

SCSL Digital Collections

Legislative update

| | |
|---------------|--|
| Item Type | Text |
| Publisher | South Carolina State Library |
| Rights | Copyright status undetermined. For more information contact, South Carolina State Library, 1500 Senate Street, Columbia, South Carolina 29201. |
| Download date | 2024-10-08 13:04:42 |
| Link to Item | http://hdl.handle.net/10827/25756 |



South Carolina House of Representatives

Legislative Update

James H. "Jay" Lucas, Speaker of the House

Vol. 33

April 26, 2016

No. 13

CONTENTS

| | |
|---|----|
| HOUSE WEEK IN REVIEW | 02 |
| HOUSE COMMITTEE ACTION | 05 |
| BILLS INTRODUCED IN THE HOUSE THIS WEEK | 13 |

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 appointed a conference committee to address its differences with the Senate on H.3579, legislation that includes **DEPARTMENT OF TRANSPORTATION RESTRUCTURING AND ROAD FUNDING INITIATIVES**.

The House amended, approved, and sent the Senate H.4763, legislation designated as “**ALICIA’S LAW**” to acknowledge the advocacy efforts of Alicia Kozakiewicz of Pennsylvania who, in 2002 at the age of thirteen, survived abduction by an Internet predator. The legislation provides for a 6.1% assessment on criminal court fines to be deposited in a newly-created **INTERNET CRIMES AGAINST CHILDREN FUND** that is to be used to investigate, prosecute, and prevent Internet crimes against children, such as cyberenticement and child pornography, including the necessary staffing, training, and equipment. Of the revenue credited to the fund each year, sixty percent must be allocated to the Attorney General to operate the Internet Crimes Against Children Task Force, and the remaining forty percent must be transferred to the Department of Public Safety to provide grants to local law enforcement agencies.

The House approved S.1090 and enrolled the bill for ratification. The legislation names Chapter 19, Title 24 of the South Carolina Code of Laws the “**JUDGE WILLIAM R. BYARS YOUTHFUL OFFENDER ACT**” in recognition of the many contributions that Judge Byars has made to the juvenile justice system in such capacities as family court judge, Director of the Children’s Law Office at the University of South Carolina School of Law, Director of the Department of Juvenile Justice, and Director of the Department of Corrections.

The House concurred in Senate amendments to H.3768 and enrolled the bill for ratification. The legislation provides for the “**SOUTH CAROLINA ABLE SAVINGS PROGRAM**” that allows for the establishment of savings accounts as a means of empowering individuals with a disability and their families to save private funds to support the individual with a disability. The legislation establishes the Savings Program Trust Fund and Savings Expense Trust Fund and provides guidelines to the State Treasurer for the maintenance of these accounts. The legislation allows for state implementation that coordinates with the federal Achieving Better Life Experience (ABLE) Act of 2014.

The House approved S.849 and enrolled the bill for ratification. The legislation establishes **REQUIREMENTS FOR INSURANCE PLAN PHARMACY BENEFITS MANAGERS TO COMPILE MAXIMUM ALLOWABLE DRUG COST LISTS** that show the maximum amount for the cost of a particular generic drug that will be reimbursed to a pharmacist or pharmacy who provides covered health care services or supplies as a participating network plan provider. The legislation includes requirements for pharmacy benefit managers to make these maximum allowable cost lists available to network pharmacy providers and to review and update maximum allowable cost price information. Provisions are included that allow a pharmacy to appeal the provider’s reimbursement for a drug subject to maximum allowable cost pricing.

The House returned S.339, legislation designated as “**HOPE’S LAW**”, to the Senate with amendments. The legislation establishes **REQUIREMENTS FOR**

MAMMOGRAPHY REPORTS TO BE PROVIDED TO PATIENTS THAT INCLUDE INFORMATION ABOUT BREAST DENSITY. When a mammogram shows that breast tissue is dense, the required report must include notice to the patient explaining that dense tissue is common and not abnormal, but can, however, make it harder to evaluate mammogram results and may also be associated with an increased risk of breast cancer.

The House amended, approved, and sent the Senate **H.5140**, a bill that makes revisions relating to a school district's **ANNUAL SCHOOL CALENDAR** for teachers, staff, and students. The legislation provides that, beginning with the 2017-2018 school year, the school start date for students must not be before August fifteenth, rather than the opening date limit of the third Monday in August that is set in current law, except for schools operating on a year-round modified school calendar. The legislation revises the deadline for notification of teaching assignments and makes provisions for the types and timing of student assessments. Beginning in the 2017-2018 school year, the legislation requires, with certain exceptions, that school districts administer the statewide summative assessment for grades three through eight during the last twenty days of school and that such testing may not exceed seven days each school year.

The House amended, approved, and sent the Senate **H.4774**, a bill to provide for a two-year **REAUTHORIZATION OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS** so that the program is extended until July 1, 2018.

The House approved and sent the Senate **H.4391**, a bill **REVISING THE UNIFORM ANATOMICAL GIFT ACT TO ALLOW FOR THE DONATION OF BRAIN TISSUE** to be used only for research or education.

The House amended, approved, and sent the Senate **H.4574**, legislation enacting the **"ELECTROLOGY PRACTICE ACT"** to provide for the licensure and regulation of electrologists and electrology instructors by an Electrology Licensure Committee established under the Board of Medical Examiners. The legislation is offered as a means of ensuring minimum standards of competency for those who practice or offer instruction in electrology, which involves the permanent removal of hair from the skin through the application of an electric current.

The House amended, approved, and sent the Senate **H.4492**, a bill revising **NOTIFICATION REQUIREMENTS FOR DEPARTMENT OF SOCIAL SERVICES CHILD PLACEMENT HEARINGS** that inform foster parents, preadoptive parents, or relatives providing care to abused or neglected children so that, with certain exceptions, notification must be given at least ten days in advance. The legislation includes provisions that allow these parties to file reports with the family court.

The House amended, approved, and sent the Senate **H.4525**, a bill extending and revising provisions for **DEVOTING A PORTION OF INSURANCE PREMIUM TAX REVENUES TO THE FUNDING OF FIREFIGHTING NEEDS AND EMERGENCY MEDICAL SERVICES TRAINING**. The legislation extends until June 30, 2030, the requirement for using two and one-quarter percent of each year's insurance premium tax revenues to fund emergency response needs and redistributes the revenue so that one percent is transferred to the South Carolina Forestry Commission to be used for firefighting and firefighting equipment replacement, one percent is transferred to the aid to fire districts account within the State Treasury to be distributed to local fire

departments for firefighting equipment replacement, and one quarter of one percent is transferred to the aid to emergency medical services regional councils within the Department of Health and Environmental Control to be used for grants to fund emergency medical technician and paramedic training.

The House approved and sent the Senate **H.4556**, a bill providing a **PROPERTY TAX EXEMPTION FOR PERMANENTLY AND TOTALLY DISABLED EMERGENCY MEDICAL TECHNICIANS**. The legislation extends to permanently and totally disabled former emergency medical technicians the homeowner property tax exemption that is currently allowed for military veterans, former law enforcement officers, and former firefighters who are permanently and totally disabled.

The House concurred in Senate amendments to **H.4712**, a bill making clarifications regarding the **CLASSIFICATION OF OFF-PREMISES OUTDOOR ADVERTISING SIGNS AS PERSONAL PROPERTY FOR TAX PURPOSES**. The legislation establishes conditions under which an off-premises outdoor advertising sign is classified as tangible personal property for tax purposes, and establishes provisions under which the value of a lease or lease income on such billboards may not be used in the assessment of the tax value of the real property on which the advertising sign is erected. The legislation includes provisions for any sign permit required by local, state, or federal law to be considered as intangible personal property for ad valorem property tax purposes.

The House amended, approved, and sent the Senate **H.4398**, a bill establishing a **FIREARMS EXEMPTION IN BANKRUPTCY CLAIMS**. The legislation revises provisions for the real and personal property of a debtor that is exempt from attachment, levy, and sale in a bankruptcy proceeding by adding an exemption that covers any firearms not exceeding a total value of five thousand dollars owned by the debtor. The legislation revises the exemption for a debtor's aggregate interest, not to exceed fifty thousand dollars in value by providing that, except that a surviving spouse may exempt, in addition to their interest, the aggregate interest of a deceased spouse not to exceed fifty thousand dollars in value.

The House amended, approved, and sent the Senate **H.4795**, a bill **ALLOWING A STUDENT WHO HAS BEEN AWARDED A PALMETTO FELLOWS SCHOLARSHIP THE OPTION OF DEFERRING ENROLLMENT IN A HIGHER EDUCATION INSTITUTION FOR ONE YEAR** following high school graduation without declining the award.

The House returned **S.1013**, a bill overhauling and updating the licensure and regulation of **REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS**, to the Senate with amendments. Notably, the bill includes provisions for the operation of real estate teams supervised by a broker-in-charge and increases continuing education requirements for real estate license renewals from eight hours to ten hours.

The House amended, approved, and sent the Senate **H.5023**, a bill making various revisions to the **SOUTH CAROLINA REAL ESTATE APPRAISER LICENSE AND CERTIFICATION ACT**. Notably, the legislation makes provisions for one of the members of the Real Estate Appraisers Board to be a certified residential appraiser and includes alignment provisions for federal and state chartered banks.

The House amended, approved, and sent the Senate **H.3969**, a bill making provisions that allow for the **ELECTRONIC TRANSMISSION OF INSURANCE NOTICES AND DOCUMENTS** should the insured choose to receive notices and documents electronically.

The House approved and sent the Senate **H.5040**, a bill updating and revising various provisions relating to the application and enforcement of the **CONSUMER PROTECTION CODE**.

The House amended, adopted, and sent the Senate **H.5108**, a concurrent resolution establishing a temporary **STUDY COMMITTEE TO ASSESS THE ROLE OF LOCAL GOVERNMENT FLEETS IN HIRING ENTRY-LEVEL COMMERCIAL DRIVER'S LICENSED DRIVERS**.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Committee met on Thursday, April 21, 2016 and reported out four bills.

S.40, a Joint Resolution dealing with the **SOUTH CAROLINA AND GEORGIA JOINT WATER CAUCUS**, was given a favorable recommendation by the committee. The joint resolution encourages state agencies, in conjunction with the U. S. Army Corps of Engineers, to implement a water management program from the Savannah River Basin to ensure continuous optimization of water quality and quantity management of water resources shared by South Carolina and Georgia throughout the Savannah River Basin.

The joint resolution also requires the State Law Enforcement Division to work closely with the appropriate officials in Georgia to remove impediments to allowing **RECIPROCITY BETWEEN THE TWO STATES IN REGARDS TO CONCEALED WEAPONS PERMITS**.

S.788, a bill enacting the "**MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT**" was given a favorable with amendment recommendation by the committee. The legislation exempts property that is deemed eligible under a general permit issued by the United States Army Corp of Engineers from the permitting requirements for routine, normal, or emergency maintenance or repair activities.

The full committee gave a favorable recommendation to **H.4215**, a bill enacting the "**MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT**". The legislation exempts property that is deemed eligible under a general permit issued by the United States Army Corp of Engineers from the permitting requirements for routine, normal, or emergency maintenance or repair activities.

The committee gave a favorable with amendment recommendation to **H.3449**, legislation allowing the Department of Natural Resources to issue one **RECREATIONAL FISHING LICENSES** to persons sixty-five years old and older for the use of hoop nets along the Wateree River. This provision, along with commercial hoop nets, stays into effect until January 1, 2021.

EDUCATION AND PUBLIC WORKS

The Committee on Education and Public Works met April 19th and favorably reported out two bills.

H.5021, as passed by the Committee, would enact the **ADULT STUDENTS WITH DISABILITIES EDUCATIONAL RIGHTS CONSENT ACT** by providing procedures and policies through which students who are eligible for special education under the Individuals with Disabilities Act to delegate authority over his or her educational program to an agent or representative. Under this bill, an adult student who is eligible for special education under IDEA and who is not determined to be incapacitated in probate court can delegate his or her right to make educational decisions to an agent or representative on a form prescribed by the Department of Education. An adult student under IDEA who has not been determined to be incapacitated, but may be identified (by certain medical professionals) as unable to provide informed consent may have an educational representative designated.

As amended and passed by the Committee, **H.5089, LIENS ON MOTOR VEHICLES**, modifies certain definitions related to commercial trucks and weights and motor homes. Moreover, any liens or encumbrances on a motor vehicle or titled mobile home must be noted on the printed title or electronically through the Department of Motor Vehicles' Electronic Title and Lien System. The department transmittal must be done electronically for business entities or by paper certificate for nonbusiness entities (persons purchasing vehicles for personal use from persons selling vehicles they have used primarily for personal use). All businesses and commercial lienholders who are regularly engaged in the business or practice of selling motor vehicles as dealers or in the business or practice of financing motor vehicles will use the electronic lien system to transmit and receive electronic lien information. Liens on a vehicle titled by South Carolina, except upon vehicles defined as motor homes, mobile homes, special mobile equipment, or commercial trucks, are to be deemed effective for a period of twelve years from the date the lien was perfected. The effectiveness of the lien lapses at the end of this twelve-year period unless a continuation statement is filed. The responsibility of lien continuation lies with the lender. The twelve-year effective lien period refers to the age of the lien, not the age of the vehicle.

JUDICIARY

The House Judiciary Committee met on April 19, 2016, and favorably reported out several bills:

S.338 NOTICE OF HOUSING PRISONERS IN COMMUNITIES, requires any public, private, or nonprofit entity helping to rehabilitate and reintroduce paroled prison inmates

into communities that also provide residential housing to these parolees to publish notice in a newspaper of general circulation all addresses for these residential housing facilities prior to opening them. They also must conduct a public hearing regarding their program and discuss these residential housing facility locations.

S.1191 SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE AMENDMENTS, a concurrent resolution to disapprove the proposed amendment by the South Carolina Supreme Court to the South Carolina Rules of Criminal Procedure. New Rule 21 would require prosecutors to fully discuss the law and facts in their initial closing statement, and only reply to matters raised by defense counsel in their reply. They could no longer waive opening on the law. The proposed Rule is similar to the Federal Rules of Criminal Procedure related to closing statements in noncapital criminal trials.

With amendments, **H.3084 ABSENTEE BALLOT REQUIREMENTS**, this bill eliminates the witness requirement for an absentee ballot applicant's oath. Also allows examination of absentee ballots to begin at 9:00 a.m. the day before Election Day.

With amendments, **H.4387 UNIFORM TRAFFIC TICKET QUOTAS BAN**, no law enforcement agency, could require its officers to issue a specific amount of, or meet a quota for, the number of citations their officers issue during a designated period of time. However, law enforcement officer job performance reviews may be based on the number of citations that they issue as compared to other officers as well as their conduct at "Points of Contact."

With amendments, **H.4546 FOSTER CARE IMPROVEMENTS**, requires reviews of foster care placements, programs, and activities. Adds new definitions, including 'age or developmentally appropriate,' 'caregiver,' modifies 'physical injury' to include 'substantial risk of death or disfigurement,' and adds condoning 'sexual trafficking or exploitation' as acts of child abuse.

With Amendments, **H.4547 AGE FOR CHILDREN/JUVENILES**, changes the definition of "child" and "juvenile" to include anyone under eighteen [18] years old. Would allow probationary sentences to run to age 20, and commitments to the Department of Juvenile Justice to age 22. Adds 16 year olds to the list of juveniles who may be bound over to General Sessions Court if they are accused of committing Class A, B, C, or D felonies, but removes Assault and Battery of a High and Aggravated Nature as one of these offenses that could be so bound over. Makes binding over of these offenses permissive instead of mandatory.

With amendments, **H.4835 SUPPORTING AND STRENGTHENING FAMILIES ACT**, allows a parent or person with legal custody of a child to delegate parental or legal custodian powers of the child to another adult via a temporary power of attorney by a form that is included in the proposed new statute. It can be effective for up to one year, but is non-renewable. Requires the Department of Social Services to provide certain information about community support services to a parent when a child is left within the home during any DSS investigation. Also requires prospective attorneys-in-fact who will be assuming a parental role via this power of attorney, along with any members of their household over the age of 18 who cannot be have any history of child abuse or neglect, to undergo criminal background checks.

With amendments, **H.5037 ABSENTEE BALLOTING**, revises SC Code Section 7-15-385, regarding absentee voting and marking of ballots. Eliminates authorizing another person to return an absentee ballot. Eliminates the requirement that an absentee ballot applicant's oath on the return envelope would have to be witnessed. Also allows third parties to return absentee ballots, in the return envelope provided, to the Board of Voter Registration.

LABOR, COMMERCE AND INDUSTRY

The House Labor, Commerce and Industry Committee met on Wednesday, April 20, and reported out two bills.

The committee gave a report of favorable with amendments on **H.4661**, a bill relating to **ACCEPTABLE PIPING MATERIAL IN GOVERNMENT PROCUREMENT PROJECTS**. The legislation provides that a county, municipality, school district, special purpose district, or other governmental agency that is procuring materials and using state funds for a water supply, wastewater, stormwater, or storm drainage project is required to allow all acceptable piping material to participate in the bidding process for the construction, rebuild, or repair with sound engineering practices and project requirements as determined by an official engineer of the governmental agency. These provisions do not prohibit the governmental agency from choosing a material at its discretion for such projects.

The committee gave a report of favorable with amendments on **S.277**, the "**STATE TELECOM EQUITY IN FUNDING ACT**". The legislation updates and revises the requirements for telecommunications service providers to make contributions to the Universal Service Fund that supports such programs as telecommunications services for hearing and speech impaired people so that these programs can continue to be sustained in a telecommunications marketplace that has been transformed in recent years by such innovations as wireless and Internet-based services. Act 488 of 1990 authorized the Public Service Commission to establish a statewide program to provide telephone access to individuals with hearing or speech impairments, such as a dual party relay system that allows those who are deaf, hearing, and speech impaired to communicate through an intermediary party, and authorized that these programs be funded through monthly surcharges imposed on all of a local exchange telephone company's residential and business lines. This legislation revises the funding mechanism for these programs so that surcharges are collected not only on traditional land line telephones, but also on the full array of telecommunications services offered in the contemporary market, including commercial mobile radio service (CMRS), prepaid wireless service, and Voice over Internet Protocol (VoIP) service.

WAYS AND MEANS

The Ways and Means Committee met on Tuesday, April 19, and reported out several bills.

The committee gave a favorable report on **H.4556**, a bill providing a **PROPERTY TAX EXEMPTION FOR PERMANENTLY AND TOTALLY DISABLED EMERGENCY**

MEDICAL TECHNICIANS. The legislation extends to permanently and totally disabled former emergency medical technicians the homeowner property tax exemption that is currently allowed for military veterans, former law enforcement officers, and former firefighters who are permanently and totally disabled.

The committee gave a report of favorable with amendments on **H.4525**, a bill extending and revising provisions for **DEVOTING A PORTION OF INSURANCE PREMIUM TAX REVENUES TO THE FUNDING OF FIREFIGHTING NEEDS AND EMERGENCY MEDICAL SERVICES TRAINING.** The legislation extends until June 30, 2030, the requirement for using two and one-quarter percent of each year's insurance premium tax revenues to fund emergency response needs and redistributes the revenue so that one percent is transferred to the South Carolina Forestry Commission to be used for firefighting and firefighting equipment replacement, one percent is transferred to the aid to fire districts account within the State Treasury to be distributed to local fire departments for firefighting equipment replacement, and one quarter of one percent is transferred to the aid to emergency medical services regional councils within the Department of Health and Environmental Control to be used for grants to fund emergency medical technician and paramedic training.

The committee gave a report of favorable with amendments on **H.4416**, a bill establishing **IMPACT FEE EXEMPTIONS FOR PUBLIC EDUCATION AND VOLUNTEER FIRE DEPARTMENT CONSTRUCTION.** The legislation revises exemptions from development impact fees imposed by local governments on new construction, so as to add exemptions for the construction of new schools and other K-12 public education facilities and the construction of new volunteer fire departments.

The committee gave a favorable report on **H.5011**, a bill that makes provisions for the **REIMPOSITION OF A LOCAL OPTION TOURISM DEVELOPMENT FEE.**

The committee gave a report of favorable with amendments on **H.4765**, a bill to provide for the **ADDITION OF A HABITAT FOR HUMANITY CHECK OFF ON INCOME TAX FORMS.** The legislation provides for an expansion of the voluntary contributions that an individual may make by means of a South Carolina income tax return check off, by adding a check off for the South Carolina Association of Habitat for Humanity Affiliates on the tax form.

The committee gave a favorable report on **H.5009**, a bill that makes **REVISIONS TO THE TEXTILES COMMUNITIES REVITALIZATION INCOME TAX CREDIT**, so as to eliminate a provision that limits the credit to fifty percent of income tax, corporate license fee, and insurance premium tax liability.

The committee gave a favorable report on **H.5034**, a bill making **CHARITABLE BINGO GAME REVISIONS.** The legislation requires the Department of Revenue to establish an informational charitable bingo webpage on its website. The legislation redefines 'building' under the definitions of the Bingo Tax Act. The legislation revises provisions relating to applications for a bingo license by nonprofit organizations and promoters, so as to extend the time by which the department must respond. The legislation makes revisions relating to the manner of playing bingo, so as to provide the manner in which certain devices must be operated. The legislation revises procedures applicable to the conduct of bingo, so as to increase the allowance for promotions. The legislation revises provisions relating to the operation of bingo games, so as to exclude certain raffles. The

legislation revises provisions relating to bingo checking and savings accounts, so as to allow the promoter to make certain contributions and to allow for electronic payments. The legislation revises provisions for the distribution of bingo revenues, so to increase the percentage that is distributed to charity.

The committee gave a favorable report on **H.4762**, a bill relating to **EXCEPTIONS TO LIMITATIONS ON MILLAGE RATE INCREASES**. The legislation revises provisions relating to the limitation on millage rate increases and exceptions to this limitation, so as to revise the exception to this limitation for the purchase of capital equipment and other expenditures in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state forest land by providing for this minimum acreage requirement to include state or national forest land. Currently, only state forest land acreage is counted under this exception.

The committee gave a report of favorable with amendments on **H.4776**, the “**SOUTH CAROLINA EDUCATION SCHOOL FACILITIES ACT**”. The legislation makes provisions for state financial assistance to school districts, through the issuance of state general obligation bonds and the awarding of grants, that must be used for permanent school instructional facilities, health and safety upgrades, technology access inside the school, and fixed building assets including the costs for construction, improvement, enlargement, or renovation of school facilities. The legislation does not provide financial assistance for unimproved real property, centralized school district administration facilities, or facilities normally identified with interscholastic sports activities. Under the legislation, the State Department of Education is charged with conducting a comprehensive study of all school districts’ facilities and physical assets and is assigned the responsibility of producing an annual prioritization report, with a total project cost that must not exceed two hundred million dollars, which lists the qualified school projects along with a recommendation of which projects should be undertaken immediately. The department’s prioritization report must also provide a recommendation of whether financial assistance for a specific school project should be in the form of grants, loans or a combination of both. The legislation makes provisions for financial assistance to be allocated using the department’s prioritization reports. Upon review of the information, the General Assembly may, through budget proviso or joint resolution, set the principal amount of the State School Facilities General Obligation Bonds to be considered. Upon approval of the Joint Bond Review Committee, the project prioritization report, with certification from the State Board of Education, must be submitted to the South Carolina State Fiscal Accountability Authority in order for Education School Facilities General Obligation Bonds to be issued. The legislation makes provisions for the State Board of Education to establish a revolving fund with such monies as may be appropriated by the General Assembly to operate a grant program that provides nonrecurring aid to school districts for facility maintenance expenses to include roof and heating and air conditioning repairs or replacements.

The committee gave a report of favorable with amendments on **H.5077**, a bill **REVISING BOND PROVISIONS**. The legislation revises provisions relating to the payment of bonds by a joint authority water and sewer system, so as to allow a lien to be placed on the authority’s property in accordance with the Revenue Bond Act for Utilities. The legislation eliminates the \$250 million cap on bonds for financing research university infrastructure projects. The legislation eliminates a statutory provision that addressed how limitations on bonded indebtedness imposed with the inclusion of Article X in the South Carolina Constitution were to be incorporated into existing law.

The committee gave a report of favorable with amendments on **H.5078**, a bill that makes revisions regarding **LOCALLY-IMPOSED SALES TAXES**. The legislation makes revisions in various local sales and use tax provisions, so as to define “general election” as the election for federal and state officers in this State which is held on the first Tuesday following the first Monday in November in each even-numbered year. The legislation revises provisions relating to the Capital Projects Sales Tax Act, so as to provide that the tax must terminate on April thirtieth of an odd- or even-numbered year.

The committee gave a report of favorable with amendment on **H.3767**, a bill that makes comprehensive revisions to provisions for the **LICENSURE AND REGULATION OF CHILDCARE FACILITIES** and programs. Notably, the legislation provides that school vacation or school holiday camp or education programs lasting more than two weeks must comply with childcare facility licensure and registration requirements and regulation. An exemption from licensure and regulation is provided for any facility open to the general public that does not charge fees and where open play time, not part of a scheduled program, is available such as in community centers, playgrounds, sports fields, and gymnasiums. The legislation provides that ABC Childcare Program vouchers which make payments to childcare providers to care for children from low income families so their parents can work, may only be used at childcare facilities that are licensed or registered in compliance with regulations. The legislation revises licensing and approval requirements for private childcare centers and group childcare homes.

The committee gave a report of favorable with amendments on **H.5006**, a bill addressing **RETIREMENT SYSTEM OVERSIGHT AND INVESTMENT MANAGEMENT**. The legislation makes comprehensive revisions regarding the governance of the state’s pension systems and the investment of retirement system funds. The legislation clarifies that the Board of the Public Employee Benefit Authority is the sole governing body of the authority and revises terms for PEBA Board Members to provide for terms that are five years in duration and staggered. A member may not be appointed to serve more than two consecutive full five-year terms. Rather than serving at the pleasure of the appointing authority, PEBA Board Members may be removed by the Governor only for cause. The PEBA Board must meet at least quarterly, rather than monthly. Provisions are made for the PEBA Board to employ an executive director to serve as the authority’s chief administrative officer and the fiduciary duties of the director are established. The legislation provides for revisions to the Retirement System Investment Commission that makes decisions regarding the investment of state pension funds. The legislation provides for an appointment by the Governor to Commission who is an active or retired member of the South Carolina Retirement System, Police Officers Retirement System, the Judges and Solicitors Retirement System, or the National Guard Retirement System. A commission member may not be appointed to serve more than two full five-year terms. The legislation establishing further qualifications for RSIC members that require additional experience and financial expertise. South Carolina Retirement Investment Commission members appointed by the Governor or members of the General Assembly are added to the list of officers who may be removed by the Governor only for cause. The legislation makes provisions for the RSIC to employ an executive director and engage attorneys on a fee basis. The required audit of the Retirement System Investment Commission is revised so that the audit firm must be selected using the state’s Procurement Code. The legislation makes revisions relating to the investment of retirement system funds, by requiring the total amount of fees paid on investments to be reduced and ultimately capped at one-half of one percent of the total value of the

system's assets. The legislation makes revisions relating to the assets of the retirement systems and investment of retirement system funds, so as to require the Public Employee Benefit Authority to hold the assets of the retirement systems in a group trust and to prohibit investments in certain money mortgages and real estate investment trusts. Provisions are included to preclude conflicts of interest in investments made by the Retirement System Investment Commission. Lobbyists are prohibited from contacting commission members or staff to solicit the investment of funds. The commission may not make an investment with or invest in a fund managed by an external investment manager if a placement agent receives compensation as a result of the commission's investment. The commission is prohibited from investing in any asset or with any entity in which a commissioner has any interest, excluding such arrangements as index or mutual funds that are managed by a professional fund manager.

The committee gave a report of favorable with amendment on **H.5007**. This bill provides that the **ASSUMED RATE OF RETURN FOR STATE RETIREMENT SYSTEM INVESTMENTS** expires every four years unless action is taken by the General Assembly to revise it. If the General Assembly does not set the assumed rate of return prior to its expiration, the assumed rate of return must be set by vote of the State Fiscal Accountability Authority.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

H. 5254 DEPARTMENT OF TRANSPORTATION CONTRACTS Rep. Felder

This bill provides that the Department of Transportation must post a notice of certain contracts at the location of the project before the contract may be awarded.

JUDICIARY

H.5236 ADOPTION INFORMATION ABOUT BIOLOGICAL GRANDPARENTS

Rep. Tinkler

Amends SC Code Section 63-9-780 relating to access to and disclosure of nonidentifying and identifying information about adoptees, biological parents, and biological siblings, to apply also to biological grandparents.

H.5237 CHARITABLE RAFFLES Rep. Pitts

Amends the SC Code covering charitable organization raffles, in Section 33-57-110, to define "exempt nonprofit charitable organizations"; to specify that exempt nonprofit charitable organizations are not subject to restrictions on the use of casual labor or part-time employees to conduct raffle ticket sales or to the requirement that advertisements of raffles include statements disclosing the extent to which nonprofit sponsors of raffles have applied gross receipts from the raffles to charitable purposes in recent years; and

to reporting requirements of nonprofits that conduct raffles for charitable purposes, to specify that exempt nonprofit charitable organizations are not subject to certain reporting requirements concerning expenses paid, expenditures made, and tickets sold.

H.5245 -- BEER COUPONS Rep. Tallon

Beer manufacturers, brewers, importers, or retailers could offer coupons and rebates to beer consumers. Wholesalers would be prohibited from participating in the procurement, redemption, or any other costs for any beer coupons or rebates. Beer manufacturers or wholesalers would be prohibited from offering instantly redeemable beer coupons printed on paper or electronic 'scanback' beer coupons.

H.5246 -- MENTAL HEALTH EVALUATIONS FOR ANIMAL ABUSERS

Rep. Long

Anyone convicted of ill treatment of animals would be required to undergo a mental health evaluation.

LABOR, COMMERCE AND INDUSTRY

**H.5247 EMERGENCY SERVICE SYSTEM BILLING AND INSURANCE
COVERAGE PRACTICES Rep. Gambrell**

This bill establishes requirements for emergency service system billing and insurance coverage practices applicable to nonnetwork emergency medical service providers.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.5253 SEIZURE SAFETY IN SCHOOLS STUDY COMMITTEE Rep. Henegan

The Joint Resolution creates the Seizure Safety in Schools Study Committee. This committee will examine issues related to epilepsy and seizure safety awareness in public schools. The Resolution also provides for the membership of the study committee.

WAYS AND MEANS

**S.315 EXTENSION OF THE GOVERNOR'S AUTHORITY TO APPOINT THE
SECRETARY OF TRANSPORTATION Sen. Grooms**

This joint resolution provides that the Governor's authority to appoint the Secretary of Transportation under Act 114 of 2007 is extended until further action by the General Assembly to the contrary.

**S.1233 IMPOSING AN EDUCATION CAPITAL IMPROVEMENTS SALES AND
USE TAX Sen. Sheheen**

This bill revises provisions relating to counties in which the Education Capital Improvements Sales and Use Tax may be imposed, so as to revise the criteria applicable to certain counties in order for them to place the question of imposing this sales and use tax on a referendum ballot.

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).