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Legislative update

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Download date	2024-11-02 07:31:22
Link to Item	http://hdl.handle.net/10827/10330



South Carolina House of Representatives

Legislative Update

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

Vol. 28

May 3, 2011

No. 15

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives adopted the conference committee report on **H.3003**, a bill establishing a **PHOTOGRAPH IDENTIFICATION REQUIREMENT FOR VOTING**. This legislation requires the State Elections Commission to implement a system for issuing voter registration cards with a photograph of the elector to be used for voting purposes only. Under the legislation, when a person presents himself to vote he is required to produce photograph identification in the form of a valid and current: South Carolina driver's license, other form of identification containing a photograph issued by the Department of Motor Vehicles (DMV), passport, military photo identification issued by the federal government, or South Carolina voter registration card containing a photograph. The legislation requires one of the poll managers to compare the photograph contained on the required identification with the person presenting himself to vote and verify that the photograph is that of the person seeking to vote. If the elector cannot produce the required identification, he may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the county board of voter registration and elections before certification of the election by the county board of canvassers. If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the legislation establishes a process allowing the elector to cast a provisional ballot. The legislation provides an alternate process of affirming identity through completing an affidavit under penalty of perjury at the polling place and casting a provisional ballot in situations where an elector has a religious objection to being photographed or suffers from a reasonable impediment that prevents the elector from obtaining photograph identification. The legislation requires the DMV to issue a special identification card to a person who is at least seventeen years old at no charge; currently, there is a fee for the issuance of this special identification card. A special identification card may be issued for individuals between the ages of five and sixteen for a five dollar fee. The State Election Commission is required to establish a voter education program concerning the new provisions, train poll workers on the changes, and provide notification to registered electors who have not been issued a driver's license or identification card. The legislation also codifies factors to consider in determining a person's intention regarding domicile for voting purposes.

The House concurred in Senate amendments to **H.3562**, the "**ALL-TERRAIN VEHICLE SAFETY ACT**" also known as "**CHANDLER'S LAW**", and enrolled the bill for ratification. The legislation provides that it is unlawful for the parents or legal guardian of a person less than six years old to knowingly permit that person to operate an all-terrain vehicle (ATV). The legislation further provides that it is unlawful for a parent or legal guardian of a person without a driver's license and less than sixteen years old to knowingly allow that person to carry a passenger while operating an ATV. Under the bill, it is unlawful to remove from an ATV the required manufacturer Age Restriction Warning Label or for a parent or legal guardian of a person less than sixteen years of age to knowingly allow that person to operate an ATV in violation of the Age Restriction Warning Label affixed by the manufacturer. A person fifteen years of age or younger may not operate, ride, or otherwise be propelled on an all-terrain vehicle within the state unless the person wears a safety helmet. Effective July 1, 2011, every person fifteen years old and younger who operates an all-terrain vehicle must possess a safety certificate indicating successful completion of 'hands-on' all-terrain vehicle safety course approved by the All-Terrain Vehicle Safety Institute. The legislation establishes

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additional restrictions for the operation of ATVs on lands open to the public. The legislation provides that all-terrain vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2011. A violation of the All-Terrain Vehicle Safety Act is a misdemeanor subject to a fine of not less than fifty nor more than two hundred dollars. The All-Terrain Vehicle Safety Act does not apply to: an owner, operator, lessor, or renter of a farm or ranch, or that person's employees, immediate family, or household members, when operating an all-terrain vehicle while engaged in farming, wildlife habitat management, or ranching operations; a person using an all-terrain vehicle for lawful hunting or trapping purposes if the person otherwise is lawfully engaged in those activities; or a minor younger than sixteen years of age, but not younger than six years of age who is operating an all-terrain vehicle under the direct visual supervision of his parent or an individual with legal custody of the minor on private property. The legislation also establishes procedures for the titling of ATVs.

The House approved and sent to the Senate **H.3488**, a bill **REVISING SALES TAX PROVISIONS**. This legislation revises the sales tax exemption for durable medical equipment by eliminating the provisions that phase in the exemption contingent upon sufficient revenue growth. The legislation revises sales and use tax provisions, so as to provide further for those instances where sales and use tax applies in connection with warranties and service maintenance contracts sold in connection with the sale of tangible personal property. However, the House rejected an amendment to the bill relating to the Amazon.com distribution facility proposed for Lexington County that would have established a temporary exemption from collecting state sales and use taxes for a distribution center meeting minimum job creation requirements and other criteria.

The House approved and sent to the Senate **H.3226**, the "**SOUTH CAROLINA REGULATORY REFORM ACT**". The legislation provides that neither the General Assembly nor a committee of the General Assembly may amend or otherwise change the language of a regulation submitted for General Assembly review, and only the agency that submitted the regulation may make these changes. The legislation revises the legislative review process for proposed regulations by eliminating provisions that allow for an automatic approval and requiring, instead, that a proposed regulation receive an affirmative vote from a majority of members voting in the House of Representatives and Senate in order to become effective.

The House amended, approved, and sent to the Senate **H.3051**, a joint resolution **PROHIBITING ADMINISTRATIVE FEE AND FINE INCREASES THAT ARE NOT AUTHORIZED BY THE GENERAL ASSEMBLY**. The legislation provides that no state agency, department, or entity by regulation may administratively increase or implement a fee for performing a service or function, or a civil penalty or fine for failure to comply with a requirement or provision of law under its jurisdiction without the specific approval of the General Assembly by joint resolution on a recorded roll call vote. The restriction expires on July 1, 2012, unless reauthorized by the General Assembly. Exemptions are provided including fees and fines imposed by higher education institutions, the Department of Parks, Recreation, and Tourism, and federal mandates.

The House amended, amended, approved, and sent to the Senate **H.3456**, a bill that creates the **FEDERAL AND OTHER FUNDS OVERSIGHT COMMITTEE** to review revenues received by a state agency that are not general funds appropriated by the General Assembly in an appropriations act. The legislation establishes the membership of the eight-member joint legislative committee and charges the committee with

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examining the source of other funds in this state and recommending to the General Assembly the appropriate policy for the receipt, appropriation, expenditure, and reporting of federal and other funds. The legislation requires all agencies to cooperate with the committee and provides for the State Budget Office to notify the committee of any request for an increase in interim budget authorization.

The House amended, approved, and sent to the Senate **H.3762**, a bill revising provisions governing the **UNEMPLOYMENT INSURANCE TRUST FUND**. The legislation provides that, in a year in which the fund is in debt status, the Department of Employment and Workforce, amongst other estimates, must estimate the amount of income necessary to repay all outstanding federal loans within eight years, rather than five years. For purposes of unemployment compensation benefit contributions required of employers, if an employer has a positive fund balance for a period of at least one year in its account, it may not be classified in Rate Class 13 or higher. No North American Industry Classification System code 5613 employer base rate may be less than the rate applicable for rate class thirteen until there have been twelve consecutive months of coverage after first becoming liable for contributions under Chapters 27 through 31. All new employers for purposes of unemployment compensation benefits contributions required of employers must be classified in Rate Class 12. The legislation establishes new unemployment insurance claims provisions for seasonal employment.

The House amended, approved, and sent to the Senate **H.3617**. The bill requires a **COMPREHENSIVE REVIEW OF SEWAGE SYSTEMS OR TREATMENT WORKS FACILITIES AS A RESULT OF SIGNIFICANT SPILLS**. Operators of wastewater treatment systems must notify the Department of Health and Environmental Control of any significant spill orally within twenty-four hours and by written submission within five days. As a result, DHEC must determine whether the responsible wastewater utility has had more than two significant spills per one hundred miles of its sewage collection system, in the aggregate and excluding private service laterals, during the twelve-month period up to and including the date of the significant spill. If more than two significant spills happened during a twelve month period, DHEC must require the utility to complete a comprehensive review of the system, or if appropriate, update the approved Capacity, Management, Operations and Maintenance Plan. All wastewater utilities are required to provide public notice of any significant spill of five thousand gallons or more within twenty-four hours of the discovery.

The House approved and sent to the Senate **H.3527**. This legislation provides that it is **UNLAWFUL FOR AN INMATE TO BE A MEMBER OF ANY INTERNET-BASED SOCIAL NETWORKING WEBSITE**. An inmate who joins an Internet-based social networking website or a person who establishes an account with an Internet-based social network website for an inmate is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars, or imprisoned not more than 30 days, or both.

The House amended, approved, and sent to the Senate **H.3163**, relating to **MOPEDS**. This bill revises the definition of the term "motor vehicle" in Section 56-5-130 so as to include mopeds in the term's definition. The bill also revises the definition of the term "motorcycle" in Section 56-5-140 so as to exclude mopeds in the term's definition.

The House amended, approved, and sent to the Senate **H.3342**, relating to the **OFFICE OF MOTOR VEHICLE HEARINGS OF THE ADMINISTRATIVE LAW COURT**. Among other things, this bill replaces the term "administrative hearing" with the term "contested

hearing" with regards to certain hearings before the Office of Motor Vehicles. The bill also increases the filing fee for a contested case from \$150 to \$200. Funds generated from the collection of this fee must be retained by the Administrative Law Court, provided however, that these funds must first be used to meet the expenses of the Office of Motor Vehicle Hearings, including the salaries of its employees, as directed by the chief judge of the Administrative Law Court. The legislation provides that the Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings. Failure on the part of the Department of Motor Vehicles or the arresting officer to appear at the contested case hearing shall result in rescission of the suspension of the person's license, permit, or nonresident's operating privilege by hearing officer regardless of whether the person requesting the contested case hearing or his attorney appears at the contested case hearing.

The House amended and gave second reading approval to **H.3035**, legislation which makes revisions pertaining to the **SCHOOL CALENDAR**. This legislation allows a local school district to establish its calendar based on a statutory term of 180 days of instruction or the equivalent number of instructional hours. Other references pertaining to the statutory school term are also updated to reflect not just days but an equivalent number of hours. Among other things, this legislation provides that the statutory school term consists of a minimum of 180 days of instruction or the equivalent of 1,170 instructional hours and ten additional days or the equivalent of 60 hours for secondary schools or 1,080 hours and ten additional days or the equivalent of 60 hours for elementary schools. A local school district shall schedule ten additional days or the equivalent of 60 hours: three days or 18 hours must be used for professional development; two days may be used for the opening of schools; and five days may be used for teacher planning, academic plans and parent conferences.

The House amended, approved, and sent to the Senate **H.3663**, legislation authorizing certain **TEMPORARY COST SAVING MEASURES IN K-12 EDUCATION**. The joint resolution provides for the temporary suspension of certain requirements including certain testing and requirements for providing printed copies of district and school report cards the State Department of Education

The House approved and sent to the Senate **H.3986**, relating to the **RETENTION OF SCHOOL FACILITIES FUNDS**. This joint resolution provides that a school district that has received school facilities funds pursuant to Section 59-21-430 that are set to lapse on or before June 30, 2011, may retain those funds and use them for the same purposes until June 30, 2012.

The House approved **S.686** and enrolled the joint resolution for ratification. This is a joint resolution to **CLARIFY THE SCIENCE COURSE REQUIREMENT FOR RECEIVING A SOUTH CAROLINA HIGH SCHOOL DIPLOMA**. For the graduation classes of 2011 and 2012, this legislation provides that students who earn a unit of credit in either biology or physical science shall count that course credit as the required science course for graduation purposes.

The House approved and sent to the Senate **H.3720**, a bill revising **ECONOMIC DEVELOPMENT INCENTIVES**. The legislation revises the jobs tax credit requirements of a qualifying service-related facility by decreasing the required numbers of new jobs produced in order for a facility to qualify for the credit. The legislation expands eligibility for the jobs tax credit for a technology intensive facility to include data processing, computer facilities management, other computer-related services, and multi-use

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facilities. 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.

The House amended, approved, and sent to the Senate H.3194, a bill allowing a maximum three thousand dollar a year **STATE INCOME TAX DEDUCTION FOR VOLUNTEER STATE CONSTABLES** designated by the State Law Enforcement Division. The legislation establishes eligibility requirements for this deduction.

The House approved and sent to the Senate H.3346, a bill authorizing a state **TAX CREDIT FOR THE INSTALLATION OF SOLAR ENERGY EQUIPMENT** in an amount equal to thirty-five percent of the amounts for specific types of installations. The legislation provides that the credit is authorized against state tax liability that includes income taxes, corporate license taxes, bank and building and loan taxes, and insurance premium taxes.

The House amended approved and sent to the Senate H.3657. This bill establishes minimum continuing education course requirements for **COUNTY TAX COLLECTORS**. The legislation authorizes a county forfeited land commission to refuse to accept title to property when refusal is in the public interest. The legislation revises provisions relating to delinquent tax sales, so as to provide for the sales date and to increase from three hundred to five hundred dollars the damages for which a defaulting bidder is liable.

The House amended, approved, and sent to the Senate H.3650. This bill revises provisions relating to **CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE** and the prorated property tax refund due on that cancellation.

The House approved and sent to the Senate H.4139, a bill designating the first Thursday in May of each year as the **STATE DAY OF PRAYER**.

The House approved and sent to the Senate H.4108. This bill **INCLUDES THOSE WHO SUFFER FROM ALZHEIMER'S DISEASE OR DEMENTIA WITHIN THE RESTRICTIONS PLACED ON TERMINATING ELECTRIC AND NATURAL GAS SERVICE FOR SPECIAL NEEDS ACCOUNT CUSTOMERS**.

The House amended, approved, and sent to the Senate H.3470, regarding the **USE, SALE, OR MANUFACTURE OF CLEANING AGENTS CONTAINING PHOSPHATES**. The bill adds household and commercial dishwashing detergent to the cleaning products included in the restriction on phosphates. The provision does not restrict sale by a retailer of a household dishwashing detergent product from inventory existing and in stock at the retailer on July 1, 2012. The provisions relating to household dishwashing

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detergent take effect July 1, 2012. The provisions relating to commercial dishwashing and laundry detergent and industrial cleaners take effect on July 1, 2013.

The House amended, approved, and sent to the Senate **H.3730**, relating to **COMMERCIAL FUR LICENSES**. Among many things, this bill states in addition to a valid state hunting licenses, 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. In addition, 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 legislation also provides that there is no closed season for hunting or taking coyotes with weapons.

The House amended, approved, and sent to the Senate **H.4089**, a bill that establishes conditions under which a **HOSPITAL PUBLIC SERVICE DISTRICT IS AUTHORIZED TO ENTER INTO AGREEMENTS WITH OTHERS FOR THE DELIVERY OF HEALTH CARE SERVICES** within the district's boundaries and to transfer assets and liabilities as approved by the district's governing body.

The House approved and sent to the Senate **H.3750**, which 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.

The House approved and sent to the Senate **H.3895**, a bill relating to **APPEARANCE BONDS**. This legislation provides that unless a bench warrant is issued, an appearance recognizance or an appearance bond is discharged upon adjudication, a finding of guilt, a differed disposition, or as otherwise provided by law. An appearance bond is valid for a period of three years from the date the bond is executed for a charge triable in circuit court and eighteen months from the date the bond is executed for a charge triable in magistrates or municipal court. In order for the surety to be relieved of liability on the appearance bond when the time period has run, the surety must provide 60 days written notice to the solicitor, when appropriate, and the respective clerk of court, chief magistrate, or municipal court judge with jurisdiction over the offense of the surety's intent to assert that the person is no longer subject to a valid appearance bond. If the appropriate court determines the person has substantially complied with his court obligations and the solicitor does not object within the required 60 days by demanding a hearing, the court shall order the appearance bond converted to a personal recognizance bond and the surety relieved of liability.

The House approved and sent to the Senate **H.4061**. Relating to **PROBATE PROCEEDINGS TO DETERMINE A DECEDENT'S INTENT REGARDING THE APPLICATION OF CERTAIN FEDERAL TAX FORMULAS**, this legislation imposes certain time limits on the availability of these proceedings. The legislation provides that a personal representative, trustee, or any affected beneficiary under a will, trust, or other instrument of a decedent who dies or did die after December 31, 2009, and before January 1, 2011, may, before December 31, 2012, bring a proceeding to determine the decedent's intent when the will, trust, or other instrument contains a formula that is based on the federal estate tax or generation-skipping tax.

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The House approved and sent to the Senate H.3792. This legislation provides that a person shall not operate a **VESSEL DISPLAYING, OR USING A ROTATING, STROBING, FLASHING, OR INTERMITTENTLY REFLECTING BLUE LIGHT** consistent with those used by a law enforcement agency unless a duly commissioned law enforcement officer is on board. The operator of a vessel being approached by a vessel flashing a blue light with a law enforcement officer on board shall stop or maneuver in a way as to permit boarding, so far as possible without endangering his vessel, and not begin normal movement again until directed by the law enforcement officer or until the vessel flashing a blue light has cleared the immediate area. The operator of a vessel approaching an area where a vessel flashing a blue light with a law enforcement officer on board is located or patrolling shall slow his vessel to a no wake speed and shall maintain the speed until clear of the area. A person violating these provisions is guilty of a misdemeanor and, upon conviction, must be fined not less than \$25 nor more than \$500, or imprisoned not more than 30 days for each violation.

The House approved and sent to the Senate H.3864 and H.3865, which together modernize the laws pertaining to **FRESHWATER GAME AND FISH** to be more consistent and user-friendly. These laws have not been updated in over thirty years. These revisions do not affect private ponds.

The House amended, approved, and sent to the Senate H.3687. This bill limits the state's prohibition on the display a wild caught or captive bred **MARINE MAMMALS** so that it applies only to the order Cetacean (dolphins and whales).

The House approved and sent to the Senate H.3873, a bill revising the times, size and take limits for **HERRING SEASON**.

The House approved and sent to the Senate H.3772, regarding **LANDPLASTER**, a byproduct of the coal industry. The legislation adds landplaster to the "South Carolina Agricultural Liming Materials Act". Landplaster is defined as a product consisting chiefly of calcium sulfate with two combined water molecules and is incapable of neutralizing soil acidity. This inexpensive form of calcium can be classified as an agricultural liming material and is mainly used by peanut farmers. Landplaster can be used instead of fertilizer which will significantly reduce the cost per ton for the peanut farming industry. The legislation outlines certain reporting requirements as well as requirements for the sale and use.

The House approved and sent to the Senate H.3744, dealing with professional **SOIL CLASSIFIERS** licensed under the Department of Labor, Licensing and Regulations. The bill revises the exemptions for the profession to exclude, not limited to, officers and employees of the United States, the State, and units of local government who practice soil science solely in the capacity of their office or employment and officers and employees of companies engaged in the practice of soil science, when the officers and employees practice soil science solely in the capacity of their employment and who do not offer their services to the public for hire.

The House approved S.523 and enrolled the bill for ratification. This bill **AUTHORIZES JOINT COUNTY FIRE DISTRICTS TO ISSUE GENERAL OBLIGATION BONDS**.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The full committee did not meet this week.

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, April 26, 2011, and reported on the following bills:

The full committee gave a favorable recommendation to **S.109**, regarding the “**REFLEX SYMPATHETIC DYSTROPHY SYNDROME EDUCATION ACT**”. The legislation requires the Department of Health and Environmental Control to establish a program to promote awareness of the syndrome and the importance of early detection, diagnosis, and treatment. “Reflex Sympathetic Dystrophy Syndrome” means a neurologic syndrome of unknown etiology characterized by severe burning pain, pathological changes in bone and skin, tissue swelling, and extreme sensitivity to touch, that, if untreated, results in permanent deformity and chronic pain. The bill also provides guidelines for the program.

S.232, relating to a **HEALTH CARE FACILITY**, was given a favorable recommendation by the full committee. The bill adds narcotic treatment programs in the definition of Health Care Facility, requiring these programs to obtain a certificate of need approval.

The full committee gave a favorable report to **S.445**, relating to the **CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS**. This bill deletes the notification provision, which required the Department of Health and Environmental Control to notify the school district superintendent and school nurse if a minor is attending a school in the district and has Acquired Immunodeficiency Syndrome or is infected with the Human

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Immunodeficiency Virus. The bill adds that by January 1, 2012, each school district shall adopt the Centers for Disease Control and Prevention (CDC) recommendations on universal precautions for blood borne disease exposure and shall communicate written notice of these procedures to each school within the district.

S.590 was given a favorable recommendation by the full committee. This joint resolution establishes the **GEROPSYCHIATRIC DISTRICT PART UNIT PILOT PROJECT**. The project will assess the provision of care for a defined population of patients at least sixty-five years old and in need of psychiatric crisis stabilization services. The pilot project shall be conducted at two Critical Access Hospitals (CAHs) in the State and must be coordinated between the South Carolina Department of Health and Environmental Control (DHEC) and the South Carolina Department of Mental Health. To the extent practicable, the CAHs must be located in different regions of the State with differing racial and socioeconomic demographics. A CAH desiring to participate in this pilot project shall apply to DHEC by July 1, 2012.

The full committee gave a favorable report to **H.3750**, which 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.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.741 COYOTE HUNTING Sen. Martin

The Department of Natural Resources may issue depredation permits for taking coyote and may establish when and the methods that they may be taken, including taking them at night.

S.823 OFFICIAL STATE VEGETABLE Sen. Knotts

The bill outlines "collard greens" as the official vegetable of the state.

H.4118 MORATORIUM ON PERMITS FOR TROUT RIVER CROSS VANES ON THE SOUTH SALUDA RIVER Rep. Corbin

This joint resolution imposes a moratorium on permits to construct in navigable waterways issued by the Department of Health and Environmental Control concerning trout river cross vanes on the South Saluda River. The moratorium must remain effective until a study of the impact that cross vanes have on erosion is completed.

H.4141 WILD TURKEY HUNTING SEASON Rep. Corbin

This bill provides that the hunting season for wild turkey for Game Zones One and Two is March 15 through May 1 inclusive.

EDUCATION AND PUBLIC WORKS

S.594 TEMPORARY WORK ZONES Sen. Grooms

This legislation provides that a temporary work zone area is an area on or adjacent to a roadway identified by orange work zone signs or equipment with flashing lights, and the presence of workers on the scene.

H.4144 DISPLAY OF THE NATIONAL LEAGUE OF POW/MIA FAMILIES' POW/MIA FLAG AT STATE WELCOME CENTERS Rep. Brannon

This legislation provides that the Department of Transportation shall display permanently on the grounds of the State's welcome centers the National League of POW/MIA Families' POW/MIA Flag and a memorial plaque that honors military personnel that are prisoners of war or missing in action.

H.4147 COLLECTORS CARS Rep. Nanney

This legislation allows the Department of Motor Vehicles to issue temporary dealer's licenses for the exhibition and sale of "collector cars". The term "collector cars" means

vehicles which are at least 25 years old or vehicles which have appreciating value because of their rarity, originality, or limited production.

**H.4157 PILOT PROJECT WITHIN THE DEPARTMENT OF EDUCATION TO
STUDY THE USE OF BIOFUEL AND OTHER ALTERNATIVE FUELS
TO POWER PUBLIC SCHOOL BUSES Rep. R. L. Brown**

This legislation provides that the State Superintendent of Education shall create a pilot project within the South Carolina Department of Education to study the use of biofuel, and other alternative fuels to power public school buses operating in the State. The focus of the project is the development of a program to: (1) improve air quality for passengers and the public in the acquisition of future school buses and retrofitting existing school buses with emission control devices; and (2) increase fuel efficiency and lower energy costs and consumption. The State Superintendent of Education shall submit his recommendations on an annual basis to the Chairman of the House Education and Public Works Committee, and the Chairman of the Senate Transportation Committee regarding the feasibility of using alternative fuels to power the State's public school buses. The pilot project shall begin on or before July 1, 2011.

JUDICIARY

S.420 REGULATIONS Sen. McConnell

If the underlying federal law which constituted the basis for the exemption of a regulation from General Assembly review is vacated, repealed, or otherwise does not have the force and effect of law, this legislation provides that the state regulation is deemed repealed and without legal force and effect as of the date the promulgating state agency publishes notice in the State Register that the regulation is deemed repealed. The agency must publish the notice in the State Register no later than 60 days from the effective date the underlying federal law was rendered without legal force and effect. Upon publication of the notice, the prior version of the state regulation, if any, is reinstated and effective as a matter of law. The notice published in the State Register shall identify the specific provisions of the state regulation that are repealed as a result of the invalidity of the underlying federal law and shall provide the text of the prior regulation, if any, which is reinstated. The agency may promulgate additional amendments to the regulation by complying with the applicable requirements.

S.592 REVISIONS TO MILITARY CODE Sen. Hayes

This legislation makes numerous revisions to the Military Code.

**S.262 APPOINTMENTS, RESTRUCTURING REPORTS AND LEGISLATIVE
OVERSIGHT OF EXECUTIVE DEPARTMENTS Sen. Sheheen**

Among other things, this legislation (1) includes factors to be considered in making an appointment for a governing authority of a department; (2) requires reports from departments, agencies and the Governor as to recommendations for restructuring of divisions, programs or personnel; and (3) includes provisions for legislative oversight of executive departments.

S.694 REMEDIES FOR AN EMPLOYEE CHARGING CERTAIN UNLAWFUL DISCHARGE OR DISCRIMINATION RELATED TO HIS INVOLVEMENT IN COMPLAINTS OR PROCEEDINGS CONCERNING HEALTH AND OCCUPATIONAL SAFETY LAW Sen. Bryant

This legislation relates to remedies for an employee charging certain unlawful discharge or discrimination related to his involvement in complaints or proceedings concerning health and occupational safety law. This legislation provides when a private sector employee makes these allegations to the Director of the Department of Labor, Licensing and Regulation, the director shall immediately forward the complaint to the United States Department of Labor whistleblower program. Any public sector employee believing that he has been discharged or otherwise discriminated against by any person in violation of Section 41-15-510 may proceed with a civil action pursuant to the provisions contained in Chapter 27, Title 8.

S.848 EARLY VOTING PROCEDURES Sen. Scott

This legislation provides for early voting centers. Each county board of registration and elections is required to establish one early voting center and may establish up to three early voting centers. Each early voting center must be supervised by election commission employees. A qualified elector may cast no more than one ballot, without excuse, during an early voting period for all elections. The early voting period begins eleven days before an election and ends three days prior to the election. The county board of registration and elections must determine the hours of operation and location for an early voting center. However, the early voting center must be open for two Saturdays within the early voting period for statewide primaries and general elections. The legislation requires the posting of a sign at an early voting center warning about the criminal penalty for voting more than once. The executive director of the State Election Commission shall enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.

H.4127 REMEDIES FOR AN EMPLOYEE CHARGING CERTAIN UNLAWFUL DISCHARGE OR DISCRIMINATION RELATED TO HIS INVOLVEMENT IN COMPLAINTS OR PROCEEDINGS CONCERNING HEALTH AND OCCUPATIONAL SAFETY LAW Rep. Sandifer

This legislation relates to remedies for an employee charging certain unlawful discharge or discrimination related to his involvement in complaints or proceedings concerning health and occupational safety law. This legislation provides when a private sector employee makes these allegations to the Director of the Department of Labor, Licensing and Regulation, the director shall immediately forward the complaint to the United States Department of Labor whistleblower program. Any public sector employee believing that he has been discharged or otherwise discriminated against by any person in violation of Section 41-15-510 may proceed with a civil action pursuant to the provisions contained in Chapter 27, Title 8.

H.4128 GOLD AND SILVER AS LEGAL TENDER / ESTABLISHMENT OF THE JOINT COMMITTEE FOR THE ADOPTION OF AN ALTERNATIVE FORM OF CURRENCY Rep. Pitts

This legislation provides that gold or silver coin, or both shall be legal tender in this State for payment of certain debts. The legislation also establishes a Joint Committee for the Adoption of an Alternate Form of Currency. The committee must make a detailed and careful study of the need, means, and schedule for establishing an alternate currency within the State of South Carolina. The legislation includes provisions for the

membership and duties of the committee. The committee must make its report to the General Assembly and Governor by June 30, 2012, at which time the committee will be dissolved. These findings and recommendations must be published and made available to the public.

H.4129 METALS Rep. Hodges

Relating to the criminal offense of damaging real or personal property for the purpose of obtaining nonferrous metals, this legislation includes ferrous metals in this criminal offense. Under the legislation, the term “ferrous metals” means metals containing significant quantities of iron or steel including, but not limited to, stainless steel beer kegs and containers. Among other things, this legislation eliminates a misdemeanor offense with \$2,000 as the maximum amount of property damage involved in the offense. The legislation revises property damage amounts for the remaining felony penalties. Relating to purchasing, recordkeeping, and hold notice requirements for purchasers of nonferrous metals and criminal penalties for violations, this legislation includes the purchase of ferrous metals in these requirements. The legislation also requires secondary metals recyclers to register with the Department of Labor, Licensing and Regulation. The legislation establishes registration and eligibility requirements, provides criminal penalties for failing to register, and authorizes sanctions and administrative penalties for violations.

**H.4154 “AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT
BY NATIONAL POPULAR VOTE” Rep. Barfield**

This legislation enacts into state law the “Agreement among the States to Elect the President by National Popular Vote.” The legislation also repeals sections relating to presidential electors.

LABOR, COMMERCE AND INDUSTRY

S.693 APPEALS FROM A STATE FIRE MARSHAL Sen. Bryant

This bill revises provisions relating to order and appeals from a state fire marshal, to increase the amount of time that an occupant or owner may appeal the decision of a deputy or resident fire marshal from twenty-four hours to thirty days. The legislation provides that the State Fire Marshal’s decision must be filed within ten days of receiving the notice of appeal.

**S.705 “UNDERGROUND FACILITY DAMAGE PREVENTION ACT”
Sen. Rankin**

This bill creates the “Underground Facility Damage Prevention Act” to impose notification requirements and other regulations upon excavation and demolition activities to protect the integrity of underground lines, systems, and infrastructure used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, or sewerage.

**S.766 ELECTRIC COOPERATIVES AUTHORIZED TO ADVOCATE ENERGY
EFFICIENCY AND RENEWABLE ENERGY INITIATIVES Sen.**

McConnell

This bill revises provisions relating to distribution of excess revenue to South Carolina’s electric cooperatives’ members, so as to allow South Carolina electric cooperatives to

advocate energy efficiency and renewable energy initiatives in this state and to provide clarity to patronage capital procedures. The legislation removes electric cooperative patronage capital from provisions of the Uniform Unclaimed Property Act.

H.4117 JOINT REGIONAL WATER ASSOCIATION GOVERNANCE

Rep. Bowen

This bill provides that each entity, including political subdivisions, in a county providing water service to at least seven thousand customers which is part of a joint regional water association and obtains its water, in whole or in part, from a regional producing center shall have a special water board to perform the function of establishing water rates for the entity based on certain factors. The legislation provides for the membership of the board and other functions it shall perform.

H.4119 DECEPTIVE OR MISLEADING ADVERTISEMENT OF A MUSICAL PERFORMANCE

Rep. G. A. Brown

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

H.4120 CONTINUING EDUCATIONAL REQUIREMENTS FOR PROFESSIONAL

BONDSMEN Rep. King

This bill revises continuing educational requirements for professional bondsmen by changing the six-hour annual continuing education requirement to a three-hour biennial requirement.

H.4121 REGULATION OF PROFESSIONAL BONDSMEN

Rep. King

This bill provides for the regulation of professional bondsmen by the Department of Labor, Licensing and Regulation.

H.4153 TEMPORARY MOTORCYCLE DEALER'S LICENSE

Rep. Atwater

This bill revises provisions governing the issuance of motorcycle dealer and wholesaler licenses by the Department of Motor Vehicles, so as to provide for the issuance of a temporary dealer's license that allows a holder to sell motorcycles and their related products at fairs, recreational or sports shows, vacation shows, and other similar events or shows.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.494 DENTISTS AND DENTAL HYGIENISTS

Sen. Cleary

An intern or a resident enrolled in an oral surgery training program at an accredited institution of higher education is authorized to treat conditions required by the training program under the supervision of a licensed physician or licensed dentist. This treatment may include prescribing appropriate drugs or services under the supervision of a licensed physician or dentist. The bill also adds that a pharmacist may fill a prescription issued by an intern or resident during the course of a training program.

S.588 “STROKE PREVENTION ACT OF 2011” Sen. Jackson

This bill requires the Department of Health and Environmental Control to identify hospitals as primary stroke centers and stroke enabled centers through telemedicine. The bill establishes a Stroke System of Care Advisory Council to be appointed by DHEC director. The Council must be as geographically diverse as possible and composed of, but not limited to, knowledgeable and experienced individuals. The Council, in consultation with the DHEC’s Division of Heart Disease and Stroke Prevention and the Division of Emergency Medical Services, is responsible for developing and implementing the statewide system of stroke care. This legislation is a result of the recommendations of the Stroke System of Care Study Committee established in 2009.

S.687 “STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT” Sen. Scott

The bill addresses the definition of “mentally retarded” under this Act. It replaces “mentally retarded” with “persons with intellectual disability”.

S.793 TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW Sen. Alexander

This joint resolution temporarily suspends enforcement of certain provisions of the Medicaid Nursing Home Permit Law for the 2011-2012 fiscal year only. The bill also provides certain nursing home staffing standards in order to meet the 2011-2012 fiscal year appropriations.

H.4148 RESIDENTIAL TREATMENT FACILITY FOR CHILDREN AND ADOLESCENTS Rep. Limehouse

The Department of Health and Environmental Control must not issue a license for a residential treatment facility for children and adolescents unless the facility is at least one thousand feet from a school, childcare facility, park, public swimming pool, and mass transportation stop. A residential treatment facility for children and adolescents must not admit a child from another state or country to the facility if the child is or would be required to register with the sex offender registry.

WAYS AND MEANS

S.312 REVISIONS TO THE SOUTH CAROLINA FEDERAL AND OTHER FUNDS OVERSIGHT ACT Sen. Davis

This bill makes revisions to the South Carolina Federal and Other Funds Oversight Act. The legislation expands the definition of “matching funds” so that it includes not only general fund monies but also other fund monies that are used to meet federal match requirements. The legislation requires state agencies receiving federal funds to provide in budget submissions for the proposed budget details of conditions imposed on the state applicable to federal funds included in the agency’s budget submission. The legislation requires the recommended budget specifically to accept in detail those conditions when federal funds are included in the proposed budget. The legislation revises provisions governing the expenditure by a state agency of unanticipated federal funds and private grant funds not appropriated in appropriations acts, so as to require the agency’s submission of an expenditure proposal for the anticipated funds to the State Budget and Control Board to include the conditions imposed on the state’s receipt

and expenditure of the federal funds and, in authorizing the receipt and expenditure, the board's acceptance of the conditions.

S.560 STATE HEALTH AND DENTAL INSURANCE PLANS Sen. Fair

This bill includes special purpose districts providing sanitation services among the entities eligible to participate in the State Health and Dental Insurance Plans. The legislation directs the Employee Insurance Program of the Budget and Control Board to develop and implement, for employees and their spouses who are health plan participants, an incentive plan to encourage participation in programs that promote health and the prevention of disease. The Employee Insurance Program is further directed to implement a premium reduction or other financial incentive, beginning on January 1, 2012, for those employees and their spouses who participate in these programs.

S.844 PROPERTY TAX EXEMPTION FOR LEASEHOLD INTERESTS OWNED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY Sen.

Land

This bill exempts from property taxes all leasehold interests in real property owned by the South Carolina Public Service Authority.

H.4126 RESTRICTIONS ON THE USE OF STATE-OWNED MOTOR VEHICLES

Rep. Williams

This bill provides that a vehicle in the state motor pool or other state-owned motor vehicle used by a state agency or statewide officer only may be operated during the normal operating hours of the agency to which the vehicle is assigned unless the vehicle is being used to conduct an ordinary function of the agency. The legislation provides that a vehicle in the state motor pool or other motor vehicle used by a state agency may not be used to transport a state employee or state official between his residence and employment location. An exception is established for certain law enforcement and emergency response personnel.

H.4140 ADMISSIONS LICENSE TAX EXEMPTION FOR A QUALIFYING MOTORSPORTS ENTERTAINMENT COMPLEX Rep. Lucas

This bill codifies Section 5 of Act 313 of 2008, relating to a ten-year fifty percent exemption from the admissions license tax to a qualifying motorsports entertainment complex, as permanent law. The legislation revises the newly designated code section to provide that the exemption is instead one hundred percent of admissions tax to such a motorsport entertainment complex for five years.

H.4142 ELIGIBILITY OF STATE OR PUBLIC SCHOOL DISTRICT EMPLOYEES

WHO RETIRES ON DISABILITY TO PARTICIPATE IN STATE HEALTH AND DENTAL PLANS Rep. McLeod

This bill revises provisions relating to retiree eligibility for participation in the State Health and Dental Plans and the responsibility for payment of premiums for retirees eligible to participate in these plans, so as to provide that the eligibility of a state or public school district employee who retires on disability to participate in the plans while retired or to participate in the plans while retired with a portion of the premium paid by the South Carolina Retiree Health Insurance Trust Fund, must be determined without regard to the requirement that the retiree's last five years of qualifying employment was consecutive.

H.4151 MANUFACTURING PROPERTY TAX RELIEF Rep. Funderburk

This bill revises property tax exemptions, so as to exempt seven and one-half percent of the fair market value of all real and personal property owned by or leased to manufacturers and used by the manufacturer in the conduct of the business, and to gradually increase the exemption to forty-two and 75/100 percent. The legislation revises millage caps, so as to allow an increase above the cap for mills allowed but not previously imposed, for the three property tax years preceding the year to which the current limit applies. The legislation decreases certain sales tax exemptions to ninety-eight percent of the gross proceeds of sales, and to gradually decrease the exemption amount to ninety percent of the gross proceeds of sales. The legislation creates the Manufacturing Property Tax Relief Fund and to provide the process by which the fund is funded and the process by which the funds are disbursed to local governments.

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