



South Carolina House of Representatives

Legislative Update

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

Vol. 31

February 25, 2014

No. 05

CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	04
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	08

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 returned [S.405](#) to the Senate with amendments. This legislation provides that the **COMMISSION ON JUDICIAL CONDUCT, UNDER THE AUTHORITY OF THE SUPREME COURT, SHALL HANDLE COMPLAINTS AGAINST ADMINISTRATIVE LAW COURT JUDGES** for possible violations of the Code of Judicial Conduct in the same manner as complaints against other judges. Currently, complaints against Administrative Law Court judges are handled by the State Ethics Commission. The legislation also establishes a **FIVE-YEAR DURATION FOR STATE AGENCY REGULATIONS** by providing that every regulation promulgated by a state agency expires five years from the date on which it becomes effective. When a regulation's expiration date is reached, an agency that intends to have a regulation in place on the subject matter must promulgate a new regulation for submission to the legislative approval process.

The House amended, approved, and sent the Senate [H.3231](#), legislation **PROHIBITING DISCRIMINATION AGAINST MOTORCYCLES** in public transportation policies. This legislation provides that in formulating transportation policy, promulgating regulations, allocating funds, and planning, designing, constructing, equipping, operating and maintaining transportation facilities, no action of the South Carolina Transportation Commission, or the South Carolina Department of Transportation shall have the effect of discriminating against motorcycles, motorcycle operators, or motorcycle passengers. The legislation further provides that no regulation or action of the commission, or department shall have the effect of enacting a prohibition or imposing a requirement that applies only to motorcycles or motorcyclists, and the principal purpose of which is to restrict or inhibit access for motorcycles and motorcyclists to any highway, bridge, tunnel, or other transportation facility. Local governments are required to make reasonable accommodations for motorcycle parking in their parking garages and other transportation facilities. In carrying forward this requirement, among other options, these local government facilities, at their discretion, may comply by sectioning portions of the area where the size configuration of the space does not meet code requirements for full-size vehicles.

The House amended, approved, and sent the Senate [H.4482](#), a bill **DESIGNATING THE COLUMBIAN MAMMOTH AS THE OFFICIAL STATE FOSSIL** of South Carolina.

The House adopted and sent the Senate [H.4505](#), a concurrent resolution providing for the members of the South Carolina General Assembly to join the South Carolina and Georgia Joint Water Caucus in encouraging the appropriate state agencies of both states, in conjunction with the U.S. Army Corps of Engineers, as part of their current study, to explore, develop, and implement a flexible adaptive **WATER MANAGEMENT PROGRAM FOR THE SAVANNAH RIVER BASIN** that utilizes real-time data and applies lessons learned during recent droughts to define the most practical and conservative reservoir storage rules based on actual conditions and real-time data to ensure continuous optimization of water quality and quantity management of the water resources shared by South Carolina and Georgia throughout the Savannah River Basin.

The House adopted [H.4669](#), a House Resolution proclaiming Wednesday, March 16, 2014, as "**LIBERTY DAY**" in South Carolina in celebration of the Declaration of

Independence and the United States Constitution, which together enumerate our unalienable rights and liberties.

The House approved and sent the Senate **H.3833**, a bill providing **AUTHORITY FOR CONDUCTING WINE TASTINGS AND BEER TASTINGS IN LARGE RETAIL SETTINGS**. This legislation allows the holders of a retail wine permit for off-premises consumption whose retail space is at least 10,000 square feet and whose primary product is not beer, wine, or distilled spirits to obtain an annual wine tastings permit for each separate place of business in order to conduct, in accordance with Department of Revenue rulings or regulations, up to twelve wine tastings at the retail location in a calendar quarter, and it provides restrictions. The legislation also allows the holder of a retail permit authorizing the sale of beer for off-premises consumption whose retail space is at least 10,000 square feet and whose primary product is not beer, wine, or distilled spirits to obtain an annual beer tastings permit for each separate place of business in order to conduct, in accordance with Department of Revenue rulings or regulations, up to twelve beer tastings in a calendar quarter, and it provides restrictions. These tastings may not be held in conjunction with one another; also a tasting may not be held in conjunction with a tasting in a retail alcoholic liquor store that is adjacent to and licensed in the same name of the retail permit authorizing the sale of beer. A sampling must not be offered for more than four hours, and a retailer may not offer more than one sampling per day. The tasting must be held in a designated, stationary tasting area of the retail store with a distinctive barrier clearly in place, indicating the tasting area. No one under twenty-one may be allowed in the tasting area. There are restrictions on sample sizes and the number of samples, and no person may be served more than one sample of each product. In addition to other applicable fines and penalties, a retailer who violates these provisions must be assessed a fine of five hundred dollars for the first violation and five hundred dollars for the second violation in a twelve month period. Subsequent violations in a twelve month period are punishable by the loss of the retail off-premises consumption permit for thirty days. The revenue from these fines must be directed to the State Law Enforcement Division (SLED) for supplementing funds required for regulation and enforcement of the tastings.

The House rejected **S.151**, a bill establishing the **INTRASTATE VISION WAIVER PROGRAM** that would allow certain visually impaired individuals to obtain a waiver from the sight requirements associated with a commercial driver's license.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The House Education and Public Works Committee met on Wednesday, February 19, 2014. The full committee gave a favorable with amendment recommendation to **H.3428**, comprehensive legislation that provides for the **REAUTHORIZATION OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS**. However, the committee report

has not been published in the House Journal as of publication of this week's *Legislative Update*.

WAYS AND MEANS

The Ways and Means Committee reported out the general appropriations bill and the joint resolution making appropriations from the Capital Reserve Fund which together comprise the proposed **FISCAL YEAR 2014-2015 STATE GOVERNMENT BUDGET**. The \$7 billion budget includes \$6.6 billion in recurring general fund revenue, \$117 million in Capital Reserve Funds, and \$337 million in Education Lottery Funds.

A total of \$137.5 million is directed to the Education Finance Act, \$54.3 million of which is new EFA money. \$35 million is used to maintain the current base student cost and an additional \$19 million is used to increase the base student cost to an estimated \$2,120. \$83.2 million of these EFA funds represent a swap from the Education Improvement Act that is directed towards high-achieving students and students at risk of academic failure. The budget includes a revised rationale for allocating funds to the public schools that includes new weightings in the EFA distribution formula that are specifically geared towards such populations as students with limited English proficiency and pupils in poverty and places new emphasis on funding for personalized instruction in such areas as precareer and career technology, young adults pursuing adult education programs, gifted and talented education, and academic assistance for those failing to meet state standards for mathematics and English language arts.

\$29.4 million is included to provide for reading coaches who are to work directly with students to improve their reading skills and work with classroom teachers to provide professional development on best practices in reading instruction along with other support to enhance effectiveness.

\$29.2 million is included for a K-12 technology initiative.

\$12 million is provided for digital instructional materials in addition to the \$6.9 million that is also devoted to instructional materials in the schools.

\$742,500 is provided for a virtual instruction program at the State Department of Education, including 11 full-time employee positions.

Charter Schools are afforded a total of \$56.2 million, of which \$13.7 million is new funding. \$4 million is provided for the charter school revolving loan program.

\$12 million is provided for purchasing or leasing new school buses. \$5.6 million in school transportation funds is included for bus maintenance and fuel.

Full funding is provided for the LIFE, HOPE, and Palmetto Fellows higher education scholarship programs.

The budget provides for a Higher Education Efficiency and Accountability Review. The budget includes a local government Road Buyback Program as a means of encouraging the state's counties and municipalities to assume control over some of the

Legislative Update, February 25, 2014

many thousands of miles of smaller, two-lane local roads that are currently part of the State Highway System. The current requirement that County Transportation Committees spend twenty-five percent of their "C" Fund gas tax revenue apportionment on the state highway system is suspended, and this quarter of the total County Transportation Fund is instead devoted to the Road Buyback Program which allows a local government to apply to the State Department of Transportation to purchase a segment of the state highway system in return for a recurring allocation from these sequestered "C" Funds that can be used to maintain the roads it acquires. The program is structured to emphasize purchases of single purpose local roads and road segments that are one-half mile or less in length.

The budget provides for a 1.5% state employee pay increase, with an appropriation of \$22,950,00. \$57,174,00 is included to cover the increased costs of operating the state's health insurance plan with no increases in the premiums paid by employees, no reductions in coverage, and slight increases in coinsurance payments.

\$6.5 million from the Capital Reserve Fund is devoted to identity and credit protection services for those citizens whose personal financial information was compromised as a result of the Department of Revenue computer security breach of 2012. \$6.1 million is provided for implementing statewide information technology security recommendations.

The Department of Revenue is afforded \$3.5 million for security costs and \$14 million from the Capital Reserve Fund for an updated tax processing system.

\$5.4 million is devoted to worker training through the Ready SC Program at the state's technical colleges. \$3.5 million is provided for the Critical Needs Workforce Development Initiative. \$1.5 million is provided to a military program at the Technical College of the Low Country. \$5 million is provided for Trident Technical College's Aerospace initiative.

\$37.4 million is provided for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state. The Department of Commerce is afforded appropriations of \$6 million for the Locate SC Site Inventory, \$2.5 million for the Office of Innovation, \$4 million for research initiatives, \$400,000 for the SC Council on Economic Competitiveness, \$400,000 for the Existing Business Program, \$250,000 for the SC Manufacturers Extension Program, and \$250,000 for the Community Development Corporation Initiative.

The Department of Health and Environmental Control receives \$1 million for the Best Chance Network breast cancer screenings, \$500,00 to be used as matching funds for the ColonCancer Prevention Network, \$100,000 for the J. R. Clark Sickle Cell Foundation, and \$100,000 for the Bleeding Disorders Premium Assistance Program. \$1,575,700 is allocated to DHEC for its water quality initiative and \$2 million from the Capital Reserve Fund is directed to address a budget shortfall at the Pinewood Hazardous Waste Disposal Site.

The budget requires coordination between the Department of Disabilities and Special Needs and the Department of Health and Human Services in utilizing a \$13.3 million appropriation for incremental and community based waiver services so as to take at least 1,400 disabled individuals off of the waiting list for these programs.

Legislative Update, February 25, 2014

\$10.5 million is directed to the Department of Mental Health to address budget cuts sustained by the agency during the revenue shortfall of recent years, which includes provisions for 70 full-time employee positions. DMH receives \$2.25 million from the Capital Reserve Fund to begin the process of converting health records to an electronic format that is necessary for meeting federal hospital certification requirements.

The budget provides no additional funding for the ongoing project at the Department of Social Services to produce a computerized Child Support Enforcement System that meets federal certification requirements. A provision is included to abolish the project's executive committee and transfer sole authority over the project to the DSS Director. Quarterly progress reports on the project must be published on the department's website.

The Attorney General's office is provided \$74,750 for a full-time information technology data security specialist, \$78,000 for a full-time appellate attorney, \$78,000 for a full-time Habeas Corpus attorney, and \$167,700 for Criminal Domestic Violence Unit of three full-time employees.

The Commission on Indigent Defense receives \$136,578 for two new full-time appellate attorneys.

The Prosecution Coordination Commission is allocated \$1.25 million for violent crime prosecution and \$2 million for information technology.

The State Law Enforcement Division receives \$475,136 for 4 full-time personnel to staff a new child fatality unit, \$697,316 for 10 full-time forensics personnel, and \$2 million for 17 full-time alcohol enforcement personnel.

The Department of Public Safety is provided \$447,300 for new trooper funding and \$2 million for law enforcement vehicle replacement.

The Department of Corrections is afforded \$153,360 for an information security officer and IT auditor, \$2.122 million in other funds for cell phone interdiction, \$2.262 million for camera equipment and a surveillance network system at the Lee Correctional Institution, \$450,000 for the construction of three perimeter towers at the Lieber Correctional Institution, and \$40,00 for the third phase of its weapons replacement program.

The Department of Natural Resource is provided \$711,632 for 8 new law enforcement officers and equipment, \$108,074 for a new information technology security officer, and \$500,00 for law enforcement vehicle replacement.

The Forestry Commission receives \$252,000 for 6 additional full-time firefighters and \$2 million from the Capital Reserve Fund for new firefighting equipment.

The Department of Parks, Recreation and Tourism receives \$1 million for the Undiscovered SC program to showcase the state's rural areas, \$2 million for the Sports Development Fund, and \$400,000 for international marketing.

\$1 million is provided for the Patriots Point Authority Medal of Honor Museum.

The Lieutenant Governor's Office on Aging receives \$2 million for caregivers, and \$3 million for its meal delivery and other home and community based services for the elderly.

\$5 million from the Capital Reserve Fund is provided to the Election Commission for a new voting system.

The budget includes reductions for the University of Charleston and USC-Upstate in amounts set to be commensurate with the estimated costs of providing programs at these institutions which assigned literature and presentation materials to incoming freshmen that have elicited controversy. A requirement is included for each public institution of higher learning to submit a report denoting its mission, ethics, and values statements to the members of the General Assembly.

The South Carolina State University Deficit Monitoring Team is created under the direction of the Budget and Control Board to work with SC State to produce a plan for placing the institution in a structurally sound financial position by the end of the fiscal year. The State Auditor is directed to conduct a review to assess the accounting controls at South Carolina State University.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4760 "SOUTH CAROLINA SURFACE WATER WITHDRAWAL, PERMITTING AND REPORTING ACT" Rep. Rep. J. E. Smith

This bill enacts the "Surface Water Stewardship Act" to provide that registered surface water withdrawers under certain conditions must obtain a surface water withdrawal permit rather than registering withdrawals.

EDUCATION AND PUBLIC WORKS

H.4646 BOARD OF TRUSTEES OF THE GOVERNOR'S SCHOOL FOR SCIENCE AND MATHEMATICS Rep. Bingham

This legislation allows a provost or vice president of academic affairs who serves as an ex officio member of the Board of Trustees of the Governor's School for Science and Mathematics to designate a person to serve in his place.

H.4650 STATE BOARD OF EDUCATION Rep. Bannister

This legislation requires the State Board of Education to establish before August 1, 2014, a proficiency-based system as an alternative to traditional seat-time requirements for children not exempt from compulsory school attendance requirements. The system must be optional for school districts. The legislation defines necessary terms. Relating

to rules and regulations concerning student attendance requirements, the legislation makes a conforming change.

H.4736 DRIVER'S LICENSE NAME CHANGE DUE TO MARRIAGE

Rep. Rutherford

This legislation requires the Department of Motor Vehicles to accept a valid marriage license issued by another state when a licensee applies to have the licensee's name changed on a driver's license due to marriage.

H.4739 SOUTH CAROLINA LEADERSHIP SCHOLARSHIPS

Rep. Robinson-Simpson

This legislation provides for South Carolina Leadership Scholarships to cover the cost of attending a public institution of higher education in South Carolina for students who demonstrate leadership potential. The legislation defines necessary terminology and provides criteria for eligibility for the scholarship. The legislation provides that the scholarship in combination with all other grants and scholarships must not exceed actual attendance costs. The Commission on Higher Education must promulgate related regulations, and all participating institutions must report their enrollment and other relevant data as solicited by the commission which may audit these institutions to ensure their compliance. The legislation includes the South Carolina Leadership Scholarships among those receiving lottery appropriations.

H.4749 EARLY LITERACY ASSESSMENT Rep. Bingham

This legislation requires the State Board of Education immediately, in consultation with the Department of Education, the Office of First Steps to School Readiness, the Education Oversight Committee, and other stakeholders as appropriate, begin to consider which assessment must be used to analyze the early literacy competencies of children in state-funded full-day and half-day four-year-old kindergarten programs and of all children entering kindergarten programs in public schools during the 2014 - 2015 school year. The legislation provides the assessment must be the same or aligned to assessments intended to provide diagnostic information to teachers and measure student growth over time. The legislation requires the board to provide a report summarizing the assessment it has selected to the General Assembly; and it provides specific requirements for the early literacy measure selected by the board.

H.4753 LOCAL SCHOOL DISTRICT BOARDS AUTHORIZED TO FORGIVE UP TO FIVE DAYS MISSED DUE TO INCLEMENT WEATHER OR OTHER EXIGENT CIRCUMSTANCES Rep. Cole

This legislation authorizes a local school district board of trustees, by majority vote of the membership, to forgive up to five total days missed in a school year by a school in the district because of snow, extreme weather conditions, or other disruptions requiring the school to close.

H.4759 ADDITIONAL FINE FOR A DRIVER CLASSIFIED AS A 'SUPER SPEEDER' Rep. J. E. Smith

This legislation provides for an additional \$250 fine that must be imposed upon drivers who are convicted of driving fifteen miles an hour or more in excess of the speed limit along a road or highway, and it provides for the allocation of the additional fine to Level I trauma centers in the cities of Greenville, Spartanburg, Charleston, and Columbia. A driver who has this additional fine imposed upon him must be classified as a 'super speeder'.

JUDICIARY

H.4634 REVISED CODE VOLUMES Rep. Harrell

This legislation adopts revised code volumes 5 and 8 of the Code of Laws of South Carolina, 1976, to the extent of their contents, as the only general permanent statutory law of the State as of January 1, 2014.

H.4645 CONCEALABLE WEAPONS PERMIT RECIPROCITY Rep. Bowen

Notwithstanding another provision of law, this legislation provides that a valid concealable weapons permit issued by the State of Georgia must be honored by this State per reciprocity.

H.4648 MANDATORY PUBLIC SERVANT DRUG PREVENTION AND TESTING PROGRAM Rep. Toole

This legislation establishes mandatory public servant drug prevention and testing program for all state employees, officers, and elected officials; the legislation specifies that members and employees of the General Assembly are subject to the mandatory drug prevention and testing program.

H.4655 CREATION OF THE OFFICE OF DIRECTOR OF ELECTIONS AND REGISTRATION IN EACH COUNTY UNDER THE SUPERVISION OF THE STATE ELECTION COMMISSION Rep. J. E. Smith

This legislation transfers the functions, powers, and duties of county boards of registration, county election commissions, or county boards or commissions of elections and registration to a director of elections and registration for each county. The legislation provides that the director is a state employee appointed by the executive director of the State Election Commission. The legislation amends various statutes to conform provisions regarding the transfer of the functions, powers, and duties of county boards of registration, county election commissions, or county boards or commissions of elections and registration to a director of elections and registration for each county under the supervision of the State Election Commission and creates an office of the director of elections and registration in each county. The legislation provides for the duties of the director, provides for the transferring of certain duties to the county offices of director of elections and registration, and provides for office space and other employees of the office to be funded by the several counties. The legislation also directs the code commissioner to correct references to former boards and commissions to reflect the transfer of these entities and repeals certain provisions relating to county boards of registration and election commissions. The legislation takes effect January 1, 2016.

H.4659 SUITS ON CONTRACTOR PAYMENT BONDS Rep. Sandifer

Relating to suits on contractor payment bonds, this legislation provides that certain written notice required of a remote claimant must be sent by certified or registered mail and must generally conform with statutory limits on the aggregate amount of liens filed by a sub-subcontractor or supplier. The legislation provides any payment bond surety for the bonded contractor shall have the same rights and defenses of the bonded contractor. The legislation makes the language applicable to any payment bond whether private, common law, public, or statutory in nature, when the bonds are not otherwise required or governed by statute; the legislation provides necessary definitions.

H.4666 EMPLOYMENT TRAINING PROGRAMS TARGETING UNEMPLOYED OR UNDEREMPLOYED NONCUSTODIAL PARENTS WHO OWE CHILD SUPPORT Rep. Robinson-Simpson

Relating to employment training programs targeting employed or underemployed noncustodial parents who owe child support, this legislation requires the Department of Employment and Workforce to offer employment training and placement programs funded by the Workforce Investment Act and to undertake efforts to offer stipends to program participants.

H.4667 COMMUNITY SERVICES PROVIDED BY THE DEPARTMENT OF JUVENILE JUSTICE Rep. Robinson-Simpson

This legislation requires the Department of Juvenile Justice to provide mental health and alcohol and drug services for youthful offenders.

H.4670 EXPEDITED MORTGAGE FORECLOSURE PROCESS FOR ABANDONED PROPERTY Rep. Newton

This legislation provides a process whereby a mortgagee or successor in interest to a mortgagee may move the court for an expedited judgment of foreclosure and sale of real property that is considered abandoned. The legislation defines the term 'abandoned property'.

H.4673 DEFINITIONS REGARDING THE LIMITATION ON LIABILITY OF LANDOWNERS Rep. Simrill

Relating to definitions regarding the limitation on liability of landowners, this legislation includes recreational noncommercial airstrips and associated aircraft operations within the definition of 'recreational purpose'.

H.4676 NONPARTISAN COUNTY ELECTIONS Rep. Vick

This legislation provides a procedure by which certain county offices and the governing body of a county in those counties, which have a council/administrator form of government and also have within the county area at least 40,000 acres of state and federal forest land, may be elected in nonpartisan elections.

H.4732 CONDUCT OF PARTY CONVENTIONS OR PARTY PRIMARY ELECTIONS Rep. J. E. Smith

Relating, respectively, to the conduct by the State Election Commission of party conventions or party primary elections, the authority of political parties to conduct advisory primary elections at party expense, and the date provided by law for holding primary elections and the primaries not subject to that date, this legislation deletes obsolete date references, clarifies the authority of a political party to conduct an advisory primary at party expense, clarifies that the date of a presidential preference primary conducted by the State Election Commission must be set by the party rather than the general state law date for primaries. The legislation allows the State Election Commission to carry forward any year end balances in its filing fee and primary and general election accounts to the succeeding fiscal year, and it provides that these carried forward funds must be expended for the same purpose.

H.4742 PROHIBITION OF FILING FALSE LIENS OR ENCUMBRANCES AGAINST PUBLIC OFFICERS, PUBLIC EMPLOYEES AND

THEIR IMMEDIATE FAMILY MEMBERS FOR THE PERFORMANCE OF OFFICIAL DUTIES Rep. G. M. Smith

This legislation prohibits filing a false lien or encumbrance in certain public records against the real or personal property of a public officer, a public employee, or an immediate family member of the public officer or public employee for the performance of the official duties of the public officer or public employee when the party filing the lien knows or has reason to know that the lien or encumbrance is false or contains a materially false, fictitious, or fraudulent statement or representation. Violations are felonies. The legislation authorizes a register of deeds or clerk of court to refuse to file a lien or encumbrance when he has a reasonable suspicion that the lien or encumbrance is false, and the legislation limits his liability for this refusal. The legislation provides circumstances when a court may order the filing, and the legislation provides exceptions from these provisions. The legislation defines necessary terminology.

H.4751 *MISSING PERSON INFORMATION CENTER Rep. Mack*

Relating to the Missing Person Information Center, this legislation revises the procedures for accepting information to generate a missing person's report; among other things, the legislation provides that no law enforcement agency may refuse to accept a missing person report. The legislation further provides procedures for handling high-risk missing person cases and death scene investigations. A high-risk missing person is an individual whose whereabouts are not known and the circumstances indicate that the individual may be at risk of injury or death.

H.4755 *ALIENS AND PUBLIC AID AND ASSISTANCE Rep. Toole*

This legislation prohibits an alien from receiving federal benefits without proof of satisfactory immigration status. An alien with satisfactory immigration status includes, but is not limited to, a lawful permanent resident, an alien admitted to the United States as a refugee, an alien who is granted asylum by the United States, an alien who is admitted to the United States as a victim of a severe form of trafficking, and any other alien with a legal right to be present in the United States. The legislation requires the Department of Social Services to verify the immigration status for a person applying for federal public benefits who is identified as an alien on the application by using the United States Department of Homeland Security Systematic Alien Verification for Entitlements Program.

H.4757 *PURCHASING, SELLING, AND TRANSPORTING OF NONFERROUS METALS Rep. Tallon*

This legislation relates to the purchasing, selling, and transporting of nonferrous metals. It defines the term "coil" to mean a copper, aluminum, or aluminum-copper condensing coil or evaporation coil; the term does not include coil from a window air-conditioning system, if the coil is contained within the system, or coil from an automobile condenser. The legislation prohibits a secondary metals recycler from purchasing or otherwise acquiring an iron or steel manhole cover or drainage grate or a coil, and it also prohibits a secondary metals recycler from entering into a cash transaction in payment for copper, catalytic converters, and beer kegs that totals twenty-five dollars or more.

H.4761 *CORONERS Rep. J. E. Smith*

The legislation imposes a five dollar surcharge for the issuance of an initial death certificate and three dollars for each subsequent death certificate. This legislation provides that the funds from the surcharge imposed for the issuance of a death certificate must be disbursed to the counties equally to pay the duly elected full-time

coroner or other related personnel or equipment, and it provides that excess funds must be used by the Coroners Training Advisory Committee to perform its duties. The legislation provides additional duties for the Coroners Training Advisory Committee, including governing the qualifications of all coroners, deputy coroners and candidates for coroner.

LABOR, COMMERCE AND INDUSTRY

H.4643 REPEAL OF PROFESSIONAL LICENSING FEES Rep. Sandifer

This bill repeals several professional licensing fees that are collected by the Department of Labor, Licensing and Regulation.

H.4644 CONFORMING THE SOUTH CAROLINA REAL ESTATE APPRAISERS

LICENSE AND CERTIFICATION ACT TO NEW NATIONAL STANDARDS Rep. Sandifer

This bill revises provisions of the South Carolina Real Estate Appraisers License and Certification Act so as to conform them to certain revised national uniform standards for licensing, certifying, and recertifying real estate appraisers.

H.4731 PUBLIC SERVICE COMMISSION JURISDICTION OVER TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE Rep. Sandifer

This bill clarifies the jurisdiction of the Public Service Commission over certain providers with respect to telephone service for hearing and speech impaired people by providing for the manner of assessment and collection of dual party relay charges by local exchange providers, commercial mobile radio service providers, prepaid wireless service providers, and voice over internet protocol service providers. The legislation revises definitions concerning telephone service for hearing and speech impaired people. The legislation revises provisions relating to the operating fund for a system of dual party relay devices and related telecommunications devices, so as to impose certain related surcharges on local exchange providers, commercial mobile radio service providers, voice over internet protocol service providers, and prepaid wireless service sales, and to provide for the remittance of these funds to the Department of Revenue for transfer to the operating fund. The legislation eliminates provisions for an advisory committee to monitor statewide telecommunications relay access service.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4651 FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM Rep. Toole

The Department of Social Services shall serve as the single state agency designated to receive and manage SNAP (Supplemental Nutrition Assistance Program), which is the federal food purchasing assistance program for low- and no- income individuals created pursuant to the Food Stamp Act of 1977. The bill outlines that the department's policy and procedure must be consistent with the Food Stamp Act of 1977, as amended. In addition, the department shall apply for federal waivers of SNAP program requirements

that promote a healthy diet for program participants, including reasonable restrictions on food purchases of minimal nutritional value.

H.4665 CHILDCARE FACILITY Rep. H. A. Crawford

A childcare facility shall maintain, for one month from the date a director, owner, operator, caregiver, employee, or volunteer administers medication to a minor child, all written documentation and records of verbal communication that confirm parental or guardian permission to administer medication to the minor child. Violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than one year, or both.

H.4733 INSPECTION OF RESIDENTIAL EXTERIOR BALCONY

Rep. J. E. Smith

This bill provides that all municipalities and counties shall inspect each exterior balcony in certain residential properties to determine whether the balcony satisfies the requirements of the International Building Code. The bill also outlines that municipalities must prohibit use of an unsatisfactory balcony until the balcony meets the applicable standards.

H.4737 SALE AND REGULATION OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE, PRESCRIPTION DRUGS Rep. Spires

This bill outlines that medications containing ephedrine, pseudoephedrine or phenylpropranolamine only may be sold upon the prescription of a physician or a person licensed who has prescriptive authority.

WAYS AND MEANS

S.293 TAX INCREASE AUTHORIZED FOR THE MURRELL'S INLET-GARDEN CITY FIRE DISTRICT Sen. Cleary

This bill revises provisions for the levy and collection of taxes in the Murrell's Inlet-Garden City Fire District, so as to authorize the levy and collection of an additional four mills.

H.4649 TAX ASSESSMENT AND PAYMENT ERRORS Rep. Toole

This bill revises provisions relating to the four percent special assessment ratio for owner-occupied residential property, so as to provide that, in certain situations, if a person receives the four percent assessment ratio when the person was not eligible, any payment in error is considered partial payment and the person owes the balance at the correct assessment ratio plus a penalty on the balance. The legislation revises provisions relating to the time limitation on the assessment of taxes and fees, so as to disallow assessments after thirty-six months, and to provide that a taxpayer may make a claim for a refund on real property within three years of payment instead of two years.

H.4652 FAMILY INDEPENDENCE BENEFIT PAYMENTS RESTRICTIONS

Rep. Toole

This bill require the use of electronic benefit transfers for monthly Family Independence Benefit payments except in limited circumstances. A recipient is prohibited from accessing benefits in a liquor store, casino, gambling casino, gaming establishment, or a

retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. The legislation establishes measures to prevent Family Independence recipients from using these benefit payments to make prohibited purchases.

H.4653 MANAGEMENT OF FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BY THE DEPARTMENT OF SOCIAL SERVICES Rep. Toole

This bill requires the state Department of Social Services to manage the federal Supplemental Nutrition Assistance Program (SNAP) and to issue benefit cards that include a photograph and other identifying information of the person authorized to use the card.

H.4660 SALES TAX REVENUE FROM DISTRIBUTION FACILITIES THAT BECOME TAXABLE DEDICATED TO ROAD AND BRIDGE IMPROVEMENTS Rep. Forrester

This bill revises a provision that there is no tax nexus for state sales tax purposes for certain distribution facilities, so as to provide that upon the inapplicability of this tax nexus provision, any sales tax revenue resulting from the inapplicability must be credited to the State Highway Fund to be used exclusively for road and bridge improvement.

H.4661 MOTORSPORTS ENTERTAINMENT COMPLEX BEER, WINE, AND ALCOHOLIC LIQUOR LICENSES Rep. Lucas

This bill provides that the owner of a "motorsports entertainment complex" located in this state or his designee may apply for and be issued an annual license which authorizes the purchase, sale, and consumption of beer and wine at any occasion held on the grounds of the complex year round on any day of the week. The legislation provides for the terms and conditions for this annual license, including the fee, and to provide for other matters relating to the administration of this license and applicable alcoholic beverage control laws in connection with its use. The legislation provides that the owner of a "motorsports entertainment complex", or his designee, also may be issued, upon application, an annual license that authorizes the purchase, sale, and consumption of alcoholic liquors by the drink at any occasion held on the grounds of the complex under the same specified terms and conditions as provided for beer and wine permits.

H.4735 ESTABLISHING IN-STATE TUITION STATUS AT PUBLIC HIGHER EDUCATION INSTITUTIONS Rep. Rutherford

This bill provides that a student must be exempt from paying out-of-state tuition at a public institution of higher education in South Carolina and must be eligible for certain state-sponsored scholarships and tuition assistance if he attended a high school in this state for three or more years, graduated from a high school in the state or received the equivalent of a high school diploma in this state, registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2014-2015 academic year, and, if lacking lawful immigration status, files an affidavit with the institution stating he has filed an application to legalize his immigration or will file an application when eligible. The legislation provides a student who is eligible for a state-sponsored scholarship or tuition assistance under this legislation also must meet other qualifications of the state-sponsored scholarship or

tuition assistance to receive the scholarship or tuition assistance. Student information obtained in the implementation of this legislation must be confidential. The Commission on Higher Education shall adopt rules and regulations necessary to effectuate these provisions

H.4741 *DISABLED VETERAN VEHICLE PROPERTY TAX EXEMPTION EXTENDED TO SURVIVING SPOUSE* Rep. Daning

This bill extends the property tax exemption on two private passenger vehicles owned or leased by a disabled veteran so that it also applies to the surviving spouse.

H.4752 *REQUIRED PARTICIPATION IN WELLNESS PROGRAMS AND HEALTH INSURANCE PREMIUM INCREASES FOR THOSE WITH POOR HEALTH BEHAVIORS* Rep. Cobb-Hunter

This bill revises provisions relating to health insurance by requiring persons with poor health behaviors such as smoking or excessive body mass indexes (BMI) are required to participate in wellness programs sponsored by the Department of Health and Environmental Control. If there is no improvement in the health behaviors after one year, the insured is required to participate in the cost of the premium not to exceed 0.05 percent of their annual income. The legislation requires the South Carolina Department of Health and Human Services to request a related waiver from the federal government for persons within a certain percentage of the federal poverty level and to establish relationships with qualified health plans to provide access to federal funds under the federal Affordable Health Care Act to cover low income families.

H.4758 *"FAIRNESS IN LODGING ACT"* Rep. H. A. Crawford

This bill enacts the "Fairness In Lodging Act" to allow municipalities and counties by ordinance to implement additional enforcement provisions for the business license tax and the local accommodations tax as those provisions apply to the owners of residential real property who rent the property to tourists, including data sharing with the South Carolina Department of Revenue, specific notice to property owners included in property tax bills, an additional penalty that may be imposed for noncompliance after the receipt of such a notice, and directions to the South Carolina Department of Revenue to identify "rental by owner" websites advertising tourists rentals and request them to post on the websites a statement regarding the legal obligations of the owners of property in this state listed on the website, to pay all applicable local and state taxes and fees with respect to such rentals.

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.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "TRACK LEGISLATION" (ON THE VERTICAL MENU BAR).