



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 concurred in Senate amendments to **H.3617** and enrolled the bill for ratification. The legislation establishes new requirements for **REPORTING AND INVESTIGATING SEWAGE SPILLS FROM WASTEWATER UTILITIES**. The legislation directs the Department of Health and Environmental Control to require that all wastewater utilities provide public notice of any significant spill of five thousand gallons or more within twenty-four hours of the discovery. In instances where the responsible wastewater utility fails to provide this required notice, DHEC must provide public notice of the significant spill, in addition to any enforcement response. The legislation requires a wastewater utility to notify DHEC of any significant spill orally within twenty-four hours and by written submission within five days. Upon receiving this notification, DHEC must determine whether the wastewater utility has been responsible for more than two significant spills per one hundred miles of its sewage collection system during the past twelve-month period. If the utility is found responsible for repetitive significant spills that each release at least five thousand gallons of untreated or partially treated domestic sewage posing a serious adverse impact on the environment or public health, DHEC must require the utility to complete a comprehensive review of its sewage collection system and/or treatment works. Repetitive significant spills would require a wastewater utility to update its Capacity, Management, Operations, and Maintenance plan if a CMOM plan is in place.

The House concurred in Senate amendments to **H.3865** and enrolled the bill for ratification. The legislation modernizes the state's **FRESHWATER FISH AND GAME** laws, with an emphasis on making the provisions more consistent and user-friendly. These provisions have not undergone a comprehensive update in over thirty years.

The House approved and sent to the Senate **H.4594**. This joint resolution extends the deadline for the **MICROENTERPRISE DEVELOPMENT STUDY COMMITTEE** to submit its written report from January 20, 2012, to September 1, 2012.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

H.4616 HANDICAPPED PARKING Rep. Spires

This legislation relates to the Department of Motor Vehicles' issuance of license plates to handicapped persons. It allows the certification form which captures criteria-related information about persons considered handicapped to be completed by a department employee who can visually determine whether a person is permanently handicapped. Currently, this form must be completed by a licensed physician.

H.4641 *IN-STATE TUITION RATES FOR VETERANS AND THEIR DEPENDENTS* Rep. Daning

This legislation provides that a veteran who has been honorably discharged, and their dependents, who are not otherwise eligible for in-state tuition rates, are entitled to receive in-state tuition rates at state institutions once they have evidenced an intent to establish domicile in South Carolina. These individuals are eligible for in-state tuition rates as long as they remain continuously enrolled at a state institution or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution, subject to certain provisions concerning such transfers.

JUDICIARY

H.4603 *PRETRIAL INTERVENTION PROGRAM* Rep. Rutherford

Current law prohibits an offender from participating more than once in a solicitor's pretrial intervention program. This legislation provides that a solicitor, in his discretion, may consent to allow an offender to participate in a pretrial intervention program more than once.

H.4609 *EXPANDED PROHIBITION ON THE REGULATION OF WEAPONS* Rep. Pitts

Current law provides that no governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any regulation or ordinance that regulates or attempts to regulate the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things. This legislation includes knives among the weapons covered and also provides that a local governmental body may not enforce any regulation or ordinance that regulates or attempts to regulate these weapons.

H.4614 *COURT-ORDERED CHILD CUSTODY* Rep. Pitts

This legislation specifies certain procedures and requirements for court-ordered child custody. Among other things, the legislation requires parents to jointly prepare and submit a parenting plan, which the court must consider before issuing temporary and final custody orders. The legislation requires the court to make final custody determinations in the best interest of the child based upon the evidence presented. It requires the court to consider joint custody if either parent seeks it and to state findings of fact as to why or why not joint custody was awarded. The legislation provides matters that may be included in a custody order, provides factors the court may consider in issuing or modifying a custody order when considering the best interest of the child, and authorizes a parent to seek arbitration of an issue that cannot be resolved between the parents. Relating to the rights and duties of parents to their children, this legislation provides that unless otherwise provided by an order of the court, parents have equal powers, rights, and duties concerning all matters affecting their children.

H.4625 *DEPARTMENT OF TRANSPORTATION* Rep. Lucas

The legislation provides that the governing authority of the Department of Transportation is a Secretary of Transportation appointed by the Governor with the advice and consent of the Senate; the secretary serves at the pleasure of the Governor. The legislation deletes current provisions which provide that the governing body of the department is a

seven member commission. The secretary must submit annually to the General Assembly an itemized project list to be funded for the fiscal year in which the General Assembly would enact its annual general appropriations act. The legislation makes changes to other provisions to reflect the change in the governing authority of the agency.

H.4628 "REHABILITATION OF ABANDONED AND DILAPIDATED BUILDINGS ACT" Rep. G. R. Smith

This legislation allows a municipality to bring an action in circuit court against an owner of property that is not in substantial compliance with one or more municipal ordinances regarding: the prevention of substantial risk of injury to a person; the prevention of an adverse health impact to a person; or a public nuisance, building code, or sanitary code. Among other things, the legislation provides who may serve as a court-appointed receiver for property subject to this cause of action, provides the powers of a court-appointed receiver, provides reporting requirements of the municipality concerning a violation against which the municipality may bring a cause of action, and provides certain remedies and procedures.

**H.4631 DRIVER STOPPED BY LAW ENFORCEMENT OFFICER DURING NIGHTTIME MUST TURN ON VEHICLE'S INTERIOR LIGHTS
Rep. Barfield**

When a motor vehicle driver is stopped by a law enforcement officer during nighttime hours, this legislation requires the driver to immediately turn on the vehicle's interior lights. A violation is a misdemeanor.

**H.4633 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO PUNISHMENT OF MEMBERS OF THE GENERAL ASSEMBLY
Rep. H. B. Brown**

This joint resolution proposes to amend the State Constitution so as to provide that the supervision of ethical conduct by Members of the General Assembly, including the authority to discipline members, is vested in the state agency charged by law with investigating, enforcing, and adjudicating allegations of ethical misconduct. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.4634 REVISIONS TO STATE ETHICS COMMISSION Rep. H. B. Brown

This legislation takes effect upon ratification of an amendment to the State Constitution providing that supervision of ethical conduct by members of the General Assembly, including the authority to discipline members, is vested in the state agency charged by law with investigating, enforcing, and adjudicating allegations of ethical misconduct. This legislation amends the duties and powers of the State Ethics Commission so as to include the members, staff and candidates for the General Assembly within the jurisdiction of the State Ethics Commission. Among other things the legislation eliminates the definition of "appropriate supervisory office" in certain places in the code as well as repeals certain code sections relating to the House of Representatives and Senate Ethics Committees.

LABOR, COMMERCE AND INDUSTRY

H.4629 OPTHALMOLOGIST/ OPTOMETRIST PARTICIPATION IN A HEALTH MANAGEMENT ORGANIZATION AND BENEFIT PLAN MEDICAL EYE CARE NETWORK Rep. Long

This bill provides that a health management organization and benefit plan may not condition the participation in its medical eye care network by an ophthalmologist or optometrist on the participation of the ophthalmologist or optometrist in a vision care plan offered by or administered through the health management organization or benefit plan.

H.4639 STATE ENERGY STANDARD Rep. Sandifer

This bill adopts the 2009 Edition of the International Energy Conservation Code as the state energy standard, updating the current statutory reference to the 2006 edition of the code.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4611 "MEDICAL LABORATORY PERSONNEL ACT" Rep. Lowe

This bill enacts the "Medical Laboratory Personnel Act", which is to protect the public health, safety, and welfare of the people of this state from the hazards of inappropriate collection of specimens and improper performance and reporting of test results by medical laboratory personnel. The bill provides certain definitions; imposes requirement for licensure of medical laboratory personnel. Among other things, the bill creates the South Carolina Board of Clinical Laboratory Science, providing for its membership, powers and duties.

H.4637 REGIONAL TRANSPORTATION AUTHORITIES Rep. Clyburn

This bill requires each regional transportation authority to develop and implement a program within its service area that makes public transportation available at no charge to a veteran who can provide proof that he/she is a legal resident of this state, along with other qualifying conditions.

WAYS AND MEANS

H.4607 PERIODIC COUNTYWIDE PROPERTY TAX REASSESSMENT PROGRAM APPRAISAL LEVELS Rep. Merrill

This bill provides that the Department of Revenue may not approve for implementation a countywide property tax reassessment program unless that plan has a median appraisal level as near to one hundred percent of fair market value for all property and each class of property as may be achieved using generally accepted assessing principals.

H.4608 SIMULTANEOUS COUNTYWIDE PROPERTY TAX REASSESSMENT PROGRAMS Rep. Merrill

This bill requires periodic countywide property tax reassessment programs to be conducted in all counties simultaneously beginning in 2015. The legislation postpones until 2015 the conducting of reassessment programs scheduled for 2013 and 2014.

H.4610 "SOUTH CAROLINA SCHOOL BUS PRIVATIZATION ACT OF 2012"

Rep. Merrill

This bill enacts the “South Carolina School Bus Privatization Act of 2012”. The legislation provides that the state of South Carolina shall not own, purchase, or acquire additional school buses on or after July 1, 2015, and its present fleet of school buses sold or disposed of on a phased-in basis beginning in 2012. The legislation provides that, beginning with the 2012-2013 school year, school districts on a phased-in basis individually or together with other districts shall provide school transportation services or by contract may engage a private entity to provide school transportation services with the private entity providing all school buses, personnel to operate, and auxiliary services. The legislation establishes contract terms, conditions, procedures, and requirements. The legislation provides that state school bus maintenance facilities, on a phased-in basis beginning in 2012, shall be leased or sold to school districts or private school transportation providers or, in the absence of a sale or lease closed, to establish a “School Transportation Reimbursement Fund” consisting of specified funds which must be used to reimburse school districts for the cost of school transportation services on a formula basis. The legislation provides for the liability insurance requirements applicable to private entities providing school transportation services and for school bus, driver, passenger, and equipment requirements in regard to these services. The responsibility to provide school transportation services is transferred fully to the school districts of this state, effective on July 1, 2015. The legislation provides that a school district or a group of school districts is authorized by contract to have their school transportation services provided by a private entity which furnishes its own buses, personnel, and auxiliary services prior to the required implementation date of the district’s assumption of responsibility for all school transportation services in the district.

H.4626 BREAST CANCER AND COLORECTAL CANCER SCREENING AND TREATMENT TRUST FUND Rep. White

This bill creates the Breast Cancer and Colorectal Cancer Screening and Treatment Trust Fund and redirects to this new fund half of the annual five million dollars of cigarette surtax revenues that current law assigns to the Smoking Prevention and Cessation Trust Fund. This annual fund deposit of two and one-half million dollars in cigarette surtax revenues must be used by the South Carolina Department of Health and Environmental Control for the sole purpose of establishing a statewide breast cancer and colorectal cancer screening and treatment program.

H.4640 CONSOLIDATED PROCUREMENT CODE RESIDENT VENDOR PREFERENCES Rep. Anthony

This bill revises the resident vendor preferences under the state’s Consolidated Procurement Code including the manner and procedures under which they are computed.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on “*Publications*,” then click on “*Legislative Updates*.” This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

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