.

The House approved and sent to the Senate **H.3428**, a bill that revises provisions relating to the **PRINTING AND DISTRIBUTION OF ACTS, JOINT RESOLUTIONS, AND SETS OF THE CODE OF LAWS** to relax various requirements for the production of printed versions and facilitate the distribution of materials through electronic means.

The House amended, approved, and sent to the Senate **H.3413**, a bill relating to definitions used for **BEER KEG REGISTRATION REQUIREMENTS**. This bill revises the definition of "keg" to mean a container of beer with a capacity of 5.26 gallons or more that is designed to dispense beer directly from the container in an off-premises location.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The Judiciary Committee met on Tuesday, March 21, 2009.

H.3358, which makes **REVISIONS PERTAINING TO VULNERABLE ADULT ABUSE AND NEGLECT**, received a favorable with amendment recommendation from the Judiciary Committee. Among other things, this bill revises definitions used in the Omnibus Adult Protection Act. The bill clarifies procedures for reporting cases in which there is a reasonable suspicion of criminal conduct. The bill establishes criminal penalties if a caregiver, due to reckless disregard for the health or safety of a vulnerable adult, neglects or causes great bodily injury or death to a vulnerable adult. Specifically, a caregiver who neglects a vulnerable adult is guilty of a misdemeanor and, once convicted, must be imprisoned not more than one year, fined not more than \$1,000 dollars, or both. A caregiver who causes great bodily injury to a vulnerable adult is guilty of a misdemeanor and, once convicted, must be imprisoned not more than three years, fined not more than \$5,000 dollars, or both. If a caregiver neglects a vulnerable adult and that neglect results in death, the caregiver is guilty of a felony and, once convicted, must be imprisoned not more than five years, fined not more than \$10,000 dollars, or both. In a nursing home contracted for operation by the Department of Mental Health the bill requires the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division to investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner. The bill authorizes the Department of Health and Environmental Control (DHEC) to enter at all times in or on the property of any facility or service, whether public or private, licensed by the department or unlicensed for the purpose of inspecting and investigating conditions relating to DHEC violations. If entry or inspection is denied, the bill authorizes the department to seek a warrant from a magistrate to enter the property upon a showing of probable cause for the need for entry and inspection. The bill allows DHEC the ability to deny, suspend, or revoke licenses or assess a monetary penalty or do both for certain violations.

H.3147, which enacts the “**SOUTH CAROLINA RESTRUCTURING ACT**,” received a favorable with amendment report. This legislation establishes the Department of

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Administration under the executive branch of state government. The Department of Administration is headed by a director appointed by the Governor with the advice and consent of the General Assembly.

The following offices, divisions or components of the State Budget and Control Board, Office of Governor, or other agencies are transferred to and incorporated into the Department of Administration:

- Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;
- Office of Human Resources;
- Office of Executive Policy and Programs, except for the State Ombudsman and Children's Services programs which are contained within this office;
- Office of Economic Opportunity;
- Developmental Disabilities Council;
- Continuum of Care;
- Children's Foster Care;
- Veterans Affairs;
- Commission on Women;
- Victims Assistance;
- Small and Minority Business;
- Procurement Services Division of the State Budget and Control Board;
- State Energy Office; and
- Division of State Chief Information Officer of the State Budget and Control Board.

The Budget and Control Board remains responsible for the operations and management of the State House, Blatt Office Building, Gressette Office Building, Supreme Court Building, Calhoun Office Building, and Capitol Complex grounds. Also whenever the Budget and Control Board maintains any responsibility related to a program administered by the Department of Administration, the board is authorized to receive and expend revenues generated by the programs to support the board's responsibilities related to the programs.

The legislation includes a large section for conforming and miscellaneous amendments.

During the year 2015, the Legislative Audit Council shall conduct a performance review of the provisions of this legislation to determine its effectiveness and achievements. The legislation includes a sunset provision.

H.3147 was also amended to include provisions for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS**. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation includes provisions for the assignment of agencies to standing committees; there are also provisions for joint investigating committees. Each standing committee must conduct

oversight studies and investigations at least once every five years on all agencies within its jurisdiction. Also a standing committee may by a one third vote initiate a study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action. The legislation includes criminal penalties for anyone who appears before a committee or subcommittee and willfully gives false, misleading, or incomplete testimony under oath.

S.432 received a favorable report. This joint resolution extends the time in which the **SENTENCING REFORM COMMISSION**, as established by Act 407 of 2008, shall submit its report to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee from June 1, 2009, to February 1, 2010, at which time the commission shall be dissolved.

The Judiciary Committee adjourned debate on **H.3030**, a bill which makes **REVISIONS TO THE YOUTHFUL OFFENDER ACT**.

The Judiciary Committee gave a favorable with amendment report to **H.3013**, which makes **REVISIONS TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS OR UNCULTIVATED LANDS**. Under this bill a person, other than the owner or a person acting under the authority of the owner, who wilfully and knowingly removes, destroys, or leaves down any portion of a fence in this State intended to enclose animals of any kind or crops or uncultivated lands or who wilfully and knowingly leaves open or removes a gate or leaves down bars or other structure intended for the same purpose is guilty of a misdemeanor and must be punished as follows: (1) for a first offense, by a fine of \$1,000 dollars or imprisonment for 30 days, or both; (2) for a second offense, by a fine of \$5,000 dollars, or imprisonment for six months, or both; (3) for a third or subsequent offense, by a fine of \$10,000 dollars or imprisonment for one year, or both. Only those offenses occurring within ten years of the last offense constitute prior offenses. The magistrates court is vested with jurisdiction to hear and dispose of these cases. These provisions do not affect an easement holder's right and ability to maintain such easement and rights-of-way consistent with the provisions of the document granting such easement.

The Judiciary Committee gave a favorable recommendation to **H.3579**, which provides for **QUARTERLY ELECTION DATES FOR CONDUCTING REFERENDA OR OTHER BALLOT QUESTIONS**. This bill provides that an entity authorized by law to conduct a referendum, ballot measure, or other election event where a person is not elected to an office shall conduct this event, at which qualified electors are allowed to cast a ballot, on one of four dates. The dates on which a referendum, ballot measure, or other election event may be held are: (1) the third Tuesday in March; (2) the third Tuesday in June; (3) the third Tuesday in September; or (4) the Tuesday after the first Monday in November. These provisions do not apply to amendments proposed to the State Constitution or the United States Constitution.

H.3464, pertaining to **POLL MANAGERS**, received a favorable with amendment recommendation from the Judiciary Committee. Currently all managers of election for the various polling places in the State must be residents and registered of the respective counties in which they are appointed to work or in an adjoining county. Under this bill, all managers of election for the various polling places in the State must be registered electors of a county in South Carolina and may be appointed to work in another county.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met during the week and reported out two pieces of legislation.

The committee reported out joint resolution H.3777, the “**EMERGENCY LOCAL ECONOMIC DEVELOPMENT ACT**” as committee-sponsored legislation. The joint resolution designates county legislative delegations and the individual members of the General Assembly that comprise them as ex officio Emergency Local Economic Development Ambassadors for their specific counties, districts, and communities. These Emergency Local Economic Development Ambassadors are provided temporary authority to initiate, facilitate, coordinate, organize, research, or otherwise aid, support, or assist with promotion, marketing, outreach, communication, prospecting, or search activities in support of local economic development, industrial recruitment, or jobs creation. No additional compensation may be paid to a member of the General Assembly for ex officio duties performed according to this joint resolution, except as may be appropriated by act of the General Assembly for per diem or direct expense reimbursements. Emergency Local Economic Development Ambassadors may not obligate the state financially, except as otherwise provided by act of the General Assembly or as approved by the seven-member Emergency Local Economic Development Council that is created under this legislation to administer funds appropriated by the General Assembly or derived from another source. The Emergency Local Economic Development Council is composed of the following seven members: (1) a nonlegislator appointed by the Speaker of the House; (2) a nonlegislator appointed by the Chairman of the House Ways and Means Committee; (3) a nonlegislative member appointed by the Chairman of the House Education and Public Works Committee; (4) a nonlegislative member appointed by the Chairman of the House Labor, Commerce and Industry Committee; (5) a nonlegislator appointed by the Chairman of the Senate Banking and Insurance Committee; (6) The Lieutenant Governor, ex officio, who shall serve as chairman; and (7) a nonlegislative member of the State Budget and Control Board, appointed by a majority vote of the State Budget and Control Board, ex officio. The council is authorized to seek funds and disperse grants, to be awarded only for Emergency Local Economic Development projects or activities which have been approved by the majority of the council in compliance with guidelines that they prescribe. The legislation authorizes the use of campaign funds for these emergency local economic development purposes. The provisions of this joint resolution take effect upon approval by the Governor and are repealed after five years.

The committee gave a favorable report on H.3615, a bill relating to **PRENEED FUNERAL CONTRACTS**. The legislation transfers administrative duties relating to preneed funeral contracts from the State Board of Financial Institutions to the Department of Consumer Affairs. The legislation increases the amounts of fines

imposed for violations. The legislation also provides that, before the suspension, revocation, or other action by the department involving a license to sell preneed funeral contracts becomes final, the department shall offer the licensee the opportunity for a contested case hearing before the Administrative Law Court.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full House Ways and Means Committee met on Thursday, March 26, and reported out several pieces of legislation.

The committee gave a report of favorable with amendments on **H.3584**, a bill that increases the state's **CIGARETTE TAX** and devotes the revenue generated by the increase to initiatives that encourage health insurance coverage, state agricultural assistance, and smoking prevention and cessation programs. Effective July 1, 2009, the legislation imposes an additional surtax of two and one-half cents on each cigarette, which amounts to an additional fifty cents for each pack. Each year, five million dollars of the revenue generated by the surtax would be credited to the Smoking Prevention and Cessation Trust Fund and one cent from each pack of cigarettes would go to the Department of Agriculture for the marketing and branding of South Carolina-grown produce and for relief from natural disasters affecting state-grown crops. The remaining annual revenue generated by the increase would be credited to the newly-created South Carolina Healthy Families Insurance Trust Fund and the Palmetto Health Care Safety Net Trust Fund. The legislation creates the South Carolina Healthy Families Insurance Plan to provide premium credits that assist eligible individuals to purchase health insurance and small businesses in providing health insurance coverage for their employees. The legislation creates the Palmetto Health Care Safety Net Program, to establish a self-sustaining and financially independent portion of the premium assistance pool to serve high-risk individuals, such as those with preexisting health conditions, who cannot readily secure health insurance coverage in the private market.

The committee gave a favorable report on **H.3396**, a **PROPOSED CONSTITUTIONAL AMENDMENT TO INCREASE THE HOLDINGS REQUIREMENT OF THE GENERAL RESERVE FUND**. This joint resolution proposes to amend the South Carolina Constitution by increasing from three percent to five percent the amount of state general fund revenue in the latest completed fiscal year required to be held in the General Reserve Fund.

The committee gave a favorable report on **H.3395**, a bill to provide for the **ENHANCEMENT OF THE GENERAL RESERVE FUND**. The bill revises statutory provisions for the General Reserve Fund to conform them to any amendments to the South Carolina Constitution that change the amount required to be held in the General Reserve Fund and the rate of replenishment of that amount.

The committee gave a report of favorable with amendments on **H.3415**, a joint resolution establishing the **SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION** to conduct a comprehensive study of the state's tax system and recommended changes to further the goal of maintaining and enhancing the state as an optimum competitor in the effort to attract businesses and individuals to locate, live, work, and invest in the state. The seventeen-member commission is to be composed of: (1) two members appointed by the Governor; (2) two members appointed by the President Pro Tempore of the Senate; (3) two members appointed by the Speaker of the House of Representatives; (4) two members appointed by the Chairman of the Senate Finance Committee; (5) two members appointed by the Chairman of the House Ways and Means Committee; (6) three members of the Senate to serve ex officio, to be appointed by the President Pro Tempore of the Senate; (7) three members of the House to serve ex officio, to be appointed by the Speaker of the House of Representatives; (8) the Director of the Department of Revenue to serve ex officio. The members appointed according to items (1) through (5) may not be members of the General Assembly and must have substantial academic or professional experience or specialization in one or more areas of public finance, government budgeting and administration, tax administration, economics, accounting, or tax law. The commission's first charged with making an examination of South Carolina's sales tax and exemptions structure and submitting its recommendations in a report that is due in December of this year. A more comprehensive report with legislative recommendations must be submitted by December of 2010.

The committee also reported out **S.12**, the Senate bill establishing the **SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION**, amended to include the version of the legislation approved by the committee.

The committee gave a report of favorable with amendments on **H.3272**, a bill **REVISING THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT** of 2006, notably the act's provisions for determining the assessed value of real property at the point of sale. In the years since the passage of the comprehensive changes to the taxation of real property, there have been consistent reports that the legislation's requirement for the point-of-sale reassessment of a property's value has proven disconcerting for potential buyers and has been hampering sales of both residential and commercial property in this state. The proposed legislation effectively eliminates point-of-sale reassessment by exempting property that is sold for a higher value than its current assessed value from the assessable transfer of interest process. The 15% cap on assessment value increases is maintained during the county-wide reassessment. Under the legislation, all new construction would be assessed at fair market value. The legislation would allow for an appeal on the current assessed value if the new sale value is lower.

The committee gave a report of favorable with amendments on **H.3018**, a bill **REVISING REAL PROPERTY TAX PROVISIONS FOR NEWLY-CONSTRUCTED HOMES**. Currently, once a certificate of occupation is issued for a newly-constructed home it becomes subject to a higher tax rate applicable to residential property even if that home sits empty and unsold for months or years. Under the proposed legislation, a newly-built residence would remain eligible for the lower tax rate for unimproved property until it is sold, or rented, or for up to three years, whichever comes first.

The committee gave a report of favorable with amendments on **H.3148**, the “**SOUTH CAROLINA RURAL INFRASTRUCTURE ACT**”. The bill establishes the South Carolina Rural Infrastructure Authority and provides for its governance, powers, and duties. The legislation authorizes the authority to: provide loans and other financial assistance to a municipality, county, special purpose or public service district, and a public works commission in order to finance rural infrastructure facilities; allow state appropriations, grants, loan repayments, and other available amounts to be credited to the fund of the authority; and, authorize lending to and borrowing by eligible entities through the authority.

The committee gave a report of favorable with amendments on **H.3590**, the “**LOCAL OPTION TOURISM DEVELOPMENT FEE ACT**”. The bill allows a county in which at least fourteen million dollars of state accommodations tax revenues have been collected in a fiscal year and a municipality located in such a county to impose a fee not to exceed one percent of amounts subject to tax pursuant to the South Carolina Sales and Use Tax Act, for not more than ten years. Horry is the only county that meets these criteria. The legislation provides that the fee may only be imposed by ordinance of the appropriate local governing body. The legislation establishes uses for which the fee revenue must be applied, including tourism promotion, property tax rollback, and capital projects promoting tourism causes.

The committee gave a report of favorable with amendments on **H.3365**, the “**HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2009**”. This bill provides comprehensive regulatory flexibility for institutions of higher education in the areas of human resources, capital expenditures and procurement, finance, and administration.

The committee gave a favorable report on **H.3268**, a bill revising provisions relating to the construction of **TOLL ROADS**. The legislation revises the method of disbursement of funds derived from tolls, defines the term “qualified toll project,” provides for the disbursement of funds derived from qualified toll projects, and provides when tolls collected from qualified toll projects shall cease. The legislation revises provisions relating to the Department of Transportation’s authority to enter into agreements to finance, construct, and maintain highways, roads, streets, and bridges, so as to provide guidelines for the department’s expenditure of funds on qualified toll projects and the setting of tolls along transportation facilities.

The committee gave a favorable report on **H.3730**, a joint resolution to provide that all **FUNDS RECEIVED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE CLEAN WATER STATE REVOLVING FUND AND DRINKING WATER STATE REVOLVING FUND** may be received and expended pursuant to provisions of the Recovery Act for so long as monies are available under the recovery act.

The committee gave a favorable report on **H.3721**, this year’s legislation **CONFORMING STATE TAX PROVISIONS TO THE FEDERAL INTERNAL REVENUE CODE**.

The committee gave a report of favorable with amendments on **H.3722**, this year’s legislation **REVISING AND UPDATING VARIOUS STATE TAX PROVISIONS**.

The committee gave a favorable report on **H.3203**, a bill revising provisions governing the operation of the **DRYCLEANING FACILITY RESTORATION TRUST FUND**. The

legislation further specifies that wholesale drycleaning facilities are subject to the provisions of the article and are eligible to seek restoration assistance. The legislation authorizes the Department of Health and Environmental Control to use funds, other than funds from the Drycleaning Facility Restoration Trust Fund, if an emergency exists and funds are not available from the trust fund and to further provide that these funds must be repaid from the trust fund. The legislation provides exemptions from the environmental surcharge imposed on the gross proceeds of sales of retail drycleaning facilities, including an exemption for wholesale sales of drycleaning services. The legislation further provides for eligibility requirements and determinations and procedures for requesting and issuing restoration assistance, including obtaining secondary assessments and the amount of deductibles. The legislation provides for initial and annual registration fees for drycleaning facilities established after October 1, 1995. The legislation authorizes the property owner to register a facility if the owner or operator of the facility does not. The legislation provides for the issuance of certificates of registration and requires presentation of such certificates in order to purchase drycleaning solvents. The legislation prohibits a supply facility, or other drycleaning facility, from selling drycleaning solvent to a drycleaning facility if the facility does not possess a certificate. The legislation provides civil penalties, specifies requirements for a drycleaning facility exemption certificate, and revises the membership of the Drycleaning Advisory Council.

The committee gave a report of favorable with amendment on **H.3254**. This bill establishes the conditions under which qualified **SPEECH-LANGUAGE PATHOLOGISTS** employed in public school districts are eligible to receive yearly incentive payments.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.328 INOCULATING PETS AGAINST RABIES Sen. Verdin

This bill relates to inoculating pets against rabies. The bill provides that a licensed veterinarian or someone under the direct supervision of a licensed veterinarian must administer these inoculations.

S.453 THE CARE OF LIVESTOCK, ANIMALS, AND POULTRY Sen. Verdin

Under this legislation, units of local government may not enact ordinances, orders, or other regulations concerning the care and handling of livestock and poultry. Care and handling means accepted animal husbandry practices. The stated intent of this legislation is for the General Assembly to occupy the field of regulation of care and handling of livestock and poultry. All local laws and ordinances related to the regulation of and the enforcement of the care and handling of livestock and poultry in this State are preempted and superseded by laws enacted by the General Assembly. The provisions do not apply to the "Right to Farm Act" and do not affect a local unit of government's

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authority to enact ordinances concerning new swine operations and new slaughterhouse operations. The provisions also do not preclude or limit a unit of local government's right to exercise its land use and zoning authority.

H.3718 RESALE OF FRESH OR FROZEN MEAT PRODUCTS Rep. Clemmons
This bill prohibits fresh or frozen meat or meat products sold to a consumer to be offered to the public for resale if the meat or meat product has been returned by the consumer.

H.3723 DOG-DEER HUNTING PROVISIONS Rep. Duncan

This legislation establishes guidelines for hunting deer with a dog. Hunting deer with a dog means releasing or causing a dog to pursue or attempt to pursue deer; taking or attempting to take deer with the aid of a dog; or participating in the pursuit of deer with a dog. A person is hunting deer with a dog until the person responsible for the dog or that person's agent regains physical control of the dog. The dog hunting for deer must have a collar identifying the person responsible for the dog, that person's telephone number and that person's department identification number. The person responsible for the dog must be present and participating in the hunt until he regains physical possession of the dog. A person who gains possession of a dog bearing identification must attempt to notify the person identified on the dog's collar within twelve hours of coming into possession of the dog. If contact is unsuccessful, the person in possession of the dog must contact the appropriate animal control office or law enforcement agency. In addition to the other required licenses and permits, this legislation requires both residents and nonresidents to obtain a permit for a fee to hunt deer with a dog. The legislation also includes that a holder of a lifetime license may add the privilege of hunting deer with a dog at no additional cost.

H.3770 OPEN SEASON FOR ANTLERED DEER Rep. Viers

This legislation changes open season for antlered deer for Chesterfield, Dillon, Florence, Horry, Kershaw, Marion, and Marlboro Counties from August 15 through January 1, with archery equipment and firearms.

H.3799 BEAR HUNTING ENCLOSURE PERMIT Rep. Duncan

This bill authorizes the Department of Natural Resources to issue bear hunting enclosure permits to enclosure operators under the same terms and conditions applicable to foxes and coyotes, except that the enclosure must be on private lands and have a 200 acre minimum acreage.

EDUCATION AND PUBLIC WORKS

S.185 DEPARTMENT OF MOTOR VEHICLES APPLICATION FOR THE REGISTRATION AND LICENSING OF A VEHICLE Sen. McConnell

This bill outlines information that must be included on an application to the Department of Motor Vehicles for the registration and licensing of a vehicle.

H.3755 SOUTH CAROLINA EDUCATOR LICENSE PLATES Rep. Crawford

This bill authorizes the Department of Motor Vehicles to issue 'South Carolina Educator' special motor vehicle license plates to public and private kindergarten through twelfth grade school teachers for private motor vehicles registered in their names. The application for this special license plate must include proof that the applicant is a public or private kindergarten through twelfth grade school teacher.

H.3757 UNITED STATES MARINE CORPS' FLAG Rep. Crawford

This bill provides that the United States Marine Corps' Flag must be flown atop the dome of the State House on November tenth each year, the anniversary of the date the Marine Corps was founded.

H.3762 OUR FARMS-OUR FUTURE SPECIAL LICENSE PLATES Rep.

Duncan

This bill authorizes the Department of Motor Vehicles to issue special motor vehicle license plates to owners of private passenger carrying motor vehicles in their names which shall have imprinted on the plate 'Our Farms-Our Future' and which may have a design representative of agriculture. The South Carolina Farm Bureau Federation shall submit to the department for its approval a design it desires to be used for this special license plate. The South Carolina Farm Bureau Federation may request a change in the design not more than once every five years. The fee for this special license plate is \$70 dollars every two years in addition to the regular motor vehicle registration fee. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires 24 months from the month it is issued. The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the 501(c)(3) nonprofit South Carolina Farm Bureau Federation 'Ag in the Classroom' Fund. The bill includes production and distribution requirements.

H.3771 STATE'S OFFICIAL LANGUAGE Rep. Viers

This bill provides that after July 1, 2009, all State agencies and political subdivisions of the State shall offer all services, publications, printed, audio and video materials, and tests in an English-only format, unless otherwise required by federal law or regulation. The legislation outlines certain exceptions.

H.3782 OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS

Rep. T. R. Young

This bill increases the distance which a golf cart may be operated from its owner's residence or place of business from two to five miles.

H.3785 UNLAWFUL FOR A SCHOOL BUS DRIVER TO OPERATE A SCHOOL BUS WHILE USING A CELLULAR TELEPHONE OR ANOTHER WIRELESS COMMUNICATIONS DEVICE Rep. Mack

Under this bill, it is unlawful for a school bus driver to operate a school bus while using a cellular telephone or another wireless communications device. A person violating this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year.

JUDICIARY

S.19 CAMPUS POLICE/SECURITY DEPARTMENTS Sen. Fair

This bill provides that every campus police/security department shall implement policies and procedures to govern their operations. This bill revises various definitions relating to campus police/security departments. Among other things, the bill revises the markings that may appear on a campus police officer's vehicle and authorizes the use of campus

unmarked vehicles. The bill repeals Section 59-116-70, relating to the posting of a bond by a campus police officer before the assumption of their duties.

S.21 "UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT"

Sen. Hayes

This bill outlines a procedure for litigants to depose out-of-state individuals and for the production of discoverable materials that may be located out-of-state.

S.104 AGRITOURISM LIABILITY Sen. Verdin

This bill limits the liability that an agritourism professional may incur due to an injury or death suffered by a participant in an agritourism activity. An agritourism professional must post a warning notice at the agritourism facility, and warning notices must be included in contracts the agritourism professional enters into with participants. The agritourism professional's liability is not limited if the proper warning notices are not provided to participants.

S.186 ALLOWANCE OF ATTORNEY'S FEES IN STATE-INITIATED ACTIONS

Sen. McConnell

Relating to allowance of attorney's fees in state-initiated actions, this bill limits the fee to a reasonable time expended at a reasonable rate. The bill outlines factors to be applied in determining a reasonable rate. The judge must make specific written findings regarding each factor in making the award of attorney's fees. However, in no event shall a prevailing party be allowed to shift attorney's fees that exceed the fees the party has contracted to pay counsel personally for work on the litigation. These provisions do not apply to an attorney's fees award paid to an attorney representing a landowner in a condemnation proceeding. The bill also provides that in civil actions, an agency is presumed to be substantially justified in pressing its claim against the party if the agency follows a statutory or constitutional mandate that has not been invalidated by a court of competent jurisdiction.

S.223 "PROVISIONS FOR COST OF ANIMAL CARE ACT OF 2009"

Sen. Lourie

This bill provides that the custodian of an animal taken into custody due to certain criminal violations by its owner may petition the court for expenses related to providing care to the animal. The bill establishes procedures for hearing such petitions and for the collection and use of funds ordered to be paid. This bill further provides that a person acting as an agent of the South Carolina Society for the Prevention of Cruelty to Animals (SCSPCA), or any society duly incorporated for that purpose, may assist with a lawful investigation of alleged violations, accompany law enforcement officers making arrests, participate with law enforcement officers in the seizure of animals pursuant to a lawful arrest, and take custody of animals. Relating to notice provided to the owner of animals which have been seized from others upon arrest, this bill removes special provisions for agents of the SCSPCA, or any other society duly incorporated for that purpose.

S.329 PROTECTIONS FOR EXECUTION TEAMS Sen. Fair

This bill prohibits a person from disclosing the identity of a current or former member of an execution team or from disclosing a record that would identify a person as being a current or former member of an execution team. Any person whose identity is disclosed shall have a civil cause of action against the person who is in violation of this section and may recover actual damages and, upon a showing of a wilful violation, punitive damages. The bill further provides that no licensing agency, board, commission, or

association may file, attempt to file, initiate a proceeding, or take any action to revoke, suspend, or deny a license to any person solely because that person participated in the execution of a sentence of death on a person convicted of a capital crime as authorized by law or the director.

S.363 REVISIONS TO THE ARSON REPORTING IMMUNITY ACT

Sen. Alexander

This bill adds certain public safety officials to the list of agencies authorized to receive information from an insurance company.

S.383 "UNIFORM CHILD ABDUCTION PREVENTION ACT" Sen. Hayes

This legislation enacts the "Uniform Child Abduction Prevention Act," to provide a legal mechanism to protect children from credible risks of abduction related to legal custody or visitation.

S.420 AMBULANCES Sen. Knotts

This bill provides that it is unlawful for a person to operate a vehicle that is upfitted as an ambulance or no longer permitted and licensed as an ambulance unless the vehicle's exterior equipment and markings that distinguish it as an ambulance are removed. The bill establishes both misdemeanor and felony offenses for violations. Exceptions are provided for: (1) eleemosynary or not-for-profit organizations that operate an ambulance that is no longer permitted and licensed and whose exterior markings have been removed for use in parades, fundraising activities, and other official functions; (2) a person operating a vehicle that is going from the place of purchase to his home or his fixed place of business; (3) a person operating a vehicle going to a location for the purpose of removing the vehicle's exterior equipment or markings, or (4) a person operating an antique vehicle.

H.3719 MISSING PERSONS/SILVER ALERT SYSTEM Rep. Clemmons

This bill allows any person responsible for a missing person to submit a missing person report to the Missing Person Information Center (MPIC) or to a law enforcement agency. The bill requires any person responsible for a missing person who submits a report to MPIC or law enforcement to immediately notify MPIC and the law enforcement agency of any individual whose location has been determined. This legislation also establishes within the MPIC the Silver Alert System. The purpose of the Silver Alert System is to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or other cognitive impairment.

H.3720 SERVICE ON UNKNOWN PARTIES BY PUBLICATION

Rep. Clemmons

This bill provides in a mortgage foreclosure action involving multiple units in a single horizontal property regime, that a party may accomplish notice by publication by consolidating the notices into a single notice that identifies each apartment included in the foreclosure action based on the apartment's description in the master deed.

H.3731 "FRIENDSHIP NINE ACT" Rep. King

This bill provides a procedure whereby a person may obtain a pardon for a conviction for conduct related to the protesting or challenging a State law, or a county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals.

H.3746 NOMINATION OF CANDIDATES BY A PETITION Rep. Clemmons

This bill provides that no qualified elector who voted in a primary election is eligible to sign a petition for a candidate to run for an office to be filled at the general election following that primary. A qualified elector otherwise eligible to sign a petition for a candidate to appear on a general election ballot may not sign more than one petition per general election per office. A person offering for election as a petition candidate in any general election must have first notified the entity to which the petition is required to be filed by the beginning date of the primary election preceding that general election of his intention to file as a petition candidate for that office, and a failure to do so disqualifies him as a petition candidate for that general election. Relating to the form of nominating petitions, this bill requires all the signatures to be legible so that the name of the voter can be identified beyond a reasonable doubt. This bill revises the verification process and provides that all qualified electors signing a petition for a candidate to appear on a general election ballot for election to a particular office must have been a qualified elector who registered to vote at least 30 days before submission of the petition. The registration board is required to verify that the voter is a qualified elector in that jurisdiction. The entity to which a petition must be filed may reject the petition if, after a hearing, the entity finds that by a preponderance of the evidence fraud was committed in the execution of the petition. The bill provides that the validation of the signatures on a petition and the determination of whether or not fraud was committed in the execution of the petition must be conducted in public after notice. This bill provides that decisions of a local entity to which a petition must be filed may be appealed to the State Election Commission and thereafter to a court of competent jurisdiction in the manner in which appeals from the State Election Commission may be taken.

H.3761 USE OF FORFEITED MONIES AND PROCEEDS FROM THE SALE OF PROPERTY BY LAW ENFORCEMENT Rep. Cooper

This bill allows forfeited monies and proceeds from the sale of property related to drug proceeds to be used for training and education by law enforcement.

**H.3772 CONTINUATION OF SERVICE BY SPECIAL PURPOSE DISTRICTS
FOLLOWING ANNEXATION BY A MUNICIPALITY Rep. Viers**

Unless the municipality demonstrates imminent danger to a person and property within the annexed area, this bill prohibits the municipality from displacing the services of a special purpose district or a special taxing district or an assessment district and allows the district to continue providing service and collecting millage within the district's annexed area.

H.3774 MUNICIPAL UTILITY SERVICES Rep. Viers

This bill prohibits a municipality from requiring annexation as a condition precedent to providing utility services.

**H.3779 LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT
OF GUARDIANS AD LITEM IN CHILD ABUSE AND NEGLECT
PROCEEDINGS Rep. Hearn**

This bill provides if the appointed guardian ad litem is a volunteer serving on behalf of the South Carolina Guardian ad Litem Program or Richland County CASA, the court shall appoint an attorney to represent the guardian ad litem. If the appointed guardian ad litem is an attorney appointed pursuant to Rule 608 of the South Carolina Appellate Court Rules, the court may appoint an additional attorney to represent the guardian ad litem if the case is contested. The bill further provides that the family court may appoint legal counsel for the child. Counsel for the child may not be the same as counsel for: (a) the parent, legal guardian, or other person subject to the proceeding; (b) any governmental or social agency involved in the proceeding; or (c) the child's guardian ad litem.

**H.3783 PREFERENCE FOR HONORABLY DISCHARGED VETERANS IN
PUBLIC EMPLOYMENT Rep. Funderburk**

Relating to the preference for honorably discharged veterans in public employment, this bill deletes provisions that hiring preference shall be given only when practicable.

**H.3784 ALTERNATIVE RECREATIONAL ACTIVITY ON MUNICIPAL OR
COUNTY PROPERTY Rep. Sottile**

This bill provides that a municipality or county or its employees are not liable for damage or injury caused to a person who participates in an alternative recreational activity on municipal or county property. The bill defines an alternative recreational activity, provides exceptions, and also applies the limits of the South Carolina Tort Claims Act where liability exists.

**H.3786 INCREASED PENALTIES FOR HOMICIDE BY CHILD ABUSE
Rep. Millwood**

Relating to the offense of homicide by child abuse, this bill increases the penalty to life without parole or death if the State seeks the death penalty for murder.

H.3789 UNLAWFUL TO USE A TASER ON ELEMENTARY OR MIDDLE SCHOOL STUDENTS Rep. Mack

Under this bill, it is unlawful to use a taser to subdue an elementary or middle school student on a school's campus. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than two years.

H.3794 WILDLIFE MANAGEMENT AREAS Rep. Umphlett

Among other things, this bill specifies additional prohibited activities on wildlife management areas, Heritage Trust areas and other Department of Natural Resources owned lands. This bill also creates a misdemeanor criminal offense for entering or remaining on a closed area contrary to the instructions of a law enforcement officer, manager, or department custodial personnel.

H.3797 DISSOLUTION OF CERTAIN SPECIAL PURPOSE DISTRICTS Rep. Harrison

This legislation allows the governing body of a special purpose district created by act of the General Assembly that provides recreational services and has as its boundary the same as the county in which it is located to voluntarily dissolve itself and transfer its assets and liabilities to a county under certain circumstances. For purposes of calculating the millage limitation imposed pursuant to Section 6-1-320 for a county, any millage for operating purposes imposed by the dissolved special purpose district is considered to have been imposed by the county.

H.3798 DEPOSIT OF CASH PERCENTAGE IN LIEU OF BOND Rep. Bannister

Relating to the deposit of a cash percentage instead of a bond, assignment of the deposit, and restitution to the victim, this bill provides for the deposit of a cash amount by the defendant through an accommodation bondsman. The bill increases the cash amount percentage to not less than 25 percent and requires the accommodation bondsman to pay a handling fee to the clerk of court equal to four percent of the amount of the bond set.

H.3800 MANDATORY REPORTERS OF CHILD ABUSE AND NEGLECT Rep. Toole

This bill includes a school attendance officer, school administrator, foster parent, juvenile justice worker, and guardian ad litem for a child among the people who must report certain allegations of child abuse or neglect. The bill also encourages other people to report this abuse.

H.3803 PROBATE COURT REVISIONS Rep. Bannister

This legislation amends numerous statutes relating to the various actions and proceedings concerning the affairs of decedents, protected persons, minors, and incapacitated persons falling under the subject matter jurisdiction of the probate court, so as to differentiate between a formal proceeding and an application to the court and the procedural rules governing each. Among other things, the legislation requires the filing and service of a summons and petition to commence a formal proceeding, distinguishes the requirement of summons and petition from the notice requirements for a hearing on a petition. The legislation also amends statutes relating to the South Carolina Trust Code, so as to substitute "person" for "parent" and "issue" for "child", delete the requirement of a taxpayer identification number on a certificate of trust, allow certain reimbursements to a prospective trustee, and make technical changes.

LABOR, COMMERCE AND INDUSTRY

S.202 INSURANCE REVISIONS Sen. Thomas

This bill revises provisions of Title 38 relating to the Department of Insurance, so as to amend the definition of “admitted assets” to include those on the insurer’s most recent statutory financial statement filed with the Department of Insurance pursuant to the provisions of Section 38-13-80 instead of those admitted under the provisions of Section 38-11-100. The legislation revises provisions relating to capital and surplus required of stock insurers, so as to change the marketable securities that may be required by the Director of Insurance. The legislation revises provisions relating to the surplus required of mutual insurers, so as to change the marketable securities which may be required by the Director of Insurance. The legislation revises provisions relating to the reduction from liability for the reinsurance ceded by a domestic insurer, so as to change the securities listed that qualify as security. The legislation revises provisions relating to the protected cell assets of a protected cell, so as to change a code reference. The legislation revises provisions relating to the security deposit of a health maintenance organization, so as to eliminate the requirement that a health maintenance organization shall issue a conversion policy to an enrollee upon the termination of the organization. The legislation revises provisions relating to loans to directors or officers by an insurer, so as to change a code reference.

S.301 INSURANCE REVISIONS Sen. Malloy

This bill enacts provisions requiring certain insurers to file a statement of actuarial opinion and actuarial opinion summary annually and provide for the confidentiality of these documents. The legislation revises provisions relating to the revocation or suspension of license of an insurer and its officers and agents for the publication of the notice, so as to provide a procedure for an aggrieved insurer to request a hearing before the director or his designee and provide recourse through judicial review. The legislation redefines the term “company action level event”. The legislation revises provisions relating to approval for acquisition of a domestic insurer by a controlling producer in another state, so as to eliminate the applicability to foreign producers and correct certain references.

S.364 “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM” Sen. Alexander

This bill enacts the “Volunteer Strategic Assistance and Fire Equipment Program” (V-SAFE) whose purpose, contingent upon the General Assembly appropriating funds, is to offer grants to eligible volunteer and combination fire departments for the purpose of protecting local communities and regional response areas from incidents of fire, hazardous materials, terrorism, and to provide for the safety of volunteer firefighters. The legislation establishes provisions for the administration of these grants.

H.3736 DEDUCTIONS OF LABOR ORGANIZATION MEMBERSHIP DUES FROM WAGES Rep. Rice

This bill revises the manner and conditions under which labor organization membership dues may be deducted from wages. The legislation provides that it is unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor

organization, unless the employee has first presented, and the employer has received a signed written authorization for the deductions. This authorization may be revoked by the employee at any time by giving written notice of the revocation to the employer. Deductions for political activities or contributions shall not be deducted from the wages, earnings, or compensation of an employee.

H.3745 MOTOR VEHICLE DEALERS Rep. Duncan

This bill revises the definition of the term “dealer” or “motor vehicle dealer” under provisions for the regulation of motor vehicle manufacturers, distributors, and dealers.

**H.3763 HEALTH INSURANCE COVERAGE RELATING TO APPROVED
CANCER CLINICAL TRIALS Rep. Hutto**

This bill prohibits individual and group health insurance policies and health maintenance organizations from canceling or nonrenewing an insured who has been covered for cancer treatment and has entered an approved cancer clinical trial. The legislation requires individual and group health insurance policies and health maintenance organizations to provide coverage for routine patient care costs when receiving treatment in an approved cancer clinical trial if such costs would be covered if incurred other than in connection with an approved cancer clinical trial.

H.3769 SOUTH CAROLINA BUILDING CODES Rep. Bales

This bill adopts seismic and wind maps for the state. The legislation establishes an appeal procedure for a builder from the local building council to the state level. The legislation revises provisions relating to the responsibility of the South Carolina Building Codes Council, so as to designate the council in the matters relating to residential inspection or enforcement. The legislation revises the requirement that a person performing building code enforcement must be certified, so as to require this person to be certified by the South Carolina Residential Building Codes Council. The legislation revises provisions relating to the authority of municipalities and counties to establish agreements with other governmental entities to issue permits and enforce building codes, so as to make technical changes consistent with naming of the building codes councils. The legislation revises provisions relating to the building code adoption procedure, so as to create a South Carolina Residential Building Codes Council and the South Carolina Commercial Building Codes Council and provide that the two councils shall promulgate regulations adopting the South Carolina Building Codes and submit them to the General Assembly pursuant to the provisions of the Administrative Procedures Act. The legislation revises provisions relating to the mandatory adoption of certain nationally recognized codes and standards, so as to establish responsibility for the South Carolina Residential Building Codes Council to be responsible for adoption and modification of the residential sections of the South Carolina Building Codes and the South Carolina Commercial Building Codes Council to be responsible for the adoption of all other pertinent codes. The legislation revises provisions relating to the membership of the South Carolina Building Codes Council, so as to change the composition of the councils for purposes of creating the South Carolina Commercial Building Codes Council and establish a South Carolina Residential Building Codes Council and provide for their composition. The legislation revises provisions relating to the injunctive relief and other proceedings for violations, so as to make violation precatory instead of mandatory. The legislation revises provisions relating to variations based on physical or climatological conditions, so as to add a geological condition as basis for a variation. The legislation repeals certain provisions relating to the adoption of certain provisions in the 2006 International Residential Code relating to flood coverage.

H.3773 HOSPITALS PROHIBITED FROM CHARGING UNINSURED PATIENTS

***FEES IN EXCESS OF THE MAXIMUM FEES CHARGED TO INSURED PATIENTS FOR THE SAME SERVICES* Rep. J. H. Neal**

This bill provides that a hospital licensed in this State may not charge uninsured patients fees for services rendered that are in excess of the maximum fees charged for the same services rendered to insured patients.

H.3775 UNLAWFUL PRACTICE OF REGULATED PROFESSIONS OR OCCUPATIONS Rep. Bales

This bill revises provisions relating to the unlawful practice of regulated professions or occupations, so as to create an additional offense when a person unlawfully practices a regulated profession or occupation and also commits the offense of obtaining signature or property by false pretenses when the value of the real or personal property is more than one thousand dollars. The legislation provides a penalty for a violation and prohibits a person from obtaining a license to practice in that particular regulated profession or occupation for a certain period of time.

H.3790 "SOUTH CAROLINA MORTGAGE LENDING ACT" Rep. Sandifer

This bill enacts the "South Carolina Mortgage Lending Act", by adding provisions to require the licensing of a mortgage lender, loan originator, or someone acting as a mortgage lender. The legislation: provides definitions; establishes qualifications for licensure and grounds for revocation, suspension, renewal, and termination; describes prohibited activities; provides for record-keeping, trust and escrow accounts, and annual reports; provides for enforcement through administrative action by the Commissioner of the Consumer Finance Division of the Board of Financial Institutions and through criminal penalties; and, provides for participation in a national mortgage registry. The legislation revises provisions relating to definitions in connection with mortgage lending and brokering and high-cost and consumer home loans, so as to conform definitions, and to add a definition for "adjustable rate mortgage". The legislation revises provisions relating to protections for the borrower in a high-cost or consumer home loan transaction, so as to require certain disclosures in connection with an adjustable rate mortgage. The legislation revises provisions relating to the definition of "reverse mortgage", so as to conform the definition. The legislation revises provisions relating to the registration of mortgage loan brokers, so as to: change the registration requirements to licensing requirements; conform definitions to those set forth in the South Carolina Mortgage Lending Act; require certain professional courses, an additional year of experience, and a fingerprint check for mortgage brokers and loan originators; require that certain records be kept and made accessible; add certain prohibitions in connection with a real estate appraisal; require and prescribe mortgage broker agreements; authorize enforcement by the Department of Consumer Affairs; and prescribe administrative penalties including fines and injunctions and a criminal penalty. The legislation requires certain reports and filings, and provides for participation in a nationwide mortgage registry.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3735 THE ENACTMENT OF THE "ANN S. PERDUE INDEPENDENT

AUTOPSY FAIRNESS ACT OF 2009” Rep. Vick

This bill requires a hospital to offer in writing to the patient’s family the right of having an autopsy performed if a patient dies in a hospital. This bill also requires a coroner or medical examiner to be notified if a person dies in a health care facility within 24 hours of entering a health care facility or within 24 hours after having undergone an invasive surgical procedure at the health care facility.

**H.3749 ASSISTANT ADJUTANT GENERALS FOR THE ARMY
Rep. J. E. Smith**

This legislation adds that when authorized by the National Guard Bureau, there may be an additional Assistant Adjutant General for the South Carolina Army National Guard who may hold the rank of major general.

H.3750 CONSUMER LOAN TRANSACTIONS Rep. J. E. Smith

This bill adds that a violation of federal law as to certain consumer loan transactions is a violation of state law.

**H.3778 AMENDMENT TO THE “HOSPITAL INFECTIONS DISCLOSURE ACT”
Rep. Harvin**

This bill amends the “Hospital Infections Disclosure Act” by allowing the Department of Health and Environmental Control to combine data from multiple reporting periods in order to better demonstrate hospital acquired infection rates. The bill also authorizes the Board of Health and Environmental Control to appoint an advisory committee and requires the department to submit an annual report to the General Assembly.

H.3801 HOMELESS PERSONS STUDY Rep. Gilliard

This joint resolution mandates that the State Department of Social Services in conjunction with each county’s local Department of Social Services conduct a study on the number of homeless persons in county as aggravated by the current recession. The findings of this study are to be reported to the General Assembly no later than January 31, 2010.

WAYS AND MEANS

S.304 REVENUE BONDS Sen. Leatherman

This bill revises provisions relating to revenue bonds, to provide that the proceeds of local accommodations fees, hospitality fees, and state accommodations fees may be pledged as security. The legislation revises provisions relating to state accommodations fees, to provide that fees allocated for advertising and promoting tourism may not be pledged as security.

S.360 IMPOSITION OF A ONE PERCENT CAPITAL PROJECT SALES AND USE TAX BY A COUNTY GOVERNING BODY Sen. Hayes

This bill revises provisions relating to the imposition of a one percent capital project sales and use tax by a county governing body, so as to eliminate a requirement that the tax is to collect a limited amount of money. The legislation revises provisions relating to the county ordinance and ballot question for the referendum required, so as to further provide for the contents of the ordinance and the dates and purposes of the referendum.

The legislation revises provisions relating to the imposition and termination of the tax, so as to further provide for the termination of a newly imposed and a reimposed tax.

S.388 FINANCING ARRANGEMENTS FOR SOUTH CAROLINA ENTERPRISE INFORMATION SYSTEM IMPLEMENTATION COSTS Sen.

Leatherman

This joint resolution directs the State Treasurer's Office to provide financing arrangements through the Master Lease Program for any agency that has not paid in full for its South Carolina Enterprise Information System (SCEIS) implementation costs and has not utilized the agency's set-aside account to meet its obligations. The resolution provides that the amounts and timing of lease payments by an agency shall be determined by the State Treasurer's Office in cooperation with the SCEIS Executive Oversight Committee. The resolution requires an agency to meet all of its SCEIS financial obligations and provides for when an agency may withdraw funds from its SCEIS set-aside account.

**H.3721 CONFORMITY WITH FEDERAL INTERNAL REVENUE CODE
Rep. Kirsh**

This bill provides for revisions conforming state tax provisions to the federal Internal Revenue Code.

H.3722 STATE TAX REVISIONS Rep. Kirsh

This bill provides for numerous revisions and updates to various state tax provisions.

H.3724 EDUCATION FINANCE ACT REVISIONS Rep. Duncan

This bill provides for numerous revisions to the Education Finance Act of 1977. The legislation revises the manner in which weightings used to provide for relative cost differences between students are determined. The legislation revises the manner in which school district funding is distributed under the act, including: eliminating the Index of Taxpaying Ability; replacing "base student cost" with "weighted student cost" computed under a modified formula; and requiring the General Assembly, beginning with fiscal year 2010-2011, to provide allocations to schools based on the full amount of weighted student cost. The legislation provides that allocations made to schools under the Education Improvement Act must be disbursed directly to individual schools without regard to a designated purpose in the same manner and formula as contained in the Education Finance Act. The legislation repeals certain provisions relating to the level of financial effort per pupil required of school districts.

H.3730 FEDERAL STIMULUS FUNDS FOR THE CLEAN WATER STATE REVOLVING FUND AND DRINKING WATER STATE REVOLVING FUND Rep. Cooper

This joint resolution provides that funds received under the American Recovery and Reinvestment Act of 2009 for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund may be received and expended pursuant to provisions of the Recovery Act for so long as monies are available under the recovery act.

H.3734 PARTICIPATION OF ASSISTANT SOLICITORS IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM Rep. Vick

This bill revises provisions relating to the option allowed probate judges to participate in the South Carolina Police Officers Retirement System (SCPORS), so as to extend this option to assistant solicitors employed before July 1, 2010. The legislation requires all assistant solicitors hired after June 30, 2010, to participate in SCPORS. The legislation requires that employer contributions for assistant solicitors participating in SCPORS in excess of the employer contributions that are required for their participation in the South Carolina Retirement System must be paid from state funds appropriated for the operations of the office in which the assistant solicitor serves.

H.3737 "PUBLIC SCHOOL CHOICE PROGRAM ACT" Rep. E. H. Pitts

This bill enacts the "Public School Choice Program Act". The legislation requires the State Department of Education to provide school districts with information concerning school choice program research. The legislation requires the department to develop an inventory of available public school choice options and make the list available to districts and to the General Assembly. The legislation requires each school district to convene a school choice committee, to determine the membership of the committee, and to develop a school choice option plan that must be submitted to the department. The legislation requires school districts beginning with the 2010-2011 school year to implement their plans, and provides for the funding of those plans. The legislation requires the school choice committee of each district during the 2010-2011 school year to determine the feasibility of establishing a partnership with neighboring districts to participate in a voluntary open enrollment program. The legislation requires the committee to report its findings to the district, and specifies what the report must include. The legislation requires districts that choose to participate in voluntary open enrollment programs to submit interdistrict agreements and criteria of the program to the department. The legislation establishes requirements for districts that choose to participate in voluntary open enrollment programs. The legislation requires each district

to report to the General Assembly on the types of choice options offered within the district and other information concerning those options. The legislation provides for funding by the General Assembly to offset the cost of transportation.

H.3744 REQUEST FOR CONSTITUTIONAL OFFICERS TO REDUCE THEIR COMPENSATION IN KEEPING WITH STATE EMPLOYEE SALARY REDUCTIONS OR MANDATORY FURLOUGHS Rep. Sandifer

This concurrent resolution requests each constitutional officer of this state on a voluntary basis to reduce his compensation on the same percentage or daily basis that state employees in his department or office are required to accept because of across the board salary reductions or mandatory furloughs without pay.

H.3747 POSTPONEMENT OF A COUNTYWIDE PROPERTY TAX EQUALIZATION AND REASSESSMENT PROGRAM Rep. Bowers

This joint resolution provides that a county otherwise scheduled to implement a countywide property tax equalization and reassessment program effective beginning for the 2009 property tax year, by ordinance may postpone that implementation for one additional year.

H.3756 INCOME TAX DEDUCTION FOR VOLUNTEER STATE CONSTABLES Rep. Crawford

This bill allows a maximum three thousand dollar a year state individual income tax deduction for volunteer state constables designated by the State Law Enforcement Division as advanced state constables. The legislation establishes eligibility requirements for this deduction.

H.3758 EMERGENCY MEDICAL SERVICES PERSONNEL PARTICIPATION IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM Rep. Crawford

This bill provides that beginning July 1, 2009, emergency medical services personnel employed shall participate in the South Carolina Police Officers Retirement System.

H.3768 EXEMPTION OF CERTAIN CONSTRUCTION CONTRACTS FROM A LOCAL OPTION SALES TAX Rep. Chalk

This bill revises terms and conditions relating to the exemption of certain construction contracts from a local option sales tax for county or municipal operations under which tangible personal property is to be delivered after the imposition date of the tax.

H.3781 ASSESSMENTS FOR REAL ESTATE DEVELOPMENT Rep. Chalk

This bill authorizes assessments to be levied against parcels of property with proceeds used to offset the impact of development on certain governmental entities. The legislation provides for the collection of these assessments.

H.3787 "SC LAUNCH!" AND VENTURE CAPITAL INVESTMENTS IN THE KNOWLEDGE ECONOMY Rep. Harrell

This bill revises provisions of the Venture Capital Investment Act of South Carolina, so as to increase the amount of principal borrowing which may be authorized by the Venture Capital Authority by fifty million dollars and provide that one-half must be allocated to SC Launch! for investment in South Carolina-based companies and one-half must be allocated for other investments in South Carolina companies engaged in the knowledge economy. The legislation defines "SC Launch!" and establishes guidelines for these investments and capital commitments.

H.3788 SOUTH CAROLINA RESEARCH AUTHORITY Rep. Harrell

This bill establishes the conditions under which the three research university presidents are authorized to designate their chief research officers to participate in South Carolina Research Authority Executive Committee meetings on their behalf. The legislation revises provisions relating to the powers and duties of the board of the Research Authority, so as to further provide for the board's authority to provide guarantees for obligations of Research Authority affiliates. The legislation revises provisions relating to the establishment of Research Innovation Centers, so as to further provide for the procedures for financing these innovation centers.

H.3802 "SOUTH CAROLINA EDUCATIONAL OPPORTUNITY ACT" Rep.

Edge

This bill enacts the "South Carolina Educational Opportunity Act" to establish conditions under which a student is eligible to receive a scholarship or tuition grant and a person who pays tuition for that student is eligible for a tax credit for the payment of that tuition. The legislation allows a tax credit for a person who paid tuition for a qualifying student to attend an independent or public school upon certain conditions during the first three fiscal years after the enactment of this act. The legislation allows a tax credit for a person who paid tuition for any student who is enrolled in grades two through four in an independent or public school for the fourth year after the enactment of this act. The legislation allows a tax credit for a person who paid tuition for any student enrolled in any grade in an independent or public school for every fiscal year thereafter. The legislation establishes the terms and conditions of the tax credit and allows the tax credit to be carried forward and applied prospectively for up to five years. The legislation allows a tax credit of up to one thousand dollars per student for a person who teaches his student at home. The legislation allows a tax credit for a person or corporation for a contribution made to a student scholarship organization upon certain terms and conditions. The legislation establishes requirements that an independent school must meet in order to accept students under these provisions. Participating schools are required to administer certain assessment tests. A failing school is required to notify parents and guardians of students enrolled in the school of its failing status. The legislation allows the Department of Revenue to promulgate regulations and make investigations in accordance with these provisions. The State Budget and Control Board is required to make an annual report on the fiscal impact of these provisions. The State Budget and Control Board is also required to undertake a long-term evaluation of the impact of these provisions.

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