



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 and sent to the Senate H.3507, a concurrent resolution making application to the United States Congress to call a **CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING A CONSTITUTIONAL AMENDMENT THAT PERMITS THE REPEAL OF ANY FEDERAL LAW OR REGULATION BY VOTE OF TWO-THIRDS OF THE STATE LEGISLATURES**. The concurrent resolution is offered under the provisions of Article V of the United States Constitution authorizing a convention to be called upon application of two-thirds of the states for the purpose of proposing constitutional amendments. The resolution states that the proposed constitutional amendment permitting the repeal of any federal law or regulation by vote of two-thirds of the state legislatures is offered to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states, and to prevent the denial or disparagement of the rights retained by the people.

The House adopted S.471, a **CONCURRENT RESOLUTION OPPOSING ANY PLAN TO EXPAND THE SAVANNAH RIVER THAT DOES NOT PROVIDE MUTUAL ECONOMIC BENEFITS TO THE PEOPLE OF SOUTH CAROLINA**, and returned the resolution to the Senate with concurrence. The resolution states that the state of South Carolina opposes any plan to expand the river shared with the state of Georgia that does not provide mutual economic benefits to the people of South Carolina or meet state water quality standards or any other provision of state or federal law. The resolution calls upon the U.S. Army Corps of Engineers to reveal all implications of the river expansion project for the Jasper Ocean Terminal and examine the Jasper Ocean Terminal as an alternative to the proposed full expansion.

The House amended, approved, and sent to the Senate H.3508, a bill incorporating into the state's regulatory framework **GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDERS** that have been organized as a result of a federal program that offers grants to local governments for providing broadband service to residents who live in rural areas lacking options for high-speed connections to telecommunications networks. The legislation authorizes a government-owned communications service provider to petition the Public Service Commission to designate one or more areas as an "unserved area". The legislation provides for the application of certain provisions of law to an unserved area and establishes a process for petitioning for a determination that an area has ceased to be unserved. The legislation affords the Public Service Commission Office of Regulatory Staff investigatory authority and the Public Service Commission enforcement authority with regard to the compliance of a government-owned communications provider. The legislation clarifies that it does not expand or limit the jurisdiction of the Commission or Office of Regulatory Staff with respect to any service provider other than a government-owned communications service provider.

The House approved and sent to the Senate H.3276 a bill **RATIFYING THE HUNTING AND FISHING RIGHTS AMENDMENT TO THE SOUTH CAROLINA CONSTITUTION** that was approved by the voters at the last general election.

The House approved and sent to the Senate H.3393, a bill revising provisions specifying **PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE**

**CREMATION**, so as to further provide for those persons who, in order of priority, may authorize cremation.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs did not meet this week.

### EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

## JUDICIARY

The Judiciary Committee met on Tuesday, February 15, and reported out several items.

**H.3066**, the “**SOUTH CAROLINA RESTRUCTURING ACT OF 2011**,” received a favorable with amendment report. 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;
- Division of State Chief Information Officer of the State Budget and Control Board;
- Employee Insurance Program; and

- Guardian Ad Litem program.

However, the Division of General Services shall not be transferred to the Department of Administration until the director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments regarding certain matters. The Department of Administration also includes an Executive Budget Office charged with conducting analysis, coordinating executive agency requests for funding and evaluating program performance. All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be approved by and recorded with the Department of Administration, except that a transfer of real property exceeding one million dollars in value shall instead be approved by the Budget and Control Board. 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 Department of Administration shall use the existing resources of each division transferred to the department. The legislation allows the Department of Administration to receive an equitable allocation of funding, personnel, equipment and supplies from the Budget and Control Board. 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 General Assembly shall undertake a joint oversight review investigation of the Department of Administration during the department's fifth year of operation.

**H.3066** includes 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 seven years on all agencies within its jurisdiction. Also a standing committee may by a majority 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 legislation also establishes the felony offense of criminal contempt for persons subpoenaed attend as a witness before either house of the legislature or committee thereof.

**H.3152**, a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE LIEUTENANT GOVERNOR**, received a favorable report from the full committee. This joint resolution proposes to amend the State Constitution so as to provide for the joint election of the Lieutenant Governor and the Governor. The joint resolution further provides that the General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

**H.3070**, a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE SUPERINTENDENT OF EDUCATION**, received a favorable recommendation. This joint resolution proposes to amend the State Constitution so as to delete the Superintendent of Education from the list of officers that the constitution requires to be elected. The joint resolution provides that the Superintendent of Education must be appointed by the Governor upon the advice and consent of the General Assembly for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

The full committee gave a favorable with amendment recommendation to **H.3178**. Relating to **SPECIAL PERMITS FOR THE SALE OF BEER AND WINE**, this legislation removes specific references to nonprofit organizations. The legislation provides that the Department of Revenue shall require the applicant to complete the law enforcement notification provision contained in an application form and submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that local law enforcement has been notified of the temporary permit application and given an opportunity to object. The applicant must notify the sheriff or his official designee if the event is in the county or notify the chief of police or his official designee if the event is in the city. If the city does not have a chief of police, then the sheriff or his official designee must be notified. The department may issue up to twenty-five special permits on one application for special functions in a twelve-month period to the same applicant. This does not prohibit the applicant from applying for additional special permits within the same twelve-month period.

**H.3178** includes provisions relating to **TEMPORARY LICENSES FOR NONPROFIT ORGANIZATIONS TO SELL ALCOHOLIC LIQUOR BY THE DRINK**. This legislation allows a nonprofit organization, as defined by the Secretary of State, to obtain a temporary license to sell alcoholic liquor by the drink at a special function for a period not to exceed twenty-four hours. The issuance of this permit authorizes the organization to purchase alcoholic liquors from licensed retail dealers in the same manner that persons with a biennial license are authorized to make these purchases. The fee for the permit is thirty-five dollars payable at the time of application. The permit application must include a statement by the applicant as to the nature and date of the social occasion at which the alcoholic liquors are to be sold. The issuance or nonissuance of permits is within the discretion of the Department of Revenue. The department shall require the applicant to complete the law enforcement notification provision contained in an application form and

submit it with the application. The law enforcement notification provision shall be prepared by the department for inclusion in the application and, at a minimum, must contain sufficient information to inform the department that local law enforcement has been notified of the temporary permit application and given an opportunity to object. The applicant must notify the sheriff or his official designee if the event is in the county or notify the chief of police or his official designee if the event is in the city. If the city does not have a chief of police, then the sheriff or his official designee must be notified.

The Judiciary Committee gave a favorable with amendment recommendation to **H.3417**. Relating to the authority to establish **SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICTS**, this legislation includes the provision of rescue response services as an authorized purpose for which a special purpose or public service district may be established.

**H.3392**, a bill which makes **ELECTION LAW REVISIONS**, received a favorable recommendation from the Judiciary Committee. Relating to the required notice for general, municipal, special, and primary elections, this legislation (1) changes the posted time at which absentee ballots may begin to be examined from 2:00 p.m. to 9:00 a.m., and (2) requires notification of the date the make-up election will be held in the event of inclement weather or other emergency. Relating to the date by which the party chairman, vice chairman, or secretary must provide written certification of the candidates' names to the State Election Commission, this legislation changes the date from April ninth to April fifth. Relating to special elections, this legislation provides that if the Governor declares a state of emergency covering an entire jurisdiction holding an election, the election must be postponed and held on the next Tuesday. Relating to the certification of candidates, this legislation changes the date by which candidates for president and vice president must be certified to the State Election Commission from September tenth to the first Tuesday following the first Monday in September.

The full committee gave a favorable with amendment report to **H.3349**. This legislation outlines **QUALIFICATIONS FOR REGISTERING TO VOTE FOR SOMEONE WHO HAS NEVER LIVED IN THE UNITED STATES** but has a parent who is a qualified elector. Under this bill that person is eligible to register and vote where the person's parent is a qualified elector, provided the person is not registered in another state or territory. The bill also authorizes a person to vote by absentee ballot if he or a parent last resided in this state immediately before his or his parents' departure from the United States.

**H.3349** also includes provisions which enact the "**SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT**". This legislation provides that a qualified elector of this state who is eligible to vote as provided by the federal Uniformed and Overseas Citizens Absentee Voter Act may apply not earlier than 90 days before an election for a special write-in absentee ballot. This bill allows a qualified absentee elector to alternatively submit a federal write-in absentee ballot for any federal, state, or local office or ballot measure. A qualified elector may use the declaration accompanying a federal write-in absentee ballot simultaneously to register to vote and as an application for an absentee ballot. The legislation requires all absentee ballots to be sent to the elector at least forty-five days prior to an election. Relating to absentee ballots as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act, the legislation makes the provisions applicable to federal, state, and local offices. The legislation requires the State Election Commission to provide an electronic free

access ballot tracking system to all South Carolina residents eligible to vote as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act. Pertaining to oaths necessary to receive an absentee ballot, this legislation provides an exemption from witness requirements for qualified voters under the federal Uniformed and Overseas Citizens Absentee Voters Act.

## **LABOR, COMMERCE AND INDUSTRY**

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

The committee gave a report of favorable with amendments on **H.3413**, a bill establishing the **SOUTH CAROLINA HEALTH INFORMATION EXCHANGE** (SCHIEEx) as the state's exchange for facilitating the electronic movement of patient records and other health-related information in keeping with the provisions of the federal Health Information Technology for Economic and Clinical Health Act of 2009, also known as HITECH. The legislation establishes provisions for the operation of the exchange and creates the South Carolina Health Information Exchange Council as its governing body.

The committee gave a report of favorable with amendments on **H.3584**, a bill that revises provisions relating to financing agreements for the **INSTALLATION OF ENERGY-EFFICIENCY AND CONSERVATION IMPROVEMENTS**, so as to limit liability in instances where an electricity or natural gas provider contracts with a third party to perform administrative or financing functions.

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

The Medical, Military, Public and Municipal Affairs Committee did not meet this week.

## **WAYS AND MEANS**

The full Ways and Means Committee met on Thursday, February 17, and passed out several bills.

The committee gave a favorable report on **H.3516**, relating to **LOCAL GOVERNMENT FUNDING**. This joint resolution suspends for fiscal year 2011-2012 statutory restrictions on amending provisions in the State Aid to Subdivisions Act. The joint resolution also provides that, for the 2011-2012 fiscal year, counties of this state may transfer among appropriated state revenues as needed to ensure the delivery of services.

The committee gave a favorable report on **H.3419**, the "**TAXPAYER FAIRNESS ACT**", which establishes new requirements for the interpretation of tax statutes by the South Carolina Department of Revenue. The legislation specifies that terms in the state's tax statutes may not be given broader meaning than intended by policy documents and regulations of the Department of Revenue and provides that ambiguity in tax statutes must be resolved in favor of the taxpayer. The legislation requires the Department of

Revenue to report ambiguities to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

The committee gave a report of favorable with amendments on **H.3368**, which provides for new **STATE SPENDING LIMITATIONS**. This bill provides that the limit on state general fund appropriations for a fiscal year is the total amount of the general fund revenue estimate as of February 15, 2010 for fiscal year 2010-2011, increased annually and cumulatively by a percentage determined by population increases and increases in inflation as measured by the consumer price index. State constitutional and statutory spending obligations are exempted from the spending cap. The legislation allows the spending limitation to be suspended for a fiscal year for a specific amount upon a special vote of the General Assembly. The legislation created the Spending Limit Reserve Fund to which all surplus general fund revenues must be credited. The legislation provides for the priority uses of the revenues of this fund, and provides for the appropriation of fund revenues after these priorities are met. The legislation requires that appropriation of Spending Limit Reserve Fund revenues must be made by a joint resolution originating in the House of Representatives. The legislation provides that these spending limits first apply for fiscal year 2011-2012.

The committee gave a report of favorable with amendments on **H.3002**, the “**EDUCATION FINANCE ACT OF 2011**”, and voted to make the legislation a committee bill. The legislation completely rewrites the state’s primary funding mechanism for public schools, the Education Finance Act (EFA), first implemented in 1977. The overhauled Education Finance Act of 2011 eliminates many of the complicated formulas that steer funding into numerous program categories. These many channels are consolidated into a few large funding pools in the interest of establishing a simpler, more flexible funding mechanism that allows state financial support to follow students more effectively. The legislation includes a revised pupil weighting system that is used for distributing state dollars to the school districts under the EFA. Notably, the legislation includes new weightings for poverty and foreign language speakers to allow school districts to receive greater state financial support for educating students who come from families with lower incomes and those who do not speak English as their first language. The legislation shifts Education Improvement Act dollars, generated by a penny of the state’s sales tax, into the revamped Education Finance Act funding mechanism. The legislation also proposes to revise the state’s teacher pay scale provisions by eliminating the automatic pay increases that teachers receive for each year of experience. These automatic “step” increases are to be replaced with a merit-based pay scale developed by the State Department of Education to link pay incentives with job performance.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

**H.3678 BEAR HUNTING Rep. J. E. Smith**

The legislation adds that a captive bear for which a permit has been issued and which upon information and belief of the department has been or is being used for the purpose of 'bear-baying' must be taken into custody by the department. The department shall make every effort to place these bears in a suitable environment, including zoos or animal parks within or outside this State.

**H.3687 MARINE MAMMAL Rep. J. E. Smith**

It is unlawful for a person, including a corporation, to display a wild caught or captive bred mammal of the order Cetacean (dolphins and whales). The South Carolina Marine Mammal Stranding Network, South Carolina Department of Natural Resources, must attempt to rehabilitate any living Cetacean that becomes beach stranded. The Cetacean must be released into native South Carolina waters within a reasonable time. A person violating this provision is guilty of a misdemeanor.

**H.3692 TIMBER SALE Rep. R. L. Brown**

The legislation provides that a co-owner or co-heir of land may execute an act of timber sale whereby he sells his undivided interest in the timber, and any condition imposing a time period within which to remove the timber must commence from the date of its execution.

## **EDUCATION AND PUBLIC WORKS**

**S.38 VEHICLE TITLES Sen. McConnell**

This bill revises information that must be provided on applications for vehicle titles. The legislation provides that the Department of Motor Vehicles will issue a title and registration only for vehicles that are physically located and primarily operated in this State. The legislation also provides that vehicles purchased for operation in a foreign jurisdiction cannot be titled and registered in South Carolina.

**S.345 MISSED SCHOOL DAYS DUE TO INCLEMENT WEATHER Sen. Setzler**

This joint resolution allows the governing body of any school district to waive up to five school days missed by students attending schools and charter schools in the district due to inclement weather during the 2010-2011 school year. For any school district that waives days, the days are also waived for students participating in home schooling programs approved by the district board of trustees of the district in which the students reside.

**S.358 RESEARCH AND DEVELOPMENT LICENSE PLATES Sen. Grooms**

This legislation makes revisions relating to the Department of Motor Vehicles (DMV) issuance of research and development license plates. Among other things, the legislation allows these plates to be issued to a research and development business or to a contracted fleet owner. The legislation also provides for fleet research and development plates. The legislation provides for the distribution of the fees for these license plates. The legislation allows the DMV to enter into reciprocal agreements with other states regarding the registration and operation of these vehicles. The legislation further provides that it is the sole responsibility of the research and development

business or contracted fleet owner to take any actions required by another state to test, evaluate or operate the vehicle in another state.

**H.3674 SC RIVERKEEPERS SPECIAL LICENSE PLATES Rep. J. E. Smith**

This legislation allows the Department of Motor Vehicles to issue "SC Riverkeepers" special license plates.

## JUDICIARY

**S.277 RATIFICATION OF CONSTITUTIONAL AMENDMENT TO GUARANTEE  
THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR  
DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR  
EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION**

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**Sen. Peeler**

This legislation ratifies an amendment to the State Constitution approved by the voters at the last general election to guarantee the right of an individual to vote by secret ballot for a designation, a selection, or an authorization for employee representation by a labor organization.

**H.3666 CONSOLIDATION OF THE PROSECUTION COORDINATION  
COMMISSION WITH THE OFFICE OF THE ATTORNEY GENERAL  
Rep. H. B. Brown**

Among other things, this legislation makes the Prosecution Coordination Commission a division within the Office of the Attorney General. The legislation removes the former commission membership.

**H.3667 ESTABLISHMENT OF CRIMINAL SEXUAL CONDUCT IN THE THIRD  
DEGREE AND REPEAL OF STATUTE RELATING TO LEWD ACTS  
Rep. Bannister**

This legislation establishes the felony offense of criminal sexual conduct in the third degree when the actor is over the age of fourteen and commits certain acts with a child under the age of sixteen; the legislation includes an exception for certain consensual conduct when the actor is eighteen years of age or less. The legislation also repeals section 16-15-140, relating to committing or attempting to commit a lewd act upon a child under the age of sixteen.

**H.3668 REPEAL OF STATUTE RELATING TO DRIVER'S LICENSE  
SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED  
SUBSTANCE VIOLATION Rep. Bannister**

This legislation repeals section 56-1-745, relating to the driver's license suspension of a person convicted of a controlled substance violation.

**H.3669 AUTHORITY OF ATTORNEY GENERAL Rep. Harrison**

Except in actions for forfeiture proceedings arising from criminal proceedings, for estreatment of bail bonds arising from criminal proceedings, in family court proceedings, or in matters where the Attorney General's approval is not required by law by specific exception, this legislation requires the Attorney General to approve any civil action undertaken by a solicitor of this State either under his own signature in his official capacity on behalf of the State or by outside counsel retained as provided by law by the solicitor in his official capacity on behalf of the State. Relating to actions to secure a penalty or forfeiture by a private party for a penalty or forfeiture given to the private party,

or upon failure of the private party to commence the action within the time prescribed by the Attorney General or the solicitor of the circuit where the offense was committed on behalf of the state, this legislation deletes the authority of the solicitor of the circuit where the offense was committed to bring the action.

**H.3676 "SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011"**

**Rep. J. E. Smith**

This legislation enacts the "South Carolina Community Land Trust Act of 2011". The legislation makes certain findings and provides that the purpose of a community land trust is to hold legal and equitable title to land to then lease the land to promote affordability. The legislation provides the manner in which community land trusts are funded and provides the process by which community land trusts operate.

**H.3677 REVISIONS TO MILITARY CODE** Rep. J. E. Smith

This legislation makes numerous revisions to the Military Code.

**H.3679 TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV)** Rep. Bannister

Relating to testing of certain offenders for Hepatitis B and Human Immunodeficiency Virus (HIV), this legislation further clarifies offenders who must be tested and the time frame that testing must be conducted. The legislation provides for follow-up testing for HIV when medically appropriate.

**H.3686 CALLER IDENTIFICATION AND SOCIAL MEDIA FRAUD** Rep. Young

Among other things, this legislation creates the misdemeanor offense of unlawfully altering the identification of a caller's number or social media identity. The legislation defines necessary terms as well as provides a penalty.

**H.3689 REVISIONS PERTAINING TO NONFERROUS METALS** Rep. Bales

Relating to the purchase of nonferrous metals, records required to be kept by secondary metals recyclers, and penalties for the unlawful purchase of nonferrous metals, this legislation expands the definition of "nonferrous metals". The legislation requires additional information to be collected, maintained, and transmitted to the Department of Revenue, and the department is required to maintain the information on same-day sales on its website. The legislation requires secondary metals recyclers to be bonded, and the legislation increases the fine for a violation. Additionally, the legislation requires the revocation of a retail or wholesale license for third and subsequent violations.

**H.3697 PREREGISTRATION FOR VOTING** Rep. Sellers

Upon satisfactory proof of age, this legislation provides that a person who is otherwise qualified to register to vote may preregister on or after his sixteenth birthday. Upon meeting the age qualification provided in the State Constitution, an elector who preregistered must be registered automatically and permitted to vote in elections occurring on or after the elector's eighteenth birthday.

**H.3699 "TRANSPARENCY IN LAWSUITS PROTECTION ACT"**

**Rep. Clemmons**

This legislation provides that a private right of action does not arise from any act enacted after the effective date of this legislation unless the right is expressly provided in the act. The provisions of this legislation may not be construed to prevent the breach of any duty imposed by law to be used as the basis for a cause of action under any theory of recovery otherwise recognized by law including, but not limited to, theories of recovery pursuant to the law of torts or contracts or for breach of legal or private duties as otherwise provided by law.

**H.3707 REVISIONS TO PENALTIES FOR PROSTITUTION OFFENSES**

**Rep. Howard**

This legislation increases the penalty for third offense violations of certain prostitution solicitation offenses to the felony level.

**H.3708 ELECTRONIC MONITORING FOR SEX OFFENDERS Rep. Bingham**

This bill broadens the offenses for which a person may be ordered to be electronically monitored to include all persons required to register as a sex offender.

## **LABOR, COMMERCE AND INDUSTRY**

**H.3675 INCENTIVE OR BUSINESS PREFERENCE PROGRAM BASED ON EMPLOYMENT Rep. Edge**

This bill provides that for purposes of determining an incentive or business preference program based on employment, a covered employee is considered an employee solely of the client and not the licensee. The legislation provides that for the purposes of an incentive or business preference program based on the number of employees, a covered employee or direct employee of the client is considered an employee solely of the client but not the licensee. The legislation provides that on request by the client, the state, or governmental entity, a licensee shall provide employment information required by the state or governmental entity responsible for the administration of the incentive or business preference program and necessary to support a request, claim, application, or other action by a client seeking an incentive or participation in a business preference program. The legislation specifies materials and actions that fall outside these requirements for supplying employment information and authorizes a licensee to charge a client a fee for complying with requests. The legislation establishes provisions relating to withholding obligations of clients under the Enterprise Zone Act of 1995.

**H.3688 SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT EXPANSION Rep. J. E. Smith**

This bill expands the South Carolina Textiles Communities Revitalization Act to make its provisions also apply to communities with properties that have been abandoned by state and local government.

**H.3710 TEMPORARY PROFESSIONAL AND OCCUPATIONAL LICENSES ISSUED TO SPOUSES OF AN ACTIVE DUTY MILITARY**

**PERSONNEL**

**Rep. J. E. Smith**

This bill provides the conditions under which a board or commission that regulates the licensure of a profession or occupation may issue a temporary license to the spouse of

an active duty member of the United States Armed Forces. The legislation establishes requirements for obtaining this license and provides time limits on the validity of the license.

**H.3711 EXEMPTION FROM MOTOR CLUB SERVICES ACT REQUIREMENTS FOR TOWING SERVICE CONTRACTORS Rep. Sandifer**

This bill provides that an entity that contracts with an automobile club licensed under the Motor Club Services Act for the provisions of emergency road service and towing service to the entity's customers is exempt from all requirements of the Motor Club Services Act.

## WAYS AND MEANS

**H.3685 STATE PARK FACILITIES Rep. Bales**

This bill revises provisions for the use of facilities, campsites, and overnight lodging facilities at state parks at reduced rates by the aged, blind, or disabled, so as to provide that such persons may use these facilities at one-half the prescribed fee, including campsite facilities and overnight lodging facilities, if vacancies exist. The legislation provides that disabled veterans may gain admission to state parks without charge and may use the camping facilities and overnight lodging facilities of state parks, if vacancies exist, without charge. The legislation provides that, based on a review of business and personal use of a particular state park or facility by the Department of Parks, Recreation and Tourism, and the labor and insurance requirements it sustains at that facility, the management plan for that park or facility may be altered by permitting the reletting of campsites, camping facilities, or other amenities before the rental term of the original renter has expired if vacated by the original renter before the end of the stated term. The legislation provides the department also may waive the charges for its reuse and for the use of these and other amenities.

**H.3695 SALES TAX EXEMPTION FOR FACILITIES RESEARCHING AND TESTING THE IMPACT OF NATURAL DISASTERS Rep. Dellaney**

This bill revises the requirements for the sales tax exemption established for certain facilities researching and testing the impact of natural disasters, so as to provide that the qualifying investment of at least twenty million dollars may begin at any time period after January 1, 2009, and all or a portion may occur before the taxpayer notifies the Department of Revenue of its intention.

**H.3703 COMPULSORY SALES OF REAL ESTATE MUST BE INCLUDED IN DETERMINING PROPERTY TAX VALUES Rep. Edge**

This bill requires that, in determining fair market value for property tax purposes, the appraiser must include compulsory sales. The legislation requires the assessor, board, or judge to include compulsory sales when considering a property tax appeal.

**H.3709 MUSEUM COMMISSION, STATE MUSEUM AND ARTS COMMISSION TRANSFERRED TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM Rep. Cooper**

This bill transfers the South Carolina Museum Commission, the South Carolina State Museum and the South Carolina Arts Commission to the Department of Parks, Recreation and Tourism, placing them under administration and supervision of the department.

**H.3712 ELIGIBILITY FOR SCHOOL BOARD MEMBERS AND COACHES ASSOCIATION EMPLOYEES TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS Rep. Clemmons**

This bill extends eligibility to participate in the State Health and Dental Insurance Plans to members of school boards and employees of the South Carolina Coaches Association, so long as a school district does not pay or provide reimbursement for a premium associated with participation and this premium must, instead, be paid by the participant.

**H.3713 EXEMPTION TO OFFSET INCREASES IN THE APPRAISED PROPERTY TAX VALUE OF A PARCEL DURING AN ASSESSABLE TRANSFER OF INTEREST Rep. Merrill**

This bill provides that when a parcel of real property and improvements thereon previously subject to property tax undergoes an assessable transfer of interest and the value of the parcel as determined at the time of the assessable transfer of interest is greater than the value of the parcel used in the property tax assessment on the parcel for the most recently completed property tax year, there is allowed an exemption of an amount of the fair market value of the parcel sufficient to eliminate any increase in the value of the parcel as determined in the appraisal at the time of the assessable transfer of interest over the value used in the property tax assessment on the parcel for the most recently completed property tax year.

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