



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 adopted the conference committee report on **H.3396**, a **PROPOSED CONSTITUTIONAL AMENDMENT TO INCREASE THE HOLDINGS REQUIREMENT OF THE GENERAL RESERVE FUND** and revise the use of the Capital Reserve Fund. The Senate subsequently adopted the conference committee report and enrolled the legislation for ratification. This joint resolution proposes to amend the South Carolina Constitution to provide for the amount required to be held in the General Reserve Fund to be increased gradually from three percent to five percent of state general fund revenue in the latest completed fiscal year. The resolution proposes to revise the General Reserve Fund holdings requirement to provide for an additional cumulative one half of one percent of general fund revenue in each fiscal year succeeding the last fiscal year to which the three percent requirement applied until the percentage of revenue in the General Reserve Fund equals the five percent requirement, which shall thereafter be maintained. The legislation also includes proposed changes for the state's other set-aside account, the Capital Reserve Fund, which can be spent on capital improvements only if a revenue shortfall is avoided. Under the proposed changes, expenditures on nonrecurring projects from the Capital Reserve Fund would be delayed until after the fund is used for any replenishment of the General Reserve Fund that may be needed.

The House adopted the conference committee report on **H.3395**, a bill relating to **RESERVE FUND ENHANCEMENT AND PROCEDURES FOR ADDRESSING REVENUE SHORTFALLS**. The Senate subsequently adopted the conference committee report and enrolled the legislation for ratification. The bill revises statutory provisions governing the use of the General Reserve Fund and the Capital 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 replenishment of that amount. The legislation also revises the protocol for handling revenue shortfalls under which the Budget and Control Board is authorized to implement across-the-board budget cuts in situations when revenue collection falls below four percent of forecasts. The legislation establishes a more sensitive trigger of a two percent revenue shortfall, authorizes reductions in the third quarter of the fiscal year in addition to the first and second quarters, and shortens the time period in which the board is required to take action to avoid a year-end deficit from fifteen days to seven days. The legislation also provides for automatic budget cuts by requiring the Director of the Office of State Budget to reduce general fund appropriations uniformly by the requisite amount if the Budget and Control Board does not take unanimous action within seven days. Upon making the reduction, the Director of the Office of State Budget immediately must notify the State Treasurer and the Comptroller General of the reduction, and upon notification, the appropriations are considered reduced. The legislation provides that the Budget and Control Board may only recognize a deficit by a vote of at least four board members. The legislation provides that the Budget and Control Board's uniform appropriations reductions are subject to any bill or joint resolution enacted by the General Assembly.

The House and Senate voted to override the Governor's veto on **H.3707** to allow the bill to become law. This legislation requires **MOTOR FUEL TERMINALS TO OFFER FOR SALE PRODUCTS THAT ARE SUITABLE FOR SUBSEQUENT BLENDING EITHER**

WITH ETHANOL OR BIODIESEL, a process known as splash blending. A person or entity is prohibited from taking an action to deny a motor fuel distributor or retailer from being the blender of record. In addition, motor fuel distributors, retailers, and refiners must utilize the renewable identification number (RIN). The legislation may not be construed to imply a market value for the RINs. The legislation also declares violations as an unfair trade practice and each violation is a separate offense.

The House amended, approved, and sent to the Senate **H. 4446**, regarding the statewide **MASS IMMUNIZATION PROJECTS** for which the South Carolina Department of Health and Environmental Control is responsible. The bill expands the immunity provision to cover all licensed nurses who participate in a mass immunization project. The bill also requires DHEC to establish a statewide immunization registry. The information will be covered by HIPA and state health care privacy laws.

The House approved and sent to the Senate **H.4341**, a joint resolution creating the **AUTISM SPECTRUM DISORDER STUDY COMMITTEE ON EARLY INTERVENTION**. Autism spectrum disorder is a bio-neurological developmental disability that generally appears before the age of three. The committee's study will include, but is not limited to, the following: research the age children are screened and diagnosed; evaluate the ability of parents and professionals to recognize signs and to access screening, diagnostic, and intervention services; evaluate the presence and effectiveness of education, training and program resources available to assist families and professionals in early recognition; identify gaps in training, medical care, education, and program services needed to achieve early screening, diagnosis, intervention, and evidence-based treatment; identify and determine application of best practices; and recommend changes in medical care, education, training, and other programs and services to ensure early screening, diagnosis, evidence-based intervention, and treatment. The members will consist of two members of the Senate to be appointed by the President Pro Tempore, two members of the House of Representatives to be appointed by the Speaker of the House, one member to be appointed by the Governor, and State Superintendent of the Department of Education or his designee; Director of the Department of Disabilities and Special Needs, or her designee; Director of the Department of Mental Health, or his designee; Director of the Department of Health and Environmental Control, or his designee; Director of the Department of Health and Human Services, or her designee; Director of First Steps, or her designee; Director of the S.C. Chapter of American Academy of Pediatrics, or his designee; Director of the Center for Disability Resources, Department of Pediatrics, University of South Carolina School of Medicine, or his designee; Director of the University of South Carolina College of Education Program in Special Education - Autism Program, or his designee; Director of the Medical University of South Carolina Department of Pediatrics, Division of Developmental Pediatrics, or his designee; Director of the Greenwood Genetic Center, or his designee: and the Director of the South Carolina Autism Society, or his designee. In addition, four parents recommended by various autism associations in South Carolina and appointed by the Governor as follows: (a) one parent of a child with autism spectrum disorder under six years of age; (b) one parent of a child with autism spectrum disorder age six through twenty- one years of age; (c) one parent of a child with autism spectrum disorder over twenty-two years of age; (d) one parent of a child with autism spectrum disorder. The study committee will convene no later than 60 days after the effective date of this joint resolution. Staffing for the committee must be provided by the Department of Disabilities and Special Needs and the appropriate committees of the Senate and the House of Representatives. Members of the study committee may not receive compensation and are not entitled to

receive mileage, subsistence, and per diem. The study committee must submit its findings and recommendations no later than December 1, 2011, at which time the study committee is abolished.

The House amended, approved, and sent to the Senate **H.4508**, dealing with a **CHIROPRACTIC PRECEPTORSHIP OR RESIDENCY TRAINING PROGRAM**. This bill outlines that a "preceptorship or residency training program" means a clinical program of an approved college of chiropractic in which a chiropractic intern or resident practices chiropractic under the direct supervision of a licensed chiropractor. The bill requires a student who participates in a preceptorship or residency program to have met all academic requirements for graduation and work only under the direct supervision of the student chiropractic preceptor. The chiropractic preceptor who supervises a student must have been licensed at least five years, have no licensure sanctions, swear not to have violated any state or federal regulations and have the approval of the student's chiropractic college to act in this capacity. The bill prohibits a chiropractic preceptor from supervising more than one student at a time in an off-campus setting. The student must be under the direct supervision and in the immediate vicinity of the chiropractic preceptor.

The House approved and sent to the Senate **H.3815**, regarding **LICENSURE AND REGULATION OF COSMETOLOGISTS**. This bill deletes the term "rental booth" from the definition of "beauty salon or salon." The bill also states that an individual licensed to practice in a booth rental or as an independent contractor may not be charged a license fee or license renewal fee other than the fee charged for individual licensure or licensure renewal.

The House amended, approved, and sent to the Senate **H.4450**. This bill provides that **MUNICIPAL COURT JUDGES AND MAGISTRATES, RESPECTIVELY, ARE RESPONSIBLE FOR THE DOCKET IN THEIR COURTS**.

The House amended, approved, and sent to the Senate **H.4202**, relating to **CRIMINAL PENALTIES FOR TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES**. This bill increases the maximum penalty for this offense from fifteen to thirty years.

The House amended, approved, and sent to the Senate **H.4205**. This bill provides **EXCEPTIONS TO THE REQUIREMENT FOR DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT**. Under this bill, these provisions do not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation. The bill also authorizes the State Law Enforcement Division to promulgate regulations that allow for the electronic transmission of information.

The House amended, approved, and sent to the Senate **H.3059**, which makes **AMENDMENTS TO ELECTION LAWS**. As defined by South Carolina election law, the term "club district" means the territory of the general election voting place or precinct in which the political party club is formed, whether a ward or township or a subdivision. This legislation deletes the definition of the term "club district" as well as deletes references to this term from the election laws. The term used instead of club district is

precinct. The legislation also revises provisions for the nomination and election of election commissioners by changing from August first to July fifteenth the deadline for submitting nominees in the petition to be placed on the official ballot.

The House amended, approved, and sent to the Senate **H.3693**. This legislation allows a **BREWERY TO CONDUCT BEER SAMPLINGS OR TASTINGS** under certain conditions. Among other things, the bill regulates the amounts of samples that may be provided. The bill authorizes a brewery to sell beer on its premises provided the beer was brewed on the premises with an alcohol content of 14% by weight of less subject to certain restrictions. The brewery must sell the beer at a price approximating retail prices generally charged for identical beverages in the county where the premises are located. The legislation includes provisions for the payment of appropriate taxes. The legislation also provides that, with the consent of a holder of a retail permit, a beer wholesaler may store for a temporary period at the permit holder's licensed location equipment primarily utilized by the wholesaler in delivery and stocking of beer such as pallets, carts, and handtrucks.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The full House Judiciary Committee met on Tuesday, April 13, and gave consideration to several bills.

S.931, which makes **REVISIONS PERTAINING TO SEXUALLY VIOLENT OFFENDERS**, received a favorable report from the Judiciary Committee. The bill provides that the agency with jurisdiction must give written notice to the multidisciplinary team, the victim, and the Attorney General at least 270 days, rather than 180 days as is currently required, before the person's anticipated release, hearing or parole. If the appropriate department intends to grant parole or conditional release to a person who has been convicted of a sexually violent crime, the parole or the conditional release must be made effective 180 days after the date of the order of parole or conditional release. The previous language provided that the parole or conditional release must be made effective 90 days after the date of the order of parole or conditional release. If the probable cause determination is made, upon completion of the criminal sentence, the court must have the individual transferred to a facility of the Department of Mental Health

for an evaluation by a court-appointed expert to determine whether or not the person is a sexually violent predator. The expert must complete the evaluation within 60 days after the probable cause hearing. However, the court may grant one extension upon request of the expert and upon good cause shown. A court must conduct a trial to determine whether a person is a sexually violent predator. Current law requires that the trial must be held within 60 days of the completion of the probable cause hearing. The legislation provides that the trial must now be conducted within 90 days after the court-appointed expert issues an evaluation on the individual. The individual or Attorney General may retain another qualified expert following the evaluation issued by the court-appointed expert. The Director of the Department of Mental Health is required to certify in writing with specific basis thereof, a determination that a person's mental abnormality has changed to the point to where the person is no longer likely to commit acts of sexual violence and are, therefore, authorized to petition the court for release. The Director is also required to notify the Attorney General of the notification and authorization. The court must order a hearing within 30 days of receiving the petition of release unless the Attorney General requests an evaluation of the individual by a qualified expert or the Attorney General or petitioner request a trial by jury. If the Attorney General's expert determination is adverse to the petitioner, then the petitioner shall have the right to retain a qualified expert of his or her own choosing. This legislation also provides a procedure for allowing indigent petitioners to obtain a qualified expert if the court finds such an examination necessary.

The full committee gave a favorable with amendment recommendation to **H.3369**. This bill **REVISES PENALTIES RELATING TO THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR**. The bill provides that a first offense is a felony, and upon conviction, the offender must be fined not more than \$25,000 or imprisoned not more than 25 years, or both. Second and subsequent offenses are felonies, and upon conviction, the offender must be fined not more than \$25,000 and imprisoned for not less than a mandatory minimum of five years nor more than 25 years, no part of which may be suspended nor probation granted.

H.3369 also includes provisions prohibiting **SEXUAL BATTERY BY PERSONS AFFILIATED WITH A SECONDARY SCHOOL IN AN OFFICIAL CAPACITY AND STUDENTS (AGE 16 AND OVER) ENROLLED IN THAT SCHOOL**. If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is 16 or 17 years of age and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is 18 years of age or older and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for 30 days, or both. An exception is provided if the person affiliated with a public or private secondary school in an official capacity is married to the student at the time of the act.

H.4516 received a favorable with amendment report. This bill pertains to **SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS ISSUED TO NONPROFIT ORGANIZATIONS FOR A LIMITED**

DURATION. The bill defines which nonprofit organizations may be authorized to be issued these special permits. The Department of Revenue (DOR) may issue no more than 25 temporary licenses on each application for special functions in a twelve-month period to the same nonprofit organization. The bill allows DOR to issue a nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function not open to the general public for a period not to exceed 24 hours. The nonprofit organization may sell tickets at the door if the price of the ticket includes full membership to the organization. The legislation outlines what the application for these special permits must include, requires a filing fee, and outlines the circumstances in which an application may be denied. The legislation includes provisions relating to required criminal records checks of applicants. The legislation requires law enforcement to be notified as to the location of the special functions. A timely objection by law enforcement is sufficient grounds to deny an application.

S.217, relating to the **CONFINEMENT OF INMATES**, received a favorable report from the full committee. The bill makes technical changes to Title 24, of the South Carolina Code of Laws, relating to the detention of persons in local detention facilities. The bill deletes archaic provisions that do not reflect current practice and also codifies language that does reflect current practice. Major substantive changes to the bill include the following:

- A municipal or county jail administrator must consent, rather than the sheriff alone, when deciding where to house a prisoner.
- Local detention facilities are added to the list of facilities where conjugal visits are not allowed.
- Local detention center directors are given the same authority as a prison director within the Department of Corrections to suppress riots and investigate misconduct.
- Any person received by the jail who appears to be in a stupor must be examined by medical personnel before being admitted into the jail.
- A sheriff is authorized to devolve their powers over a jail to a county governing body who may then employ a jail administrator, and a county governing body may devolve the power back to the sheriff.
- Local detention facilities are allowed to charge to house an inmate.
- The legislation enacts the "Local Detention Facility Mutual Aid and Assistance Act". This allows local detention facilities that are contiguous to each other to enter into these agreements for the safe detention of inmates in the case where one facility is unable to safely house their inmates.

H.4505, relating to **REGISTER OF DEEDS**, received a favorable recommendation from the Judiciary Committee. This bill includes registers of deeds in the list of persons who may accept payment by credit or debit cards.

The full committee gave a favorable report to **H.4438**, relating to **PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION**. If the decedent died while serving in any branch of the United States Armed Services and completed a United States Department of Record of Emergency form (DD form 93 or its successor form), this bill permits the person named in the form to authorize cremation.

The Judiciary Committee gave a favorable with amendment report to **H.4049**. Relating to methods of **SATISFACTION OF MORTGAGE, DEED OF TRUST, OR OTHER WRITTEN INSTRUMENT SECURING THE PAYMENT OF MONEY AND BEING A LIEN UPON REAL PROPERTY**, this bill requires certain instruments in writing to be acknowledged pursuant to the Uniform Recognition of Acknowledgments Act.

S.652 received a favorable with amendment recommendation from the full committee. This bill pertains to **PROFESSIONAL FUNDRAISING**. Under the provisions of the bill, a list provided by a charitable organization of the names, addresses, telephone numbers, e-mail addresses, dates and amounts of donations, of each contributor to a solicitation campaign conducted by a professional fundraising counsel or professional solicitor is the property of the charitable organization. The professional fundraising counsel or professional solicitor must maintain this list throughout the duration of the solicitation campaign. If contributions are received by a professional fundraising counsel or professional solicitor, then the professional fundraising counsel or professional solicitor must deliver the list to the charitable organization within 90 days after the solicitation campaign has been completed or within 90 days after each anniversary of a solicitation campaign that lasted for more than a year. The bill places restrictions on what a professional fundraising counsel or professional solicitor may do with a list provided by a charitable organization. Violations are subject to an administrative fine from the Secretary of State. A person assessed an administrative fine from the Secretary of State may request a contested hearing before the Administrative Law Court. Failure to pay the administrative fine or to request a contested hearing may subject the person to being prohibited from engaging in further charitable solicitation activities. Revenue from these administrative fines must be directed to the Secretary of State for the purpose of administering these provisions.

S.144, which **RATIFIES THE CONSTITUTIONAL AMENDMENT RELATING TO AGE OF CONSENT OF AN UNMARRIED WOMAN UNDER THE AGE OF FOURTEEN**, received a favorable report. This bill ratifies an amendment to the State Constitution relating to the provision providing that no unmarried woman under the age of fourteen years old may legally consent to sexual intercourse, so as to delete that provision.

H.4542, relating to the **DUTIES AND POWERS OF THE STATE ETHICS COMMISSION**, received a favorable with amendment report. The bill deletes the current prohibition of the release of information by the State Ethics Commission until final disposition of an ethics investigation. This bill authorizes the release of information regarding an ethics investigation once a finding of probable cause or dismissal has been made.

The full Judiciary Committee gave a favorable with amendment recommendation to **S.897**. This joint resolution creates the **COMMISSION ON STREAMLINING GOVERNMENT AND REDUCTION OF WASTE**. The stated purpose of this commission is to examine each agency's constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities to determine, in an effort to reduce the size of state government, which of these may be: (1) eliminated; (2) streamlined; (3) consolidated; (4) privatized; or (5) outsourced. Among other things, the commission shall examine the necessity and performance of activities, functions, programs, and services to ensure that they are meeting current performance standards effectively and efficiently and that they are meeting the needs of South Carolina citizens. The joint resolution provides for membership on the commission, authorizes the

commission to hold public hearings as part of its evaluation process, and outlines deadlines for reports by the commission to the General Assembly and Governor. Agencies and political subdivisions must furnish aid, services and assistance as may be requested by the commission.

S.897 also includes the "**SOUTH CAROLINA RESTRUCTURING ACT**". This legislation establishes the Department of 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. 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.

S.897 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.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Thursday, April 15, and reported out three pieces of legislation.

The committee gave a report of favorable with amendment on **H.4538**, a bill establishing the **SOUTH CAROLINA HEALTH INFORMATION EXCHANGE (SCHIEx)** to comply with the provisions of the Health Information Technology for Economic and Clinical Health Act of 2009, also known as HITECH, that the U.S. Congress approved as a means of advancing the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care. The federal HITECH legislation provides for monetary incentives to encourage qualified health care professionals and hospitals to adopt electronic health records and to utilize the state health information exchange and also penalizes Medicare providers who do not utilize this technology. The legislation creates the South Carolina Health Information Exchange Council as the governing body of SCHIEx, provides for the council's composition, and establishes its powers and duties regarding the electronic movement of health-related information among health care organizations in the state, the privacy and security of patient records shared through the exchange, and the facilitation of telemedicine.

The committee gave a report of favorable with amendment on **H.4608**, a bill revising provisions governing the operation of **CAPTIVE INSURANCE COMPANIES**. The legislation establishes new requirements governing assets of a sponsored captive insurance company that are assigned to a protected cell.

The committee gave a report of favorable with amendments on **H.4546**, a joint resolution establishing the **SELF-DIRECTED SEMI-INDEPENDENT AGENCY PILOT PROJECT**. Under the pilot project, the following professional and occupational licensing boards are authorized to obtain the status of distinct self-directed and semi-independent agencies,

no longer under the Department of Labor, Licensing and Regulation, with regard to certain fiscal, regulatory, and operational responsibilities as of January 1, 2011: (1) South Carolina State Board of Accountancy; (2) Board of Registration for Professional Engineers and Land Surveyors; (3) South Carolina Board of Architectural Examiners; (4) South Carolina Board of Medical Examiners; (5) South Carolina Board of Pharmacy; (6) South Carolina Real Estate Commission; (7) South Carolina Board of Funeral Service; and (8) South Carolina Real Estate Appraisers Board. The joint resolution is repealed September 1, 2015, unless extended by the General Assembly.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, April 13, 2010, and the following bills were discussed:

S.907, which updates the **EMERGENCY MEDICAL SERVICES ACT OF SOUTH CAROLINA**, was given a favorable with amendment recommendation by the full committee. The bill adds and updates definitions relating to emergency medical services; and creates a State Medical Control Physician position to be contracted with DHEC to oversee all medical aspects of the EMS Program. The contracted physician must both reside and be licensed to practice in South Carolina. The bill provides for the duties of the State Medical Control Physician to include, but not limited to, protocol development; the establishment of the scope of practice for EMTs at all levels; provide recommendations for disciplinary actions in cases involving inappropriate patient care; and to serve as chairman of the State Medical Control Committee and the State Emergency Medical Services Advisory Council.

The bill requires the establishment of an electronic patient care reporting system to provide data to the National EMS Information System database for betterment of EMS across the nation.

The bill states that a business providing EMS or ambulance services or an ambulance attendant providing patient care without a license subjects the business or person to civil penalties. It also requires an EMS or an ambulance service to retain a medical control physician to maintain quality control of the patient care. Medical control physicians, who do not act in good faith with the review and evaluation of improving quality patient care, are liable for any civil damages as a result of any act or omission by the physician in the course of a review or evaluation.

The bill provides that an emergency medical technician (EMT) certificate is valid for four years rather than three years. It requires technicians, upon certificate renewal, to provide documentation of current national registration for the appropriate level of certification instead of completing a refresher course. The bill also revises confidentiality provisions and updates investigative procedures to outline that investigations must be conducted by the Investigative Review Committee and that the action taken by the committee on a license is public information.

The bill establishes the Emergency Medical Services for Children Advisory Committee to advise DHEC on matters concerning preventative, prehospital, hospital, rehabilitative, and other post-hospital medical care for children. The Committee members must be

appointed by the board and shall be composed of a nurse with emergency pediatric experience, a physician with pediatric training, an emergency physician, an EMT/paramedic who is currently practicing, a ground level prehospital provider representative, an emergency medical services state agency representative, the EMSC Program principal investigator, the EMSC Program manager, and a family representative. All members must reside and, if applicable, be licensed or certified to practice in this State. The members of the advisory committee shall serve without compensation, mileage, per diem, or subsistence.

The full committee gave a favorable recommendation to **H.4621**, regarding the **DIABETES INITIATIVE BOARD**, which revises the Board's membership by adding the Dean of the University of South Carolina School of Medicine; the chair of the Division of Endocrinology at the Medical University of South Carolina; and the President of the South Carolina Hospital Association. In addition, the Board's membership term is three years and the Board may elect nonvoting members and honorary members.

H.4405, the **DISPENSING OF CERTAIN DRUGS AT A FEDERALLY QUALIFIED HEALTH CENTER**, was given a favorable recommendation by the full committee. This bill provides for the dispensing of certain drugs or devices at a Federally Qualified Health Center. A Federally Qualified Health Center or FQHC means an entity funded by the Bureau of Primary Health Care.

WAYS AND MEANS

The full House Ways and Means Committee met on Wednesday, April 14, and reported out several pieces of legislation.

The committee gave a favorable report on **H.3246**, a bill to provide that **DIRECT EMPLOYEES OF THE SOUTH CAROLINA ATHLETIC COACHES ASSOCIATION ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS**.

The committee gave a report of favorable with amendments on **S.1146**. This bill revises provisions relating to the **PAYMENT OF DEATH BENEFITS IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS**, to: repeal certain duties and responsibilities of the board; provide that benefits paid pursuant to the accidental death insurance benefit shall not be treated as a life insurance benefit; and, provide for the manner in which adjustments to benefits shall be made.

The committee gave a favorable report on **S.1145**. This bill revises provisions relating to the date upon which an **APPLICATION FOR DISABILITY RETIREMENT** must be filed with the South Carolina Retirement System, to provide that a member is considered to be in service on the date the application is filed if the member is not retired and the last day the member was employed by a covered employer in the system occurred not more than ninety days prior to the date of filing.

The committee gave a favorable report on **S.906**. This bill revises provisions relating to **SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS**, to provide that a member upon termination who does not qualify for a monthly benefit may transfer his service credit to the South Carolina Retirement System. The legislation

clarifies provisions related to the transfer of earned service credit in retirement plans administered by the South Carolina Retirement Systems.

The committee gave a favorable report on H.4599. This bill revises provisions relating to **IN-STATE TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS**, so as to continue to extend in-state tuition rates upon transfer to an eligible institution upon certain conditions, and to require a transferring institution to verify eligibility and the transferring student to provide necessary documentation.

The committee gave a report of favorable with amendments on H.3122. This bill revises provisions relating to the **FAILURE OF A TAXPAYER TO MAKE A REPORT OR FILE A RETURN**, as required by law, so as to further provide for the information the Department of Revenue must consider when making an estimate of the tax liability of the taxpayer under these circumstances.

The committee gave a report of favorable with amendments on S.728. This bill revises provisions relating to the entitlement to tax credits under the **TEXTILES COMMUNITIES REVITALIZATION ACT**, so as to accommodate the conversion of abandoned textile mill sites into affordable housing.

The committee gave a favorable report on S.1066. This bill provides a **TAX CREDIT FOR CONTRIBUTIONS TO THE SOUTH CAROLINA EXISTING MANUFACTURERS' RETENTION AND GROWTH FUND**. The legislation establishes the maximum amount of the credit for a single taxpayer and the maximum aggregate amount for each tax year and provides the process and requirements for claiming the credit.

The committee gave a favorable report on S.113, a bill authorizing **FEE IN LIEU OF PROPERTY TAXES AGREEMENTS FOR NUCLEAR PLANT FACILITIES**. This bill revises timeline requirements for industrial development projects under fee in lieu of property taxes agreements, so as to accommodate the extensive lead time required for construction of a qualified nuclear plant facility.

The committee gave a favorable report on H.4245, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT AUTHORIZING CHARITABLE AND NONPROFIT ORGANIZATIONS TO CONDUCT RAFFLES**. This joint resolution proposes to amend the South Carolina Constitution's prohibition on lotteries so as to provide that the General Assembly may allow raffles to be conducted by charitable or nonprofit organizations and by general law must define the type of organization allowed to conduct raffles, provide the standards for the conduct and management of the raffles, provide penalties for violations, and provide for any other law necessary to assure the proper functioning, honesty, integrity, and charitable purposes for which the raffles are conducted.

The committee gave a favorable report on H.4270, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT AUTHORIZING CHARITABLE AND NONPROFIT ORGANIZATIONS TO CONDUCT RAFFLES**. This joint resolution proposes to amend the South Carolina Constitution's prohibition on lotteries so as to provide that the General Assembly may allow raffles to be conducted by charitable or nonprofit organizations and by general law must define the type of organization allowed to conduct raffles, provide the standards for the conduct and management of the raffles, provide penalties for violations, and provide for any other law necessary to assure the

proper functioning, honesty, integrity, and charitable purposes for which the raffles are conducted.

The committee gave a favorable report on **H.4506**, relating to the **STATE FARMERS' MARKET SITE LITIGATION**. This joint resolution makes certain findings by the General Assembly in regard to the settlement of litigation involving a site acquired by the State of South Carolina in Richland County for the proposed State Farmers' Market. The resolution confirms and validates the use of specific tracts of land received by the South Carolina Research Authority, and Richland County as part of the settlement, and the use of certain revenues to meet obligations continuing under the settlement.

The committee gave a report of favorable with amendments on **H.4269**, a bill **EXTENDING THE EXPIRATION DATE OF THE CONSERVATION BANK ACT** provisions and other related dates pertaining to the closure of the Conservation Bank Act and Conservation Bank Fund. The legislation provides for a ten-year extension such that provisions set to expire in 2013 are extended until 2023 and provisions expiring in 2016 are extended until 2026.

The committee gave a report of favorable with amendments on H.4430, a bill relating to the **IMPLEMENTATION OF COUNTYWIDE PROPERTY TAX REASSESSMENT FOR A MUNICIPALITY WITH PROPERTY LOCATED IN TWO OR MORE COUNTIES**. This bill establishes a procedure for the calculation of property tax millage in a situation where a municipality consists of real property located in two or more counties and one of those counties, but not all, undergoes and implements a countywide reassessment and equalization program.

The House gave a report of favorable with amendments on **H.3748**. The bill provides that the **INDEX OF TAXPAYING ABILITY** as calculated by the Department of Revenue for 2009 applies for the 2010-11 fiscal year. The bill creates the Index of Taxpaying Ability Study Committee to examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee also charged with examining the manner in which the index is calculated and the impact of property tax measures on the calculation. The study committee is composed of fourteen members, who are appointed as follows: (1) four members appointed by the President Pro Tempore of the Senate, and four members appointed by the Speaker of the House of Representatives. Appointees shall possess experience in business, school district finance, or economics, and must include representatives from the Department of Education, the Department of Revenue, and the Office of Research and Statistics as well as members of the business and education communities; (2) one member of the Senate appointed by the Senate President Pro Tempore; (3) one member of the Senate appointed by the Senate Majority Leader; and (4) one member of the Senate appointed by the Senate Minority Leader; and (5) Three members of the House of Representatives appointed by the Speaker of the House of Representatives. No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.950 MUNICIPAL IMPROVEMENTS ACT Sen. Elliott

This bill makes changes to the Municipal Improvements Act of 1999. It adds to the definition of improvements under the Municipal Improvement District Act to include maintenance in channels, canals or waterways when a municipality, state or other public entity owns a fee simple title or an easement for maintenance. This bill also allows owner-occupied property to be included in the improvement district without the owner's consent if the sole improvements are the widening and dredging of canals.

H.4822 PESTICIDE CONTROL ACT Rep. Gambrell

This bill provides that a person who would be otherwise required to be certified as a commercial applicator of pesticides is not required to be certified if the person uses no other pest control substance except glyphosphate and the person attest to this singular pest control use on an affidavit form provided by the State Crop Pest Commission. This affidavit must be newly executed every five years.

H.4840 "NO CHIPPIN' CHICKENS ACT" Rep. Duncan

This bill prohibits the state from requiring any person, gentleman farmer, private farmer, family farmer, backyard gardener, farmer's market, private livestock auction barn, private slaughterhouse or veterinarian, to participate in premise ID, animal identification, tagging, or tracking of their animals, or be compelled to participate with any provision of a state or national animal identification system. The bill also outlines that the state must not establish a database or registry of farms, premises, or private property that include farming-related activities, or in any manner participate in the linking of computer data systems by or between this and other states, the federal government, or other nations, that contain information about the farms of this State. This bill does not prohibit private agreements between private parties to arrange any voluntary animal identification program. Any person that voluntarily enrolls in a private system must be allowed to withdraw at any time.

S.836 RIVERBANKS PARKS COMMISSION Sen. Cromer

The bill revises the rules and regulations of the Riverbanks Parks Commission so as to prohibit certain activities while on park property.

EDUCATION AND PUBLIC WORKS

S.812 SPARTANBURG AND UNION COUNTIES Sen. S. Martin

This legislation outlines procedures whereby students in Spartanburg County may attend school in Union County and vice versa.

**S.953 CRIMINAL RECORD CHECKS FOR SCHOOL EMPLOYEES AND
NATIONAL SEX OFFENDER REGISTRY CHECKS FOR
SCHOOL**

EMPLOYEES AND VOLUNTEERS Sen. Jackson

This legislation requires any individual hired by a local school district board of trustees to serve in any capacity in a public school to undergo a name-based South Carolina criminal record search. The legislation further requires school districts to perform a National Sex Offender Registry check on all district employees and all volunteers having direct interaction with students. School districts must adopt appropriate written policies regarding these searches. The South Carolina Law Enforcement Division working with the Department of Education must provide training to school district personnel regarding appropriate uses of the information obtained through these required searches.

S.1328 MANUFACTURER LICENSE PLATES Sen. Peeler

Relating to manufacturer license plates for motor vehicles, this bill increases from 400 to 500 the number of these plates that may be issued to a manufacturer. The bill also increases from 10 to 20 days the maximum number of consecutive days that vehicles with these plates may be used in connection with civic and sporting events.

**H.4820 ANNUAL FEE THE AUTOMOBILE MANUFACTURER STANDARD
LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER'S
EMPLOYEE BENEFITS PROGRAM Rep. Allison**

In 2011 and 2012, this joint resolution provides that the annual fee for the automobile manufacturer standard license plate for vehicles in such manufacturer's employee benefit program and for the testing, distribution, evaluation, and promotion of its vehicles is \$699. Twenty dollars of each fee is credited to the general fund of the state and the balance to local governments. The entire fee amount is to be credited to the general fund of the state for nonresident participants in the employee benefit program.

H.4821 MANUFACTURER LICENSE PLATES Rep. Allison

Relating to manufacturer license plates for motor vehicles, this bill increases from 400 to 500 the number of these plates that may be issued to a manufacturer. The bill also increases from 10 to 20 days the maximum number of consecutive days that vehicles with these plates may be used in connection with civic and sporting events.

**H.4846 UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES
Rep. Merrill**

This bill pertains to the composition of the University of South Carolina Board of Trustees. The bill adds two members to the board to be elected by the General Assembly. One must be female and recommended by the Legislative Women's Caucus, and one must be African-American and recommended by the Legislative Black Caucus. Both members must be found qualified for election by the Joint Legislative Screening Committee.

JUDICIARY

**S.134 "RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT" Sen.
Sheheen**

This legislation prohibits a school district from discriminating against a student based on religious viewpoint. The legislation allows a student to express his religious viewpoint, allows a student to express his religious beliefs in homework and classroom assignments, and allows students to organize and participate in religious student gatherings to the same extent as secular noncurricular groups.

S.348 PROVISIONS RELATING TO CHILDCARE PROVIDERS AND TESTING OF CERTAIN CONVICTED OFFENDERS FOR HEPATITIS B, SEXUALLY TRANSMITTED DISEASES, AND HUMAN IMMUNODEFICIENCY VIRUS Sen. Fair

This bill provides that a person (1) who is registered with or licensed by the Department of Social Services (DSS) pursuant to childcare facilities licensure facilities requirements, and (2) inflicts great bodily injury upon a child is guilty of a felony and upon conviction, must be imprisoned for not more than 25 years. The bill also requires operators and employees of a family childcare home to annually complete two hours of training approved by DSS. DSS shall place on its website information about compliance with this training requirement. Relating to the testing of certain convicted offenders for Hepatitis B, sexually transmitted diseases, and Human Immunodeficiency Virus, this bill places timeframes on the testing.

S.670 COUNTY LEGISLATIVE DELEGATION NOTICE OF VACANCY ON FOSTER CARE REVIEW BOARDS Sen. Malloy

Current law requires county legislative delegations to be notified of a vacancy on a Foster Care Review Board by certified mail. This bill allows the notification to be by regular mail or electronic communication.

S.912 EXCEPTIONS TO THE REQUIREMENT FOR DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT Sen. Land

This bill provides exceptions to the requirement for destruction of criminal records when a charge is dismissed or the person is found innocent. Under this bill, these provisions do not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation. The bill also authorizes the State Law Enforcement Division to promulgate regulations that allow for the electronic transmission of information.

S.1154 "THE OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010" Sen. Malloy

The stated purpose of this comprehensive legislation is to reduce recidivism, provide fair and effective sentencing options, employ evidence-based practices for smarter use of correctional funding, and improve public safety.

S.1184 FALSE REPORTS OF ABUSE AND NEGLECT Sen. Malloy

This bill pertains to the making of false reports of abuse and neglect. This bill provides that on a second or subsequent false report made with bad faith, if a civil lawsuit is filed, the court may award appropriate relief as permitted by state law and the South Carolina Rules of Court. If the Department of Social Services determines that an allegation of abuse and neglect is unfounded, the person wrongfully alleged to have perpetrated the abuse or neglect may petition the court to release the identity of the maker of the

wrongful complaint. However, such a petition may be heard only if the person who made the report was not required to report. The bill further provides that the court shall order the release of the name of the maker of the wrongful allegation, if the report was made maliciously or in bad faith.

S.1190 STATE FARMERS' MARKET SITE LITIGATION Sen. Leatherman

This joint resolution outlines certain findings by the General Assembly in regard to the settlement of litigation involving a site acquired by the state of South Carolina in Richland County for the proposed State Farmers' Market. The joint resolution confirms and validates the use of specific tracts of land received by the South Carolina Research Authority, and Richland County as part of the settlement, and the use of certain revenues to meet obligations continuing under the settlement.

S.1343 FEDERAL MANDATE RELATING TO CONTROLLED SUBSTANCE OFFENSES Sen. Malloy

This concurrent resolution provides that South Carolina opposes the federal mandate that a state enact a law to require the revocation, suspension, issuance, or reinstatement delay of a driver's license for all persons who are convicted of controlled substance offenses. The concurrent resolution further provides that South Carolina shall take advantage of provisions which allow the state to opt out of the federal mandate without the loss of federal transportation funds.

H.4806 TERM LIMITS Rep. Clemmons

This bill authorizes the governing body of a municipality, county, school district, or board to adopt a term limit for their respective body or board upon the approval of a two-thirds vote of the members of the body or board.

H.4808 TRANSFER FEE COVENANTS Rep. Clemmons

The bill provides definitions related to transfer fee covenants, and it includes certain findings related to transfer fee covenants. The bill further provides a transfer fee covenant recorded after the effective date of this legislation, or any lien to the extent that it purports to secure the payment of a transfer fee, is not binding on or enforceable against the affected real property or any subsequent owner, purchaser, or mortgagee of any interest in the property. A transfer fee covenant recorded before the effective date of this legislation is valid or enforceable.

H.4811 CHILD SUPPORT ENFORCEMENT Rep. Nanney

In all cases not being administered pursuant to Title IV-D of the Social Security Act by the Department of Social Services (DSS), this bill requires the clerk of court to attempt to locate individuals for the purpose of establishing, modifying, and enforcing child support obligations. Relating to entities required to provide information to DSS for the purpose of establishing, modifying, and enforcing child support obligations, this bill requires these entities to provide this information to clerks of court for the same purpose.

H.4812 APPEARANCE BONDS Rep. Bannister

Under this bill, an appearance bond is only valid for a period of two years from the date the bond is executed for charges assigned in circuit court and eighteen months for charges assigned in magistrates court. After this time, the surety is relieved of liability.

H.4825 PROPOSED STATE CONSTITUTIONAL AMENDMENT PERTAINING TO HEALTH CARE Rep. Scott

This joint resolution proposes to amend the State Constitution, relating to the declaration of rights, so as to add a new section preserving the freedom of South Carolinians with respect to the providing of health care services. The proposed constitutional amendment prohibits any law, regulation, or rule from compelling an individual, employer, or health care provider to participate in a health care system. Individuals and employers would be allowed to pay directly for lawful health care services without penalties or fines for these direct payments. Further the purchase or sale of health insurance in private health care systems must not be prohibited by law, regulation, or rule.

H.4826 TRANSFER OF DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS

Rep. Simrill

Relating to the creation and operation of the Department of Probation, Parole and Pardon Services (PPP) and the board of PPP, this bill transfers all functions, powers, duties, responsibilities and authority statutorily exercised by PPP to the Department of Corrections, Division of PPP.

H.4827 REVISIONS TO THE PROCEDURE FOR ENACTMENT OR AMENDMENT OF ZONING REGULATIONS OR MAPS **Rep. J. M. Neal**

Relating to the procedure for enactment or amendment of zoning regulations or maps, this bill increases from 30 to 60 days the period of time the planning commission has to submit its report and recommendations on a zoning change to the governing authority.

H.4837 BINGO LICENSE REQUIREMENTS **Rep. J. E. Smith**

This bill relates to the bingo license required for nonprofit organizations. The bill eliminates the prohibition on issuing such a license to a nonprofit organization that is a nonpublic, limited membership organization established for social, benevolent, patriotic, recreational, or fraternal purposes which holds a license to sell alcoholic liquors by the drink.

H.4845 REVISIONS PERTAINING TO THE MISSING PERSON INFORMATION CENTER **Rep. Mack**

This bill revises the procedures for accepting information to generate a missing person's report. The bill also outlines procedures for handling high-risk missing person cases and death scene investigations.

H.4847 MUNICIPALITY OR COUNTY POSTING OF NOTICES **Rep. Nanney**

The legislation authorizes a municipality or county to post all notices required by law to each entity's website instead of printing it in the newspaper. The legislation further requires a county library or county government office to print a copy of the notice upon request.

H.4857 ABORTION **Rep. Duncan**

This bill provides that no abortion coverage may be provided by a qualified health plan offered within the state through an exchange created pursuant to federal law.

LABOR, COMMERCE AND INDUSTRY

S.613 HEALTH INSURANCE COVERAGE REQUIREMENTS FOR APPROVED

CANCER CLINICAL TRIALS Sen. Hayes

This bill provides that a health insurance plan must provide coverage for a covered person who has had coverage under the plan for routine patient care costs incurred for cancer treatment and the covered person is referred for participation in an approved cancer clinical trial. The referral must be made by two physicians who specialize in oncology and the cancer treatment must be given pursuant to an approved cancer clinical trial that meets the legislation's criteria. An insurer may not refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on a covered person solely because he has entered an approved cancer clinical trial.

H.4829 DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE Rep. G. A. Brown

This bill revises provisions relating to deceptive or misleading advertisement of a live musical performance, so as to define a sound recording, and to provide certain exemptions, remedies, and a fine.

H.4836 LEGISLATIVE APPROVAL REQUIRED FOR PUBLIC UTILITY RATE CHANGES Rep. Gilliard

This bill provides that a rate increase or decrease ordered by the Public Service Commission for a public utility is not effective unless authorized by statutory law by the House of Representatives and the Senate.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.965 EXEMPTIONS FROM THE ACUPUNCTURE ACT Sen. Sheheen

This bill adds physicians that are trained to perform acupuncture to the list of exemptions.

H.4799 CHILDCARE Rep. Loftis

Among many things this bill revises the definition of "childcare center" to mean a facility that regularly receives multiple, rather than thirteen or more, children for childcare. It also revises the definition of "childcare" to mean caring for a child outside the child's home for more than two hours, rather than four hours. The bill removes group childcare homes and family childcare homes from the definition of "childcare facilities". The bill also deletes five-year old kindergarten programs from the list of facilities that are not childcare facilities.

H.4802 SOUTH CAROLINA AIR NATIONAL GUARD VACANCIES Rep. J. E. Smith

This bill provides the qualifications of the officer promoted to fill the chief of staff vacancy.

H.4819 OPTOMETRISTS Rep. J. R. Smith

This bill deletes the definitions of "Basic Certified Optometrist", "Diagnostic Certified Optometrist", and "Therapeutic Certified Optometrist". It also deletes the provision

requiring an optometrist to communicate and collaborate with an ophthalmologist when prescribing topical steroids for more than twenty-one days.

WAYS AND MEANS

S.2 STATE SPENDING LIMITS Sen. McConnell

This bill provides for the implementation of the limit on state spending imposed pursuant to Section 7(c), Article X of the South Carolina Constitution, so as to revise this limit by imposing an annual limit on the appropriation of state general fund revenues and create a separate Budget Stabilization Fund in the State Treasury to which must be credited general fund revenues in excess of the annual limit. The revenues of this separate fund must first be used to stabilize general fund revenues available for appropriation.

S.876 COUNTY TAX COLLECTORS Sen. Alexander

This bill establishes minimum continuing education course requirements for county tax collectors and provide exceptions. The legislation allows a county forfeited land commission to refuse to accept title to property when refusal is in the public interest. The legislation revises provisions relating to cancellation of a license plate and registration certificate when a vehicle owner moves out of state and the prorated property tax refund due on that cancellation, so as to allow the appropriate receipt issued by the Department of Motor Vehicles to substitute for the actual license plate and certificate. The legislation revises provisions relating to assessable transfers of interest for purposes of determining the value of real property for property taxation, so as to provide a civil penalty for failure to provide notice to the assessor of ownership transfers of certain business real property. The legislation revises provisions relating to the discovery of untaxed property for purposes of property taxes, so as to provide the duties of the assessor with respect to this property. The legislation revises provisions for delinquent tax sales, so as to provide for the sales date and to increase from three hundred to one thousand dollars the damages for which a defaulting bidder is liable. The legislation provides that the county assessor may require a taxpayer to re-qualify for the special four percent assessment ratio for all or a portion of the parcels of real estate then receiving the special four percent assessment ratio. However, no property owner may be required to re-qualify more than once every three years.

S.1024 PROPERTY TAX EXEMPTION FOR AMBULATORY DIFFICULTIES EXPANDED TO INCLUDE SURVIVING SPOUSE Sen. O'Dell

This bill extends the property tax exemption to include the surviving spouse of a decedent who was eligible for the exemption of the dwelling owned by a person with certain specific illnesses causing the same ambulatory difficulties as persons with paraparesis or hemiparesis.

S.1054 LOCAL OPTION EXTRAORDINARY COMMERCIAL FACILITIES FEE

***AND ALTERNATE LOCAL OPTION TOURISM DEVELOPMENT FEE
Sen. Pinckney***

This bill authorizes the imposition and collection of a Local Option Extraordinary Commercial Facilities Fee for the purpose of providing funding to defray the cost of infrastructure at a designated economic development site, which will invest at least one hundred million dollars, and create at least one thousand two hundred fifty new jobs for at least the first year and shall maintain at least six hundred twenty-five jobs thereafter. The bill authorizes the imposition and collection of an Alternate Local Option Tourism Development Fee for tourism advertisement and promotion directed at non-South Carolina residents.

***S.1270 PROPERTY TAX REFUNDS FOR CHANGES IN ASSESSMENT
RATIOS Sen. Rose***

This bill provides that no property tax refund must be given for a change in assessment ratios to the special four percent assessment ratio unless the application was timely filed.

***H.4800 STATE SALES TAX CREDIT FOR RETAIL FACILITY
CONSTRUCTION
OR RENOVATION COSTS PAID IN 2010 AND 2011 Rep. Rice***

This joint resolution allows the holder of a retail sales license a state sales tax credit for a portion of construction costs paid in 2010 and 2011 to acquire a new retail location or to enlarge or renovate an existing retail location placed in service or otherwise completed in 2010 or 2011. The legislation provides that the credit equals twenty percent of construction costs paid in 2010 and 2011 aggregating at least one hundred thousand dollars in those years. The legislation provides for those state sales taxes against which the credit applies and allow the carryforward of unused credit for ten years. The legislation allows the holder of a retail sales license and an unrelated developer from which the retail sales license holder purchases or leases a newly constructed and previously unoccupied location by written agreement to impute the developer's construction costs paid in 2010 and 2011 to the retail license holder for purposes of claiming the credit.

H.4801 CHARITABLE BINGO Rep. J. E. Smith

This bill create the Charitable Bingo Advisory Committee, provides for its membership and purposes, and requires a Department of Revenue designee as liaison. The legislation provides for the establishment of an informational charitable bingo website by the department and requires the department's response to inquiries as permanently accessible advisory opinions. The bill revises definitions of the Bingo Tax Act, so as to include specific named games in the definition of "bingo", and to provide that the definition of a "card" includes an instant bingo ticket. The bill revises provisions relating to applications for licensing by nonprofit organizations and promoters, respectively, so as to provide for an informal appeal of a rejection as a first step in an appeal. The legislation specifies the manner of playing bingo with instant bingo tickets. The legislation increases the allowable expense for promotions from one hundred dollars to two hundred fifty dollars for each session. The legislation revises provisions relating to classes of bingo licensees, so as to provide for operational hours.

H.4803 TAX SYSTEM INCIDENCE IMPACT ANALYSIS Rep. Gunn

This bill provides that, at the request of the Chairman of the House Ways and Means Committee or the Chairman of the Senate Finance Committee, the Division of Research

and Statistics of the State Budget and Control Board in consultation with the South Carolina Department of Revenue shall prepare and submit to the requestor an incidence impact analysis of a bill or proposal to change the tax system which increases, decreases, or redistributes taxes by more than twenty million dollars. The legislation requires the Board of Economic Advisors in consultation with the South Carolina Department of Revenue to prepare and submit to the General Assembly by March first of each odd-numbered year a report detailing the incidence of income, sales, license, and property taxes detailing a systemwide incidence measure.

H.4804 REQUIRED STATEMENTS ON TAX RELIEF INITIATIVES THAT BENEFIT FIFTEEN OR FEWER TAXPAYERS Rep. Gunn

This bill revises requirements for the statement of estimated revenue impact in committee reports on state tax bills, so as to require the sponsor and cosponsors of a bill or joint resolution relating to state taxes or of an amendment to such a bill or joint resolution which has the effect or intention to lower a tax or provide a tax credit, abatement, or other tax relief or financial benefit to fifteen or fewer taxpayers to provide a statement under oath to the chairman of the standing committee having the bill under consideration or to the Speaker of the House of Representatives or President Pro Tempore of the Senate, as appropriate, providing information as to the specific taxpayers benefited and persons contacting the sponsor or cosponsor with respect to the bill, joint resolution, or amendment. The legislation requires the statement to be distributed to every committee or subcommittee member having the bill under consideration. If the bill or joint resolution is reported out of committee or recalled from committee, the legislation requires the statement to be printed with the bill or joint resolution.

H.4818 STUDY COMMITTEE ON GOVERNMENT PRIVATIZATION AND ASSET DIVESTITURE Rep. Limehouse

This joint resolution creates a Study Committee on Government Privatization and Asset Divestiture and provides for the membership, powers, duties, and functions of the committee.

H.4830 MOTOR VEHICLE AND WATERCRAFT PROPERTY TAX EXEMPTIONS FOR SENIOR CITIZENS Rep. Gambrell

This bill exempts from property taxes one private passenger motor vehicle and one watercraft owned or leased by an individual who has attained the age of sixty-five years.

H.4831 "SOUTH CAROLINA SWEETENED BEVERAGE TAX ACT" Rep. Jefferson

This bill enacts the "South Carolina Sweetened Beverage Tax Act", to impose a tax on soda and certain other flavored beverages and provide for the use of the revenue of the tax.

H.4832 ELIMINATION OF DISCOUNT FOR TIMELY PAYMENT OF SALES AND USE TAXES Rep. Jefferson

This bill repeals the discount allowed for the timely payment of sales and use taxes.

H.4838 TEACHER AND ADMINISTRATOR PAY Rep. Cooper

This joint resolution provides that a local school district may pay teachers based on the education level and years of experience the teachers possessed in fiscal year 2009-2010 without negative impact to their experience credit. The legislation provides voting and notice requirements for this decision and requires that payment according to the 2009-2010 data be applied uniformly. The legislation provides that a local school district may not pay district or school administrators more than they received in fiscal year 2009-2010.

H.4839 PROPERTY TAX EXEMPTION FOR RECIPIENTS OF THE MEDAL OF HONOR Rep. J. E. Smith

This bill clarifies that the property tax exemption for recipients of the Medal of Honor and prisoners of war in certain conflicts applies to Medal of Honor recipients regardless of when the Medal of Honor was awarded or the conflict involved.

H.4841 EDUCATION FINANCE ACT REVISIONS Rep. Cooper

This bill revises provisions of the Education Finance Act of 1977, including the method by which funds are allocated to the local school districts of this state.

H.4849 PAYMENT OF FEE IN LIEU OF PROPERTY TAX ON UNIMPROVED REAL PROPERTY OWNED BY DEPARTMENT OF NATURAL RESOURCES Rep. McLeod

This bill requires the South Carolina Department of Natural Resources to pay a fee in lieu of property tax on unimproved real property owned by the department, and provides for the amount and the crediting of the fee.

H.4856 "MUNICIPAL FINANCE OVERSIGHT ACT OF 2010" Rep. Edge

This bill enacts the "Municipal Finance Oversight Act of 2010". The legislation creates the Municipal Finance Oversight Commission and provides for its composition, powers, duties, and responsibilities. The legislation requires municipalities to submit annual financial reports and annual audits. The legislation provides for the formulation and implementation of a plan by the commission to ensure that a municipality does not practice actions of fiscal mismanagement or matters which could lead to impending fiscal instability. The legislation provides for the forfeiture of office or employment of an official or employee of a municipality who persists in failing or refusing to comply with requirements. The legislation provides for orientation programs, approved by the commission, which municipal officials are required to complete. The legislation revises requirements for a municipal council to provide an annual independent audit of financial statements, records, and transactions, so as to: provide when the audit must be performed; provide that certain auditing standards must be used; require an audit be done by an independent accountant rather than by a certified public accountant; require the production of books and records requested by the auditor; and, provide penalties for violations. The bill revises the requirement of municipalities with a population over two hundred to publish financial statements, so as to require all municipalities to prepare a quarterly statement of finances to include a cash balance report and a statement of accounts with comparisons of actual to budgeted revenues and expenditures, and provide that the statement must be provided to the municipal council and, upon request, to members of the public or interested organization.

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