



South Carolina House of Representatives

Legislative Update

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

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate H.3241, a bill revising the governance and operation of the state's **CHARTER SCHOOLS**.

Notably, the legislation:

- Authorizes the formation of single gender charter schools.
- Provides that charter school students are eligible to compete for and, if selected, participate in extracurricular activities not offered by the charter school at their resident public school. However, charter school students are eligible to compete for participation in activities governed by the South Carolina High School League at their resident public school if the charter school they attend is not a member of the High School League.
- Provides that charter schools' exemptions from certain laws and regulations also apply to the state's traditional public schools, except that a traditional public school may employ noncertified teachers in a ratio of no more than ten percent of its entire teacher staff.
- Affords the state's public and independent institutions of higher learning the option of sponsoring a charter school.
- Establishes in the State Treasurer's Office a revolving facilities loan program for the construction, purchase, renovation, and maintenance of public charter school facilities.
- Provides for staggered terms for charter school board members. The staggered term requirements do not, however, apply to a charter school that originated by application of a local school district. In such instances, the governing board of the charter school consists of the elected members of the board of trustees of the local school district.
- Revises the parental vote necessary to convert a traditional public school to a charter school, to a majority of returned pre-mailed ballots issued to those parents/guardians who are eligible to vote. The legislation does not revise the 2/3 vote of the faculty and instructional staff of the school currently required for the conversion to a charter school.
- Affords a converted school the right to occupy the facility and use the equipment, for the duration of its contract with a sponsor, in the same manner as before the school converted with no additional fees or charges.
- Provides that students who reside within the former attendance area of a converted public school must be given enrollment priority at the charter school.
- Allows charter schools to give unlimited enrollment priority to a sibling of a pupil who is currently enrolled in the school or who, within the last three years, attended the school for at least one academic year. Enrollment priority is also allowed for children of charter school employees and of the charter committee,

provided these two categories of enrollment priority together may not exceed twenty percent of the school's total enrollment.

- Provides that the South Carolina Public Charter School District or public or independent institution of higher learning sponsor shall receive and distribute state funds to the charter school as provided by the General Assembly.

The House approved **S.345** and enrolled the joint resolution for ratification. The legislation provides that the governing body of **ANY SCHOOL DISTRICT MAY WAIVE UP TO FIVE SCHOOL DAYS MISSED BY STUDENTS DUE TO INCLEMENT WEATHER DURING THE CURRENT SCHOOL YEAR FROM THE MAKE-UP REQUIREMENT.**

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

The House approved and sent to the Senate **H.3392**, a bill which makes **ELECTION LAW REVISIONS**. 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 House approved and sent to the Senate **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 legislation also provides counties authority for flexibility in funding by allowing them to transfer among appropriated state revenues as needed during the upcoming fiscal year to ensure the delivery of services.

The House amended, approved, and sent to the Senate **H.3413**, a bill establishing the **SOUTH CAROLINA HEALTH INFORMATION EXCHANGE (SCHIE)** 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 House amended, approved, and sent to the Senate **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 House amended, approved, and sent to the Senate **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.

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

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee 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 22, and reported out four bills.

H.3668 received a favorable report from the full committee. This legislation **REPEALS SECTION 56-1-745, RELATING TO THE DRIVER'S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION.**

The Judiciary Committee gave a favorable with amendment recommendation to **H.3621**. This legislation makes various **REVISIONS RELATING TO THE SAMPLING OF WINES CONTAINING OVER SIXTEEN PERCENT BY VOLUME OF ALCOHOL, CORDIALS, AND OTHER DISTILLED SPIRITS**. Among other things, this legislation permits retailers to conduct tastings. The legislation also provides that the sample is limited to products from no more than one wholesaler at one time. All product samples used for tastings must be purchased by the retailer from a South Carolina Licensed Wholesaler. All associated costs for the tasting must be paid for by the manufacturer, the retailer, or

its agent, conducting the tasting. Current law provides that at least ten days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division. This legislation further provides that the letter must include a copy of a certificate of liability insurance for the manufacturer, the retail establishment, or its agent, conducting the tastings.

H.3403, 'BORN-ALIVE' LEGISLATION, received a favorable report. The legislation provides that, in determining the meaning of any act or joint resolution of the General Assembly or in a regulation promulgated pursuant to Article 1, Chapter 23, Title 1, the words 'person', 'human being', 'child', and 'individual', must include every infant member of the species homo sapiens who is born alive at any stage of development. The term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion. Nothing in this legislation may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being 'born alive' as defined in this legislation.

The full committee gave a favorable with amendment recommendation to **H.3408**, which enacts the "**FREEDOM OF CONSCIENCE ACT**". This legislation prohibits an employer from dismissing, demoting, suspending, disciplining or discriminating against an employee or prospective employee who advises the employer that he or she refuses to participate in certain activities. These activities include procedures related to embryonic tissue or a developing child in an artificial or natural womb. A health care facility is not required to admit a patient, or to allow the use of the facility for these procedures. Certain health care providers and employees of such providers who provided notice that they will not participate in such activities must not be required to participate, must not be disciplined due to such refusal, and are immune from liability for any damages caused by such refusal. The State or state exchange may not require an insurance plan or issuer to cover these procedures. A health plan or health insurer offering coverage within the State must accommodate the conscientious objection of a purchaser, or of an individual or institutional health care provider when any of the acts specified are contrary to its conscience. The legislation prohibits a health care facility, school, or employer from discriminating against a person regarding admission, hiring or firing, tenure, terms of employment, or student or staff status because the person refuses, whether or not in writing, to participate in these procedures. A person must not be required to participate in, make facilities available for, or provide personnel for these procedures if the activity is contrary to the person's conscience. The legislation prohibits discrimination against a person establishing or operating a health care facility because the facility declines to participate in a health care service that is contrary to the facility's conscience. A person adversely affected by conduct that is in violation of these provisions may bring a civil action for equitable relief, and if the person prevails, the court shall award attorney's fees.

H.3408 also provides that pursuant to applicable provisions of the federal Patient Protection and Affordable Care Act all **QUALIFIED HEALTH PLANS OFFERED THROUGH THE STATE EXCHANGE ARE PROHIBITED FROM INCLUDING ELECTIVE ABORTION COVERAGE**. Nothing in this section shall be construed as

preventing anyone from purchasing optional supplemental coverage for elective abortions for which there must be paid a separate premium in the health insurance market outside of the state Exchange. No health plan, including health insurance contracts, plans or policies, offered outside of the Exchange, but within the State, shall provide coverage for elective abortions except by optional separate supplemental coverage for abortion for which there must be paid a separate premium. For purposes of this legislation, an 'elective abortion' means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which will result in her death. The legislation establishes procedures for providing elective abortion coverage. The issuer of any health plan providing any coverage other than elective abortion shall not discount or reduce the premium for such coverage on the basis that an enrollee has elective abortion coverage. Any employer who offers employees a health plan providing elective abortion coverage shall, at the time of beginning employment, and at least once in each calendar year thereafter, provide each employee the option to choose or reject elective abortion coverage. Any entity offering a group health plan providing elective abortion coverage, other than employers offering such a plan to their employees shall, at the time each group member begins such coverage, and at least once in each calendar year thereafter, provide each group member the option to choose or reject elective abortion coverage. Nothing in this legislation shall be construed to apply in circumstances in which federal law preempts state health insurance regulation.

LABOR, COMMERCE AND INDUSTRY

The full Labor Commerce and Industry Committee met on Tuesday, February 22, and reported out two bills.

The committee gave a favorable report on **H.3414**, a bill revising provisions related to the formation, operation, and solvency of **CAPTIVE INSURANCE COMPANIES AND PROTECTED CELLS** of insured risks.

The committee gave a favorable report on **H.3333**, relating to **FINANCIAL REQUIREMENTS OF INSURERS**. This bill revises insurers' securitization requirements and requirements for financial statements filed with the Department of Insurance.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

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

WAYS AND MEANS

This week the Ways and Means Committee completed its work on the proposed **STATE GOVERNMENT BUDGET** for fiscal year 2011-2012, reporting out the general appropriations bill and the joint resolution making appropriations from the Capital Reserve Fund. The proposed \$5.1 billion budget includes widespread cuts for state

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government agencies made necessary by the declines in state revenue in recent years and the absence of federal stimulus funds that have been used to help offset shortfalls.

A \$101.5 million increase in Education Finance Act items allows for a 10.5 percent increase in the base student cost, which is estimated to be \$1,788. \$25 million is included for the virtual and brick and mortar charter schools of the South Carolina Public Charter School District.

In higher education, budget reductions are distributed to the state's universities and colleges using a formula that favors institutions with successful graduation rates and higher in-state enrollment. Several appropriations are made from the Capital Reserve Fund to allow higher education institutions to complete deferred maintenance projects.

The proposed budget eliminates the proviso that has prohibited alterations in the rates paid to doctors and other service providers in the state's Medicaid Program. The proposed budget authorizes the Director of the Department of Health and Human Services to adjust provider rates as a cost-saving measure. The budget also allows access to \$157.3 million in Medicaid Reserve Fund revenue collected from the fifty-cent cigarette surcharge for maintenance of effort in the Medicaid Program. Residual funds from the cigarette surcharge are to remain in the Medicaid Reserve Fund and may be used by the DHHS director to ensure access to care.

The proposed budget incorporates numerous government restructuring initiatives. The Department of Corrections is combined with the Department of Probation, Pardon, and Parole. The Arts Commission and the State Museum are transferred into the Department of Parks, Recreation, and Tourism. The Department of Consumer Affairs is placed under the authority of the Secretary of State. The Procurement Review Panel is transferred to the Administrative Law Court. The duties, functions, and responsibilities of the Education Oversight Committee are devolved upon the Department of Education.

The budget eliminates 4,696 vacant state government positions that have not been filled within the past 12 months.

The budget includes a 10 percent reduction in state aid to local governments.

All general funds are eliminated for South Carolina Educational Television, but SCETV is allowed to retain revenue derived from the use of its broadcast towers, signal spectrum, and other facilities and services in order to fund its operations.

The proposed budget also includes an additional \$10 million in Capital Reserve Funds for the Deal Closing Fund that the Department of Commerce uses to recruit new business to South Carolina.

\$13 million in Capital Reserve Funds is included for new job training at the state's technical colleges.

The Department of Parks, Recreation and Tourism receives \$5.4 million in Capital Reserve Funds for marketing destination specific tourism.

\$3 million in Capital Reserve Funds is appropriated to the Forestry Commission to replace outdated firefighting equipment.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3730 HUNTING AND FISHING LICENSES FOR COMMERCIAL PURPOSES

Rep. Munnerlyn

Among many things, this bill states in addition to a valid state hunting license, a commercial fur license is required of all persons who sell or take by any means, for commercial purposes, and all persons who trap or who attempt to trap any furbearing animals. The department will provide this license at a cost of twenty-five dollars for residents and two hundred dollars for nonresidents. This provision does not apply to a processor, manufacturer, or retailer. A person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the Trappers Education Course. The bill also states that there is no closed season for hunting or taking coyotes with weapons.

H.3740 PERMITS DEALING WITH THE POLLUTION CONTROL ACT **Rep. Spires**

If a completed and timely application has been submitted for the renewal of a permit that references an activity of a continuing nature, and DHEC has not renewed or denied the permit renewal or revoked the permit within six months of the renewal application being submitted, the permit is deemed to be denied.

H.3744 SOIL CLASSIFIERS **Rep. Erickson**

The bill revises the exemptions for soil classifiers.

EDUCATION AND PUBLIC WORKS

H.3728 HOUSE RESOLUTION TO ENCOURAGE PUBLIC SCHOOL DISTRICTS WHEN MAKING DECISIONS REGARDING TERMINATION OF PERSONNEL DUE TO BUDGET CONSTRAINTS TO CONSIDER THOSE EMPLOYEES WHO EARN THE HIGHEST SALARIES BEFORE TERMINATING THOSE EMPLOYEES WHO EARN LESSER PAY

Rep. Gilliard

This legislation encourages the public school districts of this State, when making decisions regarding the termination of personnel due to budget constraints, to consider

those employees who earn the highest salaries in the district before terminating those employees who earn lesser pay.

H.3732 CORONERS' SPECIAL LICENSE PLATES Rep. D. C. Moss

This legislation allows coroners to be issued two special license plates; currently, a coroner may only be issued one special license plate.

H.3741 NO TIME LIMIT FOR CERTAIN SENIORS TAKING THE GENERAL EDUCATIONAL DEVELOPMENT EXAM Rep. Willis

This legislation provides that the administrator of the tests contained in the General Educational Development Exam battery may not impose a time limit for completion of the tests on senior citizens. For purposes of this legislation, 'senior citizen' means a person who is sixty years of age or older.

H.3748 DELAYED IMPLEMENTATION OF THE EDUCATION AND ECONOMIC DEVELOPMENT ACT Rep. Owens

Relating to the implementation of the Education and Economic Development Act, this legislation extends the date by which the act must be implemented fully from July 1, 2011 to July 1, 2016.

H.3760 VETERAN STATUS DESIGNATION ON DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD Rep. Hixon

This legislation provides that upon the person's request and proof of eligibility, a South Carolina driver's license or special identification card may include a veteran status designation. The legislation allows for the payment of a fee as well as provides for the distribution of funds collected.

JUDICIARY

S.391 ELECTION LAW REVISIONS Sen. Campsen

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.

H.3742 UNFAIR TRADE PRACTICE RELATING TO A CUSTOMER DECLINING TO DISCLOSE HIS SOCIAL SECURITY NUMBER Rep. Neilson

This legislation provides that it is an unfair trade practice for a merchant of goods or services to refuse to render those goods or services if a customer declines to disclose his social security number.

H.3757 ESTABLISHMENT OF CERTAIN HUMAN TRAFFICKING OFFENSES

Rep. Hardwick

The legislation repeals section 16-3-930 relating to trafficking in persons for forced labor or services. This legislation establishes certain human trafficking offenses and provides criminal penalties for violations. Among other things, the legislation: provides for criminal liability of certain business entities that aid or participate in these offenses; provides restitution for victims of human trafficking offenses, establishes an interagency task force to develop and implement a plan for the prevention of trafficking in persons; requires the collection and dissemination of data related to human trafficking by the State Law Enforcement Division; requires law enforcement training on human trafficking offenses; provides for the creation of public awareness programs; allows civil actions by victims of human trafficking; provides that certain standards of working conditions apply without regard to immigration status; provides certain protections for victims of human trafficking; requires the state to develop plans for housing and counseling victims of human trafficking; provides for certain rights of minor victims of human trafficking; establishes a human trafficking victim-caseworker privilege, and creates the offense of maliciously or with criminal negligence publishing, disseminating, or otherwise disclosing the location of a human trafficking victim, a trafficking shelter, or a domestic violence shelter.

H.3758 REVISIONS PERTAINING TO NONFERROUS METALS

Rep. Rutherford

This legislation prohibits the purchase of certain metals by a secondary metals recycler and includes a criminal penalty for violations. Relating to the purchase of nonferrous metals, this bill revises the definition of "nonferrous metals". The legislation further regulates the purchase of nonferrous metals. Among other things, the legislation (1) requires a thumbprint and photograph or video of the seller, and (2) regulates how payment for these items may be made.

LABOR, COMMERCE AND INDUSTRY

H.3717 "APPRAISAL MANAGEMENT COMPANY ACT" Rep. Sandifer

This bill enacts the "Appraisal Management Company Act" to subject real estate appraisal management companies to new regulations and require registration with a newly-created South Carolina Real Estate Appraisal Management Services Board. The legislation includes provisions prohibiting certain persons related to an appraisal management company from exerting influence on an appraisal. The legislation restricts the conduct of an appraisal management company with respect to the modification or use of a completed appraisal report and the ability to change the composition of an appraiser panel.

H.3721 NONFRANCHISE AUTOMOBILE DEALER PRE-LICENSING COURSE REQUIREMENTS Rep. Loftis

This bill revises nonfranchise automobile dealer pre-licensing course requirements, so as to provide that a dealer who has operated a dealership for at least five years or has completed successfully at least eight hours of pre-licensing education courses within the

last five years, is not required to complete additional pre-licensing courses when he moves his dealership to another location.

H.3731 PROFESSIONAL HOUSEMOVING Rep. Owens

This bill revises the annual renewal fee of a professional housemoving license. The legislation revises provisions for the Department of Transportation's special permits that authorize a person to operate or move a vehicle that exceeds a certain size, so as to provide that the department may determine the maximum speeds at which permitted loads may operate. The legislation provides that for a load traveling under police escort, the escort officer may exercise discretion when temporarily moving out of the traveled way. The legislation provides an additional impact fee for loads that exceed five hundred thousand pounds.

H.3733 LOCAL GOVERNMENTS PROHIBITED FROM CHARGING FOR RESPONDING TO A MOTOR VEHICLE ACCIDENT Rep. Cooper

This bill prohibits a municipality or county, or a unit or agency of it, from imposing a fee or seeking reimbursement of costs or expenses incurred as a result of responding to a motor vehicle accident, with certain exceptions. The legislation permits a unit of government to seek to collect from another unit of government the reasonable costs incurred for responding to a motor vehicle accident outside its jurisdiction.

H.3735 "SOUTH CAROLINA INCANDESCENT LIGHT BULB FREEDOM ACT" Rep. Loftis

This bill enacts the "South Carolina Incandescent Light Bulb Freedom Act" to provide that incandescent light bulbs manufactured in this state, without significant parts imported from another state, and offered for sale and sold for use only in this state are deemed only to be in the stream of intrastate commerce and therefore not subject to federal regulation under the commerce clause of the United States Constitution.

H.3749 "NOVELTY LIGHTER PROHIBITION ACT" Rep. Gambrell

This bill prohibits the sale or distribution of novelty lighters, which are mechanical or electrical devices typically used for lighting cigarettes, cigars, or pipes that are designed to appear to be a toy, feature a flashing light, or make musical sounds. The legislation provides penalties for violations.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3745 PODIATRIST AND PODIATRY Rep. Erickson

The bill outlines that surgery of the ankle and soft tissue structures governing the ankle must be performed in an accredited hospital or ambulatory surgery center. A podiatrist who performs these surgical procedures must be board-certified or board-eligible in Reconstructive Rearfoot/Ankle Surgery (RRA) by the American Board of Podiatric Surgery. The bill revises the meaning of podiatry to include the mechanical treatment of all conditions of the human foot, ankle and related soft tissue structures to the level of the anterior tibial tubercle. The bill further includes that the practice of podiatry includes the; 1) amputation of toes and other parts of the foot, but not the amputation of the entire foot; and 2) use of local anesthetics in conjunction with a podiatric treatment, except that the use of spinal or general anesthesia must be administered by an anesthesiologist or certified registered nurse anesthetist authorized by this State to administer anesthesia.

H.3750 *AUTOPSY* Rep. Viers

This bill adds that an autopsy cannot be performed by a physician who is employed by the health care facility in which the death occurred, unless the coroner or medical examiner certified there is no reasonable alternative.

H.3751 *RETAIL FOOD ESTABLISHMENTS* Rep. Viers

The bill requires a retail food establishment to semi-annually screen its employees to determine if an employee has a communicable disease that can be transmitted by food or carries an organism that causes communicable disease that can be carried by food. The bill also states that a food establishment may not employ a person known to be infected with a communicable disease that can be transmitted by food.

WAYS AND MEANS

H.3720 *ECONOMIC DEVELOPMENT INCENTIVES* Rep. Cooper

This bill revises the jobs tax credit requirements of a qualifying service-related facility and a technology intensive facility. The legislation provides that a corporation establishing a national corporate headquarters or expanding or adding to an existing national corporate headquarters in this state, which adds at least fifty new full-time jobs, shall be exempt from paying state corporate income taxes for a period of ten years. The legislation revises tax credits for providing infrastructure, so as to increase the maximum aggregate credit to four hundred thousand dollars annually. The legislation revises provisions for fee in lieu of taxes arrangements, so as to provide that a county auditor or county assessor may request and obtain any financial books and records from a sponsor that support the sponsor's tax form or return to verify the calculations of the fee in lieu of taxes tax form or return. The legislation establishes a sales tax exemption for computers, computer equipment, computer hardware and software purchases for a datacenter and electricity used by a datacenter.

**H.3738 *"SOUTH CAROLINA HEALTH BENEFIT EXCHANGE ACT"*
Rep. Mitchell**

This bill enacts the "South Carolina Health Benefit Exchange Act" to establish the health benefit exchange within the office of the Governor for the purpose of facilitating the purchase and sale of qualified health plans as provided for in the federal Patient Protection and Affordable Care Act. The legislation: provides that the Governor shall appoint the director of the exchange to serve as its chief executive officer; provides that the exchange must be governed by a board of directors appointed by the Governor; and establishes the powers and duties of the exchange, including the establishment of the small employer exchange to assist qualified small employers in this state in facilitating the enrollment of their employees in qualified health plans.

H.3739 *FOOD STAMP FRAUD PLACARDS* Rep. Herbkerman

This bill requires the Department of Social Services to print and make available placards to retail establishments that accept Supplemental Nutrition Assistance Program (SNAP) benefits (formerly known as food stamps), stating on the placard that food stamp fraud is a crime, and a number to call to report suspected food stamp fraud. The legislation requires these retail establishments to prominently display the placards at registers and

entrances in these retail establishments. The department is authorized to charge retail establishments for the actual cost of the placards.

H.3743 SOUTH CAROLINA RESEARCH AUTHORITY Rep. Harrell

This bill provides that the South Carolina Research Authority may be not be construed to have the authority to commit the credit and taxing power of the state. The legislation establishes a written notice requirement when the authority has certain relationships with a nonprofit entity that establishes a for-profit entity. The legislation provides that a failure to provide this notice may not be construed to indicate the authority may pledge the credit and taxing power of the state. The legislation revises the membership and terms of the board of trustees and executive committee of the authority, so as: to provide for the election of two additional trustees; to permit a university president who is an ex officio member of the board to designate the chief research officer of his university to participate and vote in no more than two meetings of the executive committee each year; to allow the executive committee to elect a vice chairman with powers and duties provided by the executive committee; to provide the vice chairman serves at the pleasure of the executive committee; and to provide for member terms, the filling of a vacancy, and removal of an executive committee member. The legislation authorizes the board of trustees of the authority to provide guarantees as security for certain obligations. The legislation revises provisions for costs associated with innovation centers established by the authority, so as to make certain financing optional rather than mandatory. The legislation expands the sources of funding available for financing these costs, and prohibits the use of a pledge of credit and taxing power of the state or a political subdivision of the state to finance these costs. The legislation provides the authority may expend funds referenced in the Innovation Centers Act of 2005 and the Industry Partners Act of 2006 in a certain manner.

H.3747 SALES TAX EXEMPTION FOR BIOLOGICS Rep. Cooper

This bill provides a sales tax exemption for biologics administered by a physician in a physician's office. The legislation specifies that biologics are products applicable to the prevention, treatment, or cure of a disease or condition of human beings that are produced using living organisms, materials derived from living organisms, or cellular, subcellular, or molecular components of living organisms.

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