



South Carolina House of Representatives

Legislative Update

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

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HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate **H.4310**, a bill to **ACCELERATE PROPERTY TAX RELIEF UNDER THE LOCAL OPTION TOURISM DEVELOPMENT FEE ACT** which the General Assembly approved last year. The bill revises local option tourism development fee provisions to allow amounts up to twenty percent of the revenue to be used for property tax relief for owner-occupied residential property and for tourism-related capital projects beginning in the second rather than the third year of imposition of the fee. The legislation requires the amounts used for these purposes to be retained by the municipality with at least twenty percent of the amount returned used as a credit against the property tax liability of owner-occupied residential property. The legislation specifies how the credit is to be calculated. The legislation provides for the use of credits when the municipal property tax liability has been exceeded.

The House approved and sent to the Senate **H.4344**, the “**ALTERNATE LOCAL OPTION TOURISM DEVELOPMENT FEE ACT**”. The legislation authorizes a municipality located within a county in which at least five million dollars of state accommodations tax revenues have been collected in a fiscal year and county annual per capita personal income is at least forty thousand dollars to impose a fee not to exceed one percent of amounts subject to the South Carolina sales and use tax, for not more than ten years. A municipality may impose the fee by ordinance. Fee revenues must be used exclusively for tourism advertisement and promotion directed at non-South Carolina residents, except that up to thirty percent of the revenues may be used to provide credits against municipal property taxes and no more than twenty percent may be used to fund capital projects promoting tourism in the municipality.

The House approved and sent to the Senate **H.3543**, a bill requiring the State Department of Education to develop a model **DATING VIOLENCE PREVENTION POLICY** to assist school districts in developing their own policies for reporting and responding to dating violence among students in grades six through twelve. This prevention policy must include, but may not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines for responding to incidents of dating violence at school, and disciplinary procedures for these incidents. By the beginning of the 2010-2011 school year, each school district is required to establish a specific policy to address incidents of dating violence involving students in grades six through twelve. Policies must be published in handbooks or posted on website materials relating to student conduct. School districts must inform parents and guardians of the policy and provide them with a copy upon request. These provisions are subject to the availability of funds.

The House approved and sent to the Senate **H.4239**, a bill revising provisions for fees collected by county clerks of court so as to allow for the **WAIVER OF POWER OF ATTORNEY FILING FEES FOR COMBAT DEPLOYED MEMBERS OF THE ARMED FORCES**.

The House amended, approved, and sent to the Senate **H.3468**, a bill **REVISING PROVISIONS FOR EMERGENCY MEDICAL SERVICES FOR CHILDREN**. The legislation revises definitions used in the bill and adds a definition for “EMT”. The

legislation expands the EMS for Children Program to require guidelines for pediatric disaster preparedness. The bill also establishes an advisory committee on emergency medical care for children. The committee members will be appointed by the director of the Department of Health and Environmental Control. Members of the committee will include, but not be limited to: a nurse with emergency pediatric experience; a physician with pediatric training; a board certified pediatric emergency medicine physician; an emergency physician; an EMT/paramedic who is currently practicing; a ground level pre-hospital provider representative; an emergency medical services state agency representative; the EMSC Program principal investigator; the EMSC Program manager; and, a family representative.

The House returned [S.186](#), regarding **LIMITATIONS ON ATTORNEY'S FEES IN STATE-INITIATED ACTIONS**, to the Senate with amendments. This bill limits attorney's fees in state-initiated actions to a reasonable time expended at a reasonable rate. The bill outlines factors to be applied in determining a reasonable rate. The judge must make specific written findings regarding each factor in making the award of attorney's fees. However, in no event shall a prevailing party be allowed to shift attorney's fees that exceed the fees the party has contracted to pay counsel personally for work on the litigation. The bill also provides that in civil actions, an agency is presumed to be substantially justified in pressing its claim against the party if the agency follows a statutory or constitutional mandate that has not been invalidated by a court of competent jurisdiction.

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 met on Tuesday, February 19, 2010. The Judiciary Committee gave a favorable report to [H.3803](#) which amends numerous statutes relating to the various actions and proceedings concerning the affairs of decedents, protected persons, minors, and incapacitated persons falling under the subject matter **JURISDICTION OF THE PROBATE COURT**, so as to differentiate between a formal proceeding and an

application to the court and the procedural rules governing each. Among other things, the legislation requires the filing and service of a summons and petition to commence a formal proceeding, distinguishes the requirement of summons and petition from the notice requirements for a hearing on a petition. The legislation also amends statutes relating to the South Carolina Trust Code, so as to substitute "person" for "parent" and "issue" for "child", delete the requirement of a taxpayer identification number on a certificate of trust, allow certain reimbursements to a prospective trustee, and make technical changes.

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, January 19, 2010.

The full committee gave a favorable with amendment approval to **H.3468, *EMERGENCY MEDICAL SERVICES FOR CHILDREN***. This bill updates the existing statute governing emergency medical services for children. It revises definitions used in the bill and adds a definition for "EMT". It expands the EMS for Children Program to require guidelines for pediatric disaster preparedness. The bill also establishes an advisory committee on emergency medical care for children. The committee members will be appointed by the director of DHEC. Members of the committee will include, but not be limited to:

- a nurse with emergency pediatric experience,
- a physician with pediatric training,
- a board certified pediatric emergency medicine physician,
- an emergency physician,
- an EMT/paramedic who is currently practicing,
- a ground level pre-hospital provider representative,
- an emergency medical services state agency representative,
- the EMSC Program principal investigator,
- the EMSC Program manager, and
- a family representative.

H.3735 relating to **THE ENACTMENT OF THE "ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2009"** was referred back to the Other Occupational Regulation and Licensing Boards Subcommittee.

H.3778, regarding the **AMENDMENT TO THE "HOSPITAL INFECTIONS DISCLOSURE ACT"**, was given a favorable recommendation by the full committee. This bill amends the Hospital Infections Disclosure Act (HIDA) which requires hospitals to collect and submit data to DHEC concerning infections acquired by patients who are treated at those facilities. The existing statute required the first report to be submitted to the

General Assembly and the public before February 1, 2009. The bill establishes April 15 as the deadline for future annual reports. This date will give the agency more time to close out and review the data from the previous year.

The bill also authorizes DHEC to impose civil monetary penalties on a hospital that does not comply with the reporting requirements. Currently, the only recourse the agency has for noncompliance is to revoke a hospital's license. The provisions of this bill have been reviewed and approved by the HIDA Advisory Committee which includes representatives from interested parties including hospitals, consumers, businesses, purchasers of health care services, physicians and other professionals involved in researching and controlling infections.

The full committee also gave a favorable recommendation to **H.3871** that pertains to **REPORTING REQUIREMENTS FOR LABORATORIES THAT TEST FOR INFECTIOUS DISEASES**. This bill will require a laboratory that performs tests for any disease on the List of Reportable Conditions to report positive tests to DHEC. According to DHEC, approximately 90% of labs already submit this information to the agency on a voluntary basis. DHEC will promulgate regulations to establish a time frame for labs to report this information. The bill authorizes DHEC to require a laboratory to provide clinical specimens for further testing for epidemiological surveillance. The bill also authorizes DHEC to impose a civil monetary penalty of up to \$1000 for a first offense and up to \$5000 for each subsequent offense for a laboratory that does not comply with the reporting requirements.

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.1027 THE "RENEGADE HUNTER ACT" Sen. McGill

This bill enacts the "Renegade Hunter Act" which prohibits using dogs to hunt on property without the permission of the landowner. The bill also provides for appropriate penalties.

JUDICIARY

H. 4364 DUTIES OF DRIVERS Rep. Wylie

This bill increases the penalties incurred for violations relating to the duties of drivers at the scene of an accident, with higher penalties for those driving without a license or a suspended license. An illegal alien who violates these laws must be released to the US Immigration and Naturalization Service after completion of their sentence.

H. 4373 STATE DEPARTMENT OF ENERGY RESTRUCTURING ACT Rep. Loftis

This bill creates a State Department of Energy. The Department (the Director is appointed by the Governor with approval by the Senate) serves as the principal energy planning entity for the state with the purpose of implementing an energy strategy and increasing energy efficiency. The bill also creates the Energy Advisory Committee to advise the Department. The legislation also requires state agencies and schools to submit energy plans. The Department is funded from existing resources and the oil-overcharge fund. The bill reorganizes state government's current energy related programs and activities.

H. 4375 SOUTH CAROLINA CHIEF INFORMATION OFFICER RESTRUCTURING ACT Rep. Loftis

This bill establishes the State Chief Information Officer (appointed by the Governor with approval by the Senate) to provide leadership and direction for the use of information technology within government in South Carolina. The bill creates the South Carolina Information Technology Council composed of various representatives of state government and the private sector. The Council reviews and approves the coordinated statewide strategic plan for information technology prepared by the department and also coordinates and approves (with power to terminate projects) all technology related issues in state government. The bill also creates the State Information Technology Director's Committee and the Information Technology Innovation Fund.

H. 4384 TEACHER DISMISSAL APPEALS Rep. Whitmire

This bill changes the appeals process to the administrative law court.

H. 4385 UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES Rep. Thompson

This bill changes the composition of the Board of Trustees of the University of South Carolina to ten total members, including: the State Superintendent of Education (ex officio); a member appointed by the Governor; six members elected (one per Congressional district of the State by the General Assembly); and two at-large members elected by the General Assembly.

H. 4386 BOARD OF TRUSTEE TERM LIMITS Rep. Thompson

This bill limits a member elected or appointed to a board of trustees of a public college or university to three four-year terms.

H. 4401 ADMISSIBILITY OF STATEMENTS Rep. T.R. Young

This bill allows the admissibility of hearsay statements made to "forensic interviewers."

H. 4402 RESTRICTIONS ON ELECTIONS REGARDING THE EMPLOYMENT

SECURITY COMMISSION Rep. Ballentine

This bill prohibits a member of the General Assembly from being elected to the Employment Security Commission for a period of four years after being a member of the General Assembly.

H. 4403 RESTRICTIONS ON BOARDS AND COMMISSIONS (MEMBERS AND CANDIDATES FOR) Rep. Ballentine

This bill prohibits a member or a candidate (and their relatives and associates) for a board or commission elected or appointed by either body or the General Assembly from making a contribution to a member of the General Assembly.

H. 4404 EXPUNGEMENT Rep. Harvin

This bill deletes the requirement that the summary court judge or his staff file the completed expungement order with the clerk of court.

H. 4410 TERM LIMITS Rep. Clemmons

A Constitutional amendment restricting service in the House to four terms, the Senate to two terms and a total of eight years in the General Assembly, whether or not any of the service has been consecutive.

H. 4411 CHILD CUSTODY Rep. Hutto

This bill directs that in awarding custody or visitation courts consider the age of a child if under two and if the child is breastfeeding.

LABOR, COMMERCE AND INDUSTRY

S.929 REQUIRED POSTINGS AND OTHER DEPARTMENT OF LABOR, LICENSING AND REGULATIONS PROVISIONS Sen. L. Martin

This bill revises requirements for posting notices concerning the employment of adults and children in places of employment, so as to eliminate the provision requiring notice to be posted in every room where five or more persons are employed. The bill revises various provisions to eliminate references to the Division of Labor within the Department of Labor, Licensing and Regulation.

H.4350 CERTIFICATION OF FUNCTIONING SMOKE DETECTORS REQUIRED

**FOR SALE OF PREVIOUSLY OWNED MANUFACTURED HOME
Rep. Limehouse**

This bill revises criteria required for a manufactured home, so as to provide that, for a sale of a previously owned manufactured home, the buyer must certify he has determined at least two functioning smoke detectors are in the home.

H.4351 PROMOTION OF MICROBUSINESSES Rep. Hodges

This bill provides that it is the policy of this state to promote the creation and growth of microbusinesses, particularly through the establishment of programs designed to make available start-up capital to prospective microbusinesses. A microbusiness or microenterprise is defined as a sole proprietorship, partnership, or corporation that has fewer than five employees and generally lacks access to conventional loans, equity, or other banking services.

H.4352 MICROENTERPRISES STUDY COMMITTEE Rep. Hodges

This joint resolution establishes a study committee to review and make recommendations concerning the need to foster the development of microenterprises in this state. The legislation provides for the study committee's membership and requires the study committee to report its findings and recommendations to the General Assembly no later than January 20, 2011, at which time the study committee is abolished.

H.4365 CONDITIONS FOR MANUFACTURED HOUSING SALES BY LICENSED REALTORS Rep. Barfield

This bill revises the requirement of a license to sell manufactured housing, so as to provide an exception for licensed realtors in certain circumstances. The legislation provides that a manufactured housing sales license is not required for a licensed real estate broker selling a new or used manufactured home in conjunction with the sale of real estate where the housing is located or to be located. The legislation provides that a licensed realtor may sell a manufactured home under certain circumstances if he completes training and examination requirements for a manufactured license. The legislation provides that this training may satisfy continuing education requirements.

H.4372 REVISION OF EXCEPTION FOR PRIVATE ISLANDS UNDER CONSTRUCTION LIMITATIONS Rep. Loftis

This bill revises provisions for restrictions, exceptions, and special permits concerning construction and reconstruction seaward of the baseline or between the baseline and the set back line, so as to revise the description of a private island with an Atlantic shoreline that is exempt from the provisions and the forty-year retreat policy.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4405 DISPENSING OF CERTAIN DRUGS AT A FEDERALLY QUALIFIED HEALTH CENTER Rep. Edge

This bill provides for the dispensing of certain drugs or devices at a Federally Qualified Health Center. A Federally Qualified Health Center or FQHC means an entity funded by the Bureau of Primary Health Care. The bill further defines certain terms as it relates to this regulation.

WAYS AND MEANS

H.4371 REESTABLISHMENT EXPENSES UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT Rep. Bingham

This bill revises provisions regarding reimbursement of property owners for certain expenses related to the taking of land for public use, so as to provide reimbursement for reestablishment expenses payable pursuant to federal guidelines and regulations to move a small business, farm, or nonprofit organization may be paid in an amount up to fifty thousand dollars notwithstanding a lower limitation imposed by federal regulations.

H.4374 TAX CREDIT FOR THE INSTALLATION OF SOLAR ENERGY EQUIPMENT Rep. Loftis

This bill allows a state tax credit for the installation of solar energy equipment in an amount equal to thirty-five percent of the amounts for specific installations and for specific purposes. The legislation specifies the taxes against which this credit is allowed and provides for the timing of credits and the carry forward of unused credits. The legislation prohibits double credits.

H.4376 STUDY COMMITTEE ON A PERFORMANCE PAY INCENTIVE PROGRAM FOR HIGHLY QUALIFIED, EXCEPTIONAL TEACHERS Rep. Funderburk

This joint resolution establishes a study committee to review and make recommendations concerning the potential creation of a performance pay incentive program for highly qualified, exceptional teachers in the public schools of this state. The legislation provides for the committee's membership, and requires the committee to report its findings and recommendations to the General Assembly no later than September 30, 2010, at which time the committee is abolished.

H.4409 EDUCATION FOUNDATION PROGRAM ALLOCATIONS Rep. Chalk

This bill revises provisions for the determination of annual education foundation program allocations, so as to provide that a school district may not receive less than fifty percent of the cost of its foundation program.

Legislative Update, January 26, 2010

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