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Legislative update

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South Carolina House of Representatives

Legislative Update

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

Vol. 27

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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 amended Senate amendments to **H.3584** and returned the bill to the Senate. The legislation increases the state's current seven-cent-per-pack **CIGARETTE TAX**, devoting the majority of the revenue generated by the increase to a newly-created Medicaid Reserve Fund and authorizing funding for cancer research, smoking prevention and cessation, and state agricultural assistance. Effective July 1, 2010, the legislation imposes an additional surtax of two and one-half cents on each cigarette, which amounts to an additional fifty cents for each pack of cigarettes. The legislation provides for the distribution of the additional revenue generated by: crediting five million dollars annually to the Medical University of South Carolina Hollings Cancer Center to be used for tobacco-related cancer research; devoting five million dollars annually to a newly-created trust fund that the Department of Health and Environmental Control is to use in administering a statewide smoking prevention and cessation program; and, depositing the remaining annual revenue in a newly-created South Carolina Medicaid Reserve Fund. The Medicaid Reserve Fund may only be used for the restoration and maintenance of effort of the Medicaid program as it is currently structured. The fund must not be used to expand any component of the existing Medicaid program. The legislation also provides that, if funds are available and not otherwise committed, one million dollars annually for five fiscal years is to be directed to the Department of Agriculture for the marketing and branding of South Carolina-grown produce and for relief from natural disasters affecting state-grown crops.

The House sustained the Governor's veto on **S.191**, the "**SOUTH CAROLINA REDUCTION IN RECIDIVISM ACT OF 2010**" which establishes conditions under which law enforcement officers are authorized to conduct warrantless searches and seizures on those who are on probation or parole.

The House overrode the Governor's veto on **S.964** to allow the bill to become law. The bill creates the **TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY**.

The House returned **S.897** to the Senate with amendments. This joint resolution creates the **COMMISSION ON STREAMLINING GOVERNMENT AND REDUCTION OF WASTE**. The stated purpose of this commission is to examine each agency's constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities to determine, in an effort to reduce the size of state government, which of these may be: (1) eliminated; (2) streamlined; (3) consolidated; (4) privatized; or (5) outsourced. Among other things, the commission shall examine the necessity and performance of activities, functions, programs, and services to ensure that they are meeting current performance standards effectively and efficiently and that they are meeting the needs of South Carolina citizens. The joint resolution provides for membership on the commission, authorizes the commission to hold public hearings as part of its evaluation process, and outlines deadlines for reports by the commission to the General Assembly and Governor. Agencies and political subdivisions must furnish aid, services and assistance as may be requested by the commission.

S.897 also includes the "**SOUTH CAROLINA RESTRUCTURING ACT**". This legislation establishes the Department of Administration under the executive branch of

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state government. The Department of Administration is headed by a director appointed by the Governor with the advice and consent of the General Assembly.

The following offices, divisions or components of the State Budget and Control Board, Office of Governor, or other agencies are transferred to and incorporated into the Department of Administration:

- Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;
- Office of Human Resources;
- Office of Executive Policy and Programs, except for the State Ombudsman and Children's Services programs which are contained within this office;
- Office of Economic Opportunity;
- Developmental Disabilities Council;
- Continuum of Care;
- Children's Foster Care;
- Veterans Affairs;
- Commission on Women;
- Victims Assistance;
- Small and Minority Business;
- Procurement Services Division of the State Budget and Control Board;
- State Energy Office; and
- Division of State Chief Information Officer of the State Budget and Control Board.

The Budget and Control Board remains responsible for the operations and management of the State House, Blatt Office Building, Gressette Office Building, Supreme Court Building, Calhoun Office Building, and Capitol Complex grounds. Also whenever the Budget and Control Board maintains any responsibility related to a program administered by the Department of Administration, the board is authorized to receive and expend revenues generated by the programs to support the board's responsibilities related to the programs. During the year 2015, the Legislative Audit Council shall conduct a performance review of the provisions of this legislation to determine its effectiveness and achievements. The legislation includes a sunset provision.

S.897 also includes provisions for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS**. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation includes provisions for the assignment of agencies to standing committees; there are also provisions for joint investigating committees. Each standing committee must conduct oversight studies and investigations at least once every five years on all agencies within its jurisdiction. Also a standing committee may by a one third vote initiate a study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative

authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action. The legislation includes criminal penalties for anyone who appears before a committee or subcommittee and willfully gives false, misleading, or incomplete testimony under oath.

The House concurred in Senate amendments to **H.4511**, the “**SOUTH CAROLINA RURAL INFRASTRUCTURE ACT**” which provides a mechanism for alternative methods of financing rural infrastructure needed for economic development, and enrolled the bill for ratification. The legislation creates a South Carolina Rural Infrastructure Authority to assist municipalities, counties, special purpose districts, public service districts, and public works commissions in constructing and improving rural infrastructure by providing loans and other financial assistance. A distinct Rural Infrastructure Fund is established to receive funds from state, federal, and other sources for financing eligible projects including the acquisition and renewal of land, the construction and renovation of facilities, the furnishing of machinery and equipment, and the provision of water service and other improvements needed to aid the development of trade, commerce, industry, agriculture, aquaculture, and employment opportunities, all of which must be primarily located in a county designated as distressed or least developed. The legislation provides for the powers and duties of the seven-member board of directors of the Rural Infrastructure Authority composed of the Secretary of Commerce, who serves as the board chair and six members who must be residents of counties designated as distressed or least developed one of whom is appointed by the President Pro Tempore of the Senate, one by the Speaker of the House of Representatives, one by the Chairman of the Senate Finance Committee, one by the Chairman of the House Ways and Means Committee, and two by the Governor. Before providing a loan or other financial assistance to a qualified borrower, the authority must obtain the review and approval of the Joint Bond Review Committee.

The House concurred in Senate amendments to **H.4299**, a joint resolution authorizing certain **TEACHER CONTRACT AND SALARY PROVISIONS** effective for the upcoming school year, and enrolled the legislation for ratification. The legislation provides that the boards of trustees of the several school districts shall decide and provide the required written notification to the teachers in their employ concerning their employment for the 2010-2011 school year by May 15, 2010. Any teacher who is reemployed by this written notification shall notify the board of trustees in writing of his acceptance of the contract for the 2010-2011 school year no later than ten days following receipt of written notification. Failure on the part of the teacher to notify the board of acceptance within the specified time limit shall be conclusive evidence of the teacher's rejection of the contract. The legislation also provides that school districts may uniformly negotiate salaries below the school district salary schedule for the 2010-2011 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive Program.

The House concurred in Senate amendments to **H.4248**, establishing a **REQUIREMENT FOR CRIMINAL BACKGROUND CHECKS OF SUBSTITUTE TEACHERS AND OTHERS WORKING IN SCHOOLS**, and enrolled the bill for ratification. The legislation requires an individual hired by a local school district board of trustees to serve in any capacity in a public school in this State to undergo a name-based South Carolina State Law Enforcement Division (SLED) criminal record search. The legislation requires school districts to perform a National Sex Offender Registry check on all district employees hired to serve in any capacity in a public school and all volunteers who work in a school on an interim or regular basis as mentors, coaches, or any other capacity, or volunteers who serve as student chaperones or any other capacity having direct interaction with students. School district boards are required to adopt written policies on background searches, but policies must, at minimum, prohibit hiring those convicted of violent crimes and individuals required to register as sex offenders and must include hiring recommendations regarding felony convictions. SLED fees for a background search are waived if it is conducted on a substitute teacher on behalf of a school district. SLED is to provide training for school districts on the use of criminal record information.

The House amended approved and sent to the Senate **H.4212**. The bill **REVISES THE OFFENSE OF DISTURBING SCHOOLS**. Under this bill, the offense only applies to a person who is not a student. The bill provides that it is unlawful for a person who is not a student to wilfully interfere with, disrupt, or disrupt the normal operations of a school or college by (1) entering upon school or college grounds or property without the permission of the principal or president in charge; (2) loitering upon or about school or college grounds or property, after notice is given to vacate the grounds or property and after having reasonable opportunity to vacate; (3) initiating a physical assault on, or fighting with, another person on school or college grounds or property; (4) being loud or boisterous on school or college grounds or property after instruction by school or college personnel to refrain from the conduct; (5) threatening physical harm to a student or school or college employee while on school or college grounds or property; or (6) threatening the use of deadly force on school or college property or involving school or college grounds or property when the person has the present ability, or is reasonably believed to have the present ability, to carry out the threat. The legislation also increases penalties for the offense. Violations must be tried exclusively in summary court, unless a juvenile is under the jurisdiction of the family court. The provisions do not apply to school sponsored athletic events.

H.4212 also makes **REVISIONS TO THE STATUS OFFENSE OF INCORRIGIBILITY**. Prior to the Department of Juvenile Justice accepting a referral for the status offense of incorrigibility or the filing of a petition against a child for incorrigibility, the bill requires the party seeking to institute a proceeding against a child for incorrigibility to provide documentation indicating that family counseling involving the parent, guardian, or custodian and the child previously was sought in an attempt to address the incorrigible behavior of the child. If no prior assistance was sought, the department shall refer the parent or guardian to assistance that is available locally in their home community or shall provide this assistance to the family.

The House approved and sent to the Senate joint resolution **H.4823**, which authorizes certain temporary **COST SAVING MEASURES IN K-12 EDUCATION**. Under the resolution, the State Department of Education is not required to provide printed copies of 2010 district and school report cards. The district or school shall email parents a link to the report cards if the school maintains parent email addresses in its student information

system database. The district or school shall notify parents about the report cards through its newsletters and other regular communication channels. A parent must be provided a printed copy of such a report card at no cost only upon request. For the 2010-2011 school year, the State Department of Education shall suspend the writing assessments in grades three, four, six, and seven. Writing assessments may be administered only to students in grades five and eight. The writing assessments may not be used in Education Accountability Act growth calculations. The savings generated from the suspension of these activities must be distributed to school districts based on the Education Finance Act formula. A public school or district board is not required to inform the community of the school's and district's 2010 report card by advertising the results in at least one South Carolina daily newspaper of general circulation in the area. However, the results must be provided to the editor of a newspaper of general circulation in the school's or district's area. The legislation authorizes high schools to offer state-funded WorkKeys to tenth grade students using funds appropriated for the assessment of PSAT or PLAN. The selection of the test for each student should be informed by the student's individual graduation plan, cluster selection, guidance counselor advisement, and parent or legal guardian consent. The legislation provides that, for Fiscal Year 2010-2011, an individual who received a South Carolina Teacher Loan, who completed an undergraduate or graduate degree in education in calendar year 2009 or 2010, and who was not employed in a public school in South Carolina by September 1, 2010 or the 2010-2011 school year may elect to receive a one-year grace period that allows the individual to defer making loan repayments for one calendar year. Interest must be accrued during this deferral period. The legislation requires the State Department of Education, in collaboration with the Education Oversight Committee, to convene a task force, including district level instructional and assessment personnel, to examine the feasibility of shifting from the use of HSAP to end-of-course assessments for meeting federal assessment requirements. The task force must submit its findings to the Senate Finance Committee, Senate Education Committee, House Ways and Means Committee, House Education and Public Works Committee, the State Board of Education, and the Education Oversight Committee by January 15, 2011.

The House approved **S.931**, which makes **REVISIONS PERTAINING TO SEXUALLY VIOLENT OFFENDERS**, and enrolled the bill for ratification. The bill provides that the agency with jurisdiction must give written notice to the multidisciplinary team, the victim, and the Attorney General at least 270 days, rather than 180 days as is currently required, before the person's anticipated release, hearing or parole. If the appropriate department intends to grant parole or conditional release to a person who has been convicted of a sexually violent crime, the parole or the conditional release must be made effective 180 days after the date of the order of parole or conditional release. The previous language provided that the parole or conditional release must be made effective 90 days after the date of the order of parole or conditional release. If the probable cause determination is made, upon completion of the criminal sentence, the court must have the individual transferred to a facility of the Department of Mental Health for an evaluation by a court-appointed expert to determine whether or not the person is a sexually violent predator. The expert must complete the evaluation within 60 days after the probable cause hearing. However, the court may grant one extension upon request of the expert and upon good cause shown. A court must conduct a trial to determine whether a person is a sexually violent predator. Current law requires that the trial must be held within 60 days of the completion of the probable cause hearing. The legislation provides that the trial must now be conducted within 90 days after the court-appointed expert issues an evaluation on the individual. The individual or Attorney General may

retain another qualified expert following the evaluation issued by the court-appointed expert. The Director of the Department of Mental Health is required to certify in writing with specific basis thereof, a determination that a person's mental abnormality has changed to the point to where the person is no longer likely to commit acts of sexual violence and are, therefore, authorized to petition the court for release. The Director is also required to notify the Attorney General of the notification and authorization. The court must order a hearing within 30 days of receiving the petition of release unless the Attorney General requests an evaluation of the individual by a qualified expert or the Attorney General or petitioner request a trial by jury. If the Attorney General's expert determination is adverse to the petitioner, then the petitioner shall have the right to retain a qualified expert of his or her own choosing. This legislation also provides a procedure for allowing indigent petitioners to obtain a qualified expert if the court finds such an examination necessary.

The House amended, approved, and sent to the Senate **H.3369**. This bill **REVISES PENALTIES RELATING TO THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR**. The bill provides that a first offense is a felony, and upon conviction, the offender must be fined not more than \$25,000 or imprisoned not more than 25 years, or both. Second and subsequent offenses are felonies, and upon conviction, the offender must be fined not more than \$25,000 and imprisoned for not less than a mandatory minimum of five years nor more than 25 years, no part of which may be suspended nor probation granted.

H.3369 also includes provisions prohibiting **SEXUAL BATTERY BY PERSONS AFFILIATED WITH A SECONDARY SCHOOL IN AN OFFICIAL CAPACITY AND STUDENTS (AGE 16 AND OVER) ENROLLED IN THAT SCHOOL**. If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is 16 or 17 years of age and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is 18 years of age or older and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for 30 days, or both. An exception is provided if the person affiliated with a public or private secondary school in an official capacity is married to the student at the time of the act.

The House amended, approved, and sent to the Senate **H.4542**, relating to the **DUTIES AND POWERS OF THE STATE ETHICS COMMISSION**. The bill deletes the current prohibition of the release of information by the State Ethics Commission until final disposition of an ethics investigation. This bill authorizes the release of information regarding an ethics investigation once a finding of probable cause or dismissal has been made.

The House returned **S.391**, relating to the conduct of **DEPARTMENT OF WORKFORCE APPELLATE PANEL ELECTIONS** by the General Assembly, to the Senate with amendments. This bill prohibits pledges of support for candidates by members of the General Assembly until after the qualifications of all candidates for that office have been

determined by the Department of Workforce Review Committee and the review committee has released formally to the General Assembly its report regarding the qualifications of all candidates for the office. The legislation provides that a member of the General Assembly may not trade a thing of value, including a pledge to vote for legislation or for another candidate, in exchange for another member's pledge to vote for a candidate for the Department of Workforce Appellate Panel. A violation of these provisions is a misdemeanor subject to a fine of up to one thousand dollars or imprisonment for up to ninety days.

The House did not concur in Senate amendments to **H.3245**, a bill relating to **PREREQUISITES FOR PERFORMING AN ABORTION**. A conference committee was appointed to address differences with the Senate on the legislation.

The House returned **S.170** to the Senate with amendments. The bill authorizes the **FAMILY COURT TO ISSUE A RULE TO SHOW CAUSE UPON THE FILING OF AN AFFIDAVIT THAT A PARENT HAS FAILED TO PAY COURT-ORDERED MONETARY SUPPORT**, except periodic child support payments. The bill outlines what information should be included in the affidavit as well as what supporting documents must accompany the affidavit. The parent must be served in accordance with the South Carolina Rules of Civil Procedure. At the hearing on the rule to show cause, once the petitioner has established his claim, the burden is on the alleged non-paying parent to establish a defense. The bill authorizes the awarding of attorney's fees and other litigation costs under certain circumstances.

The House approved **S.196**, relating to the **LIABILITY OF LIQUEFIED PETROLEUM GAS PROVIDERS**, and enrolled the bill for ratification. This legislation limits liability for liquefied petroleum gas providers for injuries or damages caused by certain alterations, modifications, or repairs of liquefied petroleum gas equipment. The bill further provides that the person who alters or modifies his liquefied petroleum gas equipment shall notify the licensed dealer who next fills or otherwise services his liquefied petroleum gas system. The dealer is required to notify their customers of this statutory obligation at least once a year in writing.

The House amended, approved, and sent to the Senate **H.3924**. This bill revises provisions relating to **LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE** by adding that there is a rebuttable presumption that any landowner, lessee, employee, or agent that has conducted a prescribed fire in compliance with the law has not acted negligently.

The House amended, approved, and sent to the Senate **H.4516**. This bill pertains to **SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS ISSUED TO NONPROFIT ORGANIZATIONS FOR A LIMITED DURATION**. The bill defines which nonprofit organizations may be authorized to be issued these special permits. The Department of Revenue (DOR) may issue no more than 25 temporary licenses on each application for special functions in a twelve-month period to the same nonprofit organization. The bill allows DOR to issue a nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function not open to the general public for a period not to exceed 24 hours. The nonprofit organization may sell tickets at the door if the price of the ticket includes full membership to the organization. The legislation outlines what the application for these special permits must include, requires a filing fee, and outlines the circumstances in which an

application may be denied. The legislation includes provisions relating to required criminal records checks of applicants. The legislation requires law enforcement to be notified as to the location of the special functions. A timely objection by law enforcement is sufficient grounds to deny an application.

The House amended, approved, and sent to the Senate **H.3249**. If the State, an agency, a political subdivision, or an employee of these governmental entities is sued for **CIVIL CONSPIRACY BASED IN PART UPON A PERSONNEL OR EMPLOYMENT ACTION OR DECISION REGARDING A STATE EMPLOYEE**, this bill provides that the court, prior to trial, must make a determination whether the action or decision giving rise to the suit was made by the employee within the scope of official duty. If the court finds that the employee was acting within the scope of the employee's official duties, the State, an agency, a political subdivision, or an employee of these governmental entities is immune from suit, liability, and damages from the civil conspiracy claim. The immunity granted by this legislation does not limit any claim available at law, other than civil conspiracy, which challenges personnel or employment action of a governmental entity.

The House approved and sent to the Senate **H.4599**. This bill revises provisions relating to **IN-STATE TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS**, so as to continue to extend in-state tuition rates upon transfer to an eligible institution upon certain conditions, and to require a transferring institution to verify eligibility and the transferring student to provide necessary documentation.

The House amended, approved, and sent to the Senate **H.4636**, pertaining to the **COMPOSITION OF THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES**. This bill adds an additional member to the South Carolina State University Board of Trustees to be elected by the National Alumni Association of the university. The member elected by the association must be a graduate of South Carolina State University and shall serve for a term of four years, beginning on July 1, 2010, until his successor is elected and qualifies.

The House amended, approved, and sent to the Senate **H.4510, RELATING TO MEMBERS OF THE BOARD OF VISITORS OF THE CITADEL**. This bill revises the manner in which the members of the board of visitors are elected by the General Assembly. One member of the board of visitors must be elected from each congressional district and in addition to all other qualifications must be a resident of that congressional district. One member of the board of visitors must be elected from the State at large. All members shall serve terms of six years each and until their successors are elected and qualified. The bill includes special provisions for the terms of office for members first elected under these provisions. Vacancies shall be filled in the manner of original election for the remainder of the unexpired term. The terms of the seven present members of the board of visitors expire on June 30, 2011, at which time their successors elected in the manner provided by this legislation.

The House amended, approved, and sent to the Senate **H.4452**. This bill allows a **CORONER TO BE ISSUED TWO SPECIAL LICENSE PLATES**. Currently, coroners are only allowed one special license plate. The bill also authorizes the issuance of **CITADEL ALUMNI ASSOCIATION 'BIG RED' SPECIAL LICENSE PLATES**.

The House amended, approved, and sent to the Senate **H.4346**, a bill relating to **VETERAN LICENSE PLATES**. A veteran license plate already exists. This bill amends

the current veteran license plate section to provide if a veteran also meets all the requirements for a handicapped license plate, then the veteran license plate shall also include a wheelchair symbol. If a veteran is also certified by the Veteran's Administration or County Veteran Affairs officer with a service related disability, then the license plate shall also include the word "disabled." Note a South Carolina Disabled Veteran's Plates already exists. However, the issuance of a Disabled Veteran's Special License Plate is limited to a veteran who is permanently and totally disabled or surviving spouse who has not remarried.

The House amended, approved, and sent to the Senate **H.3755**, pertaining to **LICENSE PLATES**. When certain requirements are met, this bill allows the Department of Motor Vehicles to issue the following license plates: (1) "I Support Libraries" (available to anyone); (2) South Carolina Educator (applicant must be a public or private K-12 school teacher); (3) Raccoon Hunters (available to anyone); and (4) Beach Music (available to anyone). The bill also provides that it is not unlawful to place a frame on the license plate if it does not obscure any letters or numbers.

The House approved and sent to the Senate **H.4438**, relating to **PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION**. If the decedent died while serving in any branch of the United States Armed Services and completed a United States Department of Record of Emergency form (DD form 93 or its successor form), this bill permits the person named in the form to authorize cremation.

The House amended, approved, and sent to the Senate **H.4560**, a bill enacting the "**FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA**" to establish the junior firefighters program. The legislation authorizes the Director of the Department of Labor, Licensing and Regulation, in cooperation with the State Firefighters Association, to establish a junior firefighters program, consistent with all applicable state and federal child labor laws, for the purpose of encouraging, educating, and training qualified youth to enter the fire service as a career. Under the program, young people between the ages of fourteen and eighteen shall be allowed to participate in training activities offered by local fire departments, the Office of the State Fire Marshall, and the Department of Labor, Licensing and Regulation. Participants in the junior firefighters program are not compensated, are not considered employees of the State, and are not considered eligible for unemployment compensation upon termination from the program. Participants are, however, entitled to all other work benefits, including workers' compensation or its equivalent.

The House approved and sent to the Senate **H.4746**. This bill creates the "**SOUTH CAROLINA ENVIRONMENTAL JUSTICE EQUITABLE REDEVELOPMENT COMMISSION**" and the South Carolina Interagency Working Group on Environmental Justice, an advisory committee to the commission, provides for their membership, and establishes their powers and duties regarding the fair treatment and meaningful involvement of all people with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies and the goal of increasing prosperity of all South Carolinians.

The House returned **S.652** to the Senate with amendments. The Senate subsequently concurred in these amendments and enrolled the bill for ratification. This bill pertains to **PROFESSIONAL FUNDRAISING**. Under the provisions of the bill, a list provided by a charitable organization of the names, addresses, telephone numbers, e-mail addresses,

dates and amounts of donations, of each contributor to a solicitation campaign conducted by a professional fundraising counsel or professional solicitor is the property of the charitable organization. The professional fundraising counsel or professional solicitor must maintain this list throughout the duration of the solicitation campaign. If contributions are received by a professional fundraising counsel or professional solicitor, then the professional fundraising counsel or professional solicitor must deliver the list to the charitable organization within 90 days after the solicitation campaign has been completed or within 90 days after each anniversary of a solicitation campaign that lasted for more than a year. The bill places restrictions on what a professional fundraising counsel or professional solicitor may do with a list provided by a charitable organization. Violations are subject to an administrative fine from the Secretary of State. A person assessed an administrative fine from the Secretary of State may request a contested hearing before the Administrative Law Court. Failure to pay the administrative fine or to request a contested hearing may subject the person to being prohibited from engaging in further charitable solicitation activities. Revenue from these administrative fines must be directed to the Secretary of State for the purpose of administering these provisions.

The House amended, approved, and sent to the Senate **H.4538**, a bill establishing the **SOUTH CAROLINA HEALTH INFORMATION EXCHANGE (SCHIE_x)** to comply with the provisions of the Health Information Technology for Economic and Clinical Health Act of 2009, also known as HITECH, that the U.S. Congress approved as a means of advancing the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care. The federal HITECH legislation provides for monetary incentives to encourage qualified health care professionals and hospitals to adopt electronic health records and to utilize the state health information exchange and also penalizes Medicare providers who do not utilize this technology. The legislation creates the South Carolina Health Information Exchange Council as the governing body of SCHIE_x, provides for the council's composition, and establishes its powers and duties regarding the electronic movement of health-related information among health care organizations in the state, the privacy and security of patient records shared through the exchange, and the facilitation of telemedicine.

The House returned **S.907**, which updates the **EMERGENCY MEDICAL SERVICES ACT OF SOUTH CAROLINA**, to the Senate with amendments. The bill adds and updates definitions relating to emergency medical services; and creates a State Medical Control Physician position to be contracted with DHEC to oversee all medical aspects of the EMS Program. The contracted physician must both reside and be licensed to practice in South Carolina. The bill provides for the duties of the State Medical Control Physician to include, but not limited to, protocol development; the establishment of the scope of practice for EMTs at all levels; provide recommendations for disciplinary actions in cases involving inappropriate patient care; and to serve as chairman of the State Medical Control Committee and the State Emergency Medical Services Advisory Council. The bill requires the establishment of an electronic patient care reporting system to provide data to the National EMS Information System database for betterment of EMS across the nation. The bill states that a business providing EMS or ambulance services or an ambulance attendant providing patient care without a license subjects the business or person to civil penalties. It also requires an EMS or an ambulance service to retain a medical control physician to maintain quality control of the patient care. Medical control physicians, who do not act in good faith with the review and evaluation of improving quality patient care, are liable for any civil damages as a result of any act or

omission by the physician in the course of a review or evaluation. The bill provides that an emergency medical technician (EMT) certificate is valid for four years rather than three years. It requires technicians, upon certificate renewal, to provide documentation of current national registration for the appropriate level of certification instead of completing a refresher course. The bill also revises confidentiality provisions and updates investigative procedures to outline that investigations must be conducted by the Investigative Review Committee and that the action taken by the committee on a license is public information. The bill establishes the Emergency Medical Services for Children Advisory Committee to advise DHEC on matters concerning preventative, prehospital, hospital, rehabilitative, and other post-hospital medical care for children. The Committee members must be appointed by the board and shall be composed of a nurse with emergency pediatric experience, a physician with pediatric training, an emergency physician, an EMT/paramedic who is currently practicing, a ground level prehospital provider representative, an emergency medical services state agency representative, the EMSC Program principal investigator, the EMSC Program manager, and a family representative. All members must reside and, if applicable, be licensed or certified to practice in this State. The members of the advisory committee shall serve without compensation, mileage, per diem, or subsistence.

The House returned **S.481** to the Senate with amendments. This joint resolution establishes the **SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION**, which is authorized to solicit and accept private and public donations and grants to be distributed to encourage and assist public school districts and schools in ensuring that a certified athletic trainer is on staff at each high school and middle school. Funds received will be held and accounted for by the State Department of Education, which is authorized to withhold 4% of the funds for administrative costs. The foundation is composed of eleven members, to be appointed one each by various interested parties. Members serve without mileage, per diem, or subsistence.

The House approved and sent to the Senate **H.4405**. 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 House approved and sent to the Senate **H.4621**, regarding the **DIABETES INITIATIVE BOARD**, which revises the Board's membership by adding the Dean of the University of South Carolina School of Medicine; the chair of the Division of Endocrinology at the Medical University of South Carolina; and the President of the South Carolina Hospital Association. In addition, the Board's membership term is three years and the Board may elect nonvoting members and honorary members.

The House concurred in Senate amendments to **H.3720**, relating to **SERVICE BY PUBLICATION**, and enrolled the bill for ratification. This bill provides a court shall grant an order allowing a party with an interest in or lien on a parcel of real property subject to a partition action, mortgage foreclosure action, or other action affecting the property's title to serve by publication any unknown party to the action and who has an interest in or lien on the real property, any such legal notice as will accomplish the underlying purposes set forth in this section, if the: (a) residence of the unknown party cannot, with a reasonably diligent effort, be ascertained by the plaintiff; and (b) plaintiff presents an affidavit to the court stating he has been unable to ascertain the residence of the unknown party after making a reasonably diligent effort. A court order allowing a party to serve an unknown party by publication must require the party serving by publication to

publish the service once a week for three weeks in a newspaper of general circulation in the county where the property is situated. Service by publication is equal to personal service on the unknown party. A party may accomplish service by publication for multiple units in a single horizontal property regime by consolidating the services into a single service that identifies each apartment included in the action based on the apartment's description in the master deed. This consolidated service must comply with the other requirements and other applicable statutes, including the requirement that publication must take place once a week for three weeks in a newspaper of general circulation in the county where the property is situated.

The House amended, approved, and sent to the Senate H.4187. Relating to the **POWERS THAT AN ENTITY HAS TO ESTABLISH AN AIRPORT OR LANDING FIELD** or acquire, lease, or set apart property for that purpose, this bill deletes a provision that limits the term of a lease of airports or landing fields to private parties for operation.

The House amended, approved, and sent to the Senate H.4784, a bill revises the Department of Transportation's issuance of **PERMITS FOR THE PLACEMENT OF COMMERCIAL ADVERTISEMENTS ON BENCHES**, so as to provide that the permits must be renewed annually upon payment of the annual permit fee instead of terminated on July 1, 2010.

The House approved and sent to the Senate H.3354, a bill relating to a **RESIDENTIAL PROPERTY OWNER'S DUTY TO COMPLY WITH BUILDING CODES AND STANDARDS WHEN MAKING IMPROVEMENTS OR CONSTRUCTING**. The legislation provides that when an owner of residential property makes an improvement to the property or builds a structure on the property, the owner owes to a subsequent owner of the property the same duty as a licensed contractor to comply with applicable building codes and industry standards.

The House amended, approved and sent the Senate H.3988, a bill providing a procedure for the **ENFORCEMENT OF A LIEN AGAINST A TITLED VEHICLE IN CONNECTION WITH A SELF-SERVICE STORAGE FACILITY**.

The House amended, approved, and sent to the Senate H.4430, a bill relating to the **IMPLEMENTATION OF COUNTYWIDE PROPERTY TAX REASSESSMENT FOR A MUNICIPALITY WITH PROPERTY LOCATED IN TWO OR MORE COUNTIES**. This bill establishes a procedure for the calculation of a blended property tax millage in a situation where a municipality consists of real property located in two or more counties and one of those counties, but not all, undergoes and implements a countywide reassessment and equalization program.

The House approved and sent to the Senate H.3768. This bill revises terms and conditions relating to the **EXEMPTION OF CERTAIN CONSTRUCTION CONTRACTS FROM A LOCAL OPTION SALES TAX** for county or municipal operations under which tangible personal property is to be delivered after the imposition date of the tax.

The House amended, approved, and sent to the Senate H.4572. This bill allows the holder of a retail permit authorizing the sale of beer for off-premises consumption whose primary product is beer or wine to have a limited number of **BEER TASTINGS AT THE RETAIL LOCATION** each year under certain circumstances. Among other things, at least ten days before the tasting, a notice detailing the specific date and hours of the

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tasting must be sent to the State Law Enforcement Division. The tastings must be conducted by the retailer or an agent or independent contractor of the retailer and may not be conducted by a wholesaler or manufacturer or an employee, agent or independent contractor of a wholesaler or manufacturer. The products must be supplied by the retailer and may not be donated or otherwise supplied at no or reduced cost by the manufacturer or wholesaler. The bill regulates the amount of samples that may be provided. The tasting must not be held in conjunction with a wine tasting or in conjunction with a tasting in a retail alcoholic liquor store. Violations of these provisions are subject to a \$100 fine; the revenue from these fines must be directed to the Department of Revenue for supplementing funds required for the department's activities concerning licensure and regulation of alcohol.

The House approved and sent to the Senate **H.4233**. This bill conforms the **DEFINITION OF "BEER" UNDER THE BEER AND WINE LICENSE TAX** to the revised definition for "beer" provided by law for the regulation of beer and wine sales and consumption.

The House concurred in Senate amendments to **H.4444**, relating to **CATCH LIMITS FOR WEAKFISH**, and enrolled the bill for ratification. This bill provides that it is unlawful for a person to take or have in possession more than one weakfish, *Cynoscion regalis*, in any one day.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

Currently an operator of an animal facility and waste utilization area must be trained and certified according to South Carolina Department of Health and Environmental Control Regulations on the operation of animal waste management. The full committee gave a favorable with amendment report to **H.4589**, which **EXEMPTS CATTLE STOCKYARD OWNERS AND OPERATORS FROM TRAINING AND CERTIFICATION REQUIREMENTS**.

H.4562, dealing with **PUBLIC WEIGHMASTERS**, was given a favorable with amendment report by the full committee. The bill requires persons to be licensed and registered to work as weighmasters and employees designated by a registered and approved public weighmaster are covered under these provisions. Beginning on July 1, 2011, all registrations for public weighmasters are valid for one year and must be renewed annually on the anniversary date of the registration approval. All registration fees for public weighmasters shall be set by Regulation.

The committee gave a favorable recommendation to **S.495**, regarding **FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES**. This bill adds that a participant in any field trial permitted by the department is not required to obtain a hunting license or a wildlife management area permit if the participant is not carrying a weapon typically used for hunting and no game is taken. The bill further outlines that no field trials shall be conducted on wildlife management areas outside of the regular season, except as permitted by the department.

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 House Labor, Commerce and Industry Committee met on Thursday, April 22, and reported out several bills.

The committee gave a favorable report on **H.4181**, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT ON THE PRESERVATION OF THE RIGHTS OF SOUTH CAROLINIANS REGARDING THE PROVISION OF HEALTH CARE**

SERVICES. This joint resolution proposes to amend the declaration of rights of the South Carolina Constitution by adding a new section preserving the freedom of South Carolinians with respect to the providing of health care services by: prohibiting any law, regulation, or rule to compel an individual, employer, or health care provider to participate in a health care system; allowing individuals and employers to pay directly for lawful health care services without penalties or fines for these direct payments; providing that the purchase or sale of health insurance in private health care systems must not be prohibited by law, regulation, or rule; and, providing those incentives to which these rights do not apply.

The committee gave a favorable report on **H.4350**, a bill **REQUIRING CERTIFICATION OF FUNCTIONING SMOKE DETECTORS FOR THE SALE OF A PREVIOUSLY-OWNED MANUFACTURED HOME.** 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.

The committee gave a favorable report on **H.4352**, legislation establishing a **MICROENTERPRISES STUDY COMMITTEE.** This joint resolution establishes a study committee to review and make recommendations concerning the need to foster the development of microenterprises and microbusinesses, which are sole proprietorships, partnerships, or corporations that have fewer than five employees and generally lack access to conventional loans, equity, or other banking services. 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.

The committee gave a favorable report on **S.1097**, a bill enacting the "**FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA**" to establish the junior firefighters program. The legislation authorizes the Director of the Department of Labor, Licensing and Regulation, in cooperation with the State Firefighters Association, to establish a junior firefighters program, consistent with all applicable state and federal child labor laws, for the purpose of encouraging, educating, and training qualified youth to enter the fire service as a career. Under the program, young people between the ages of fourteen and eighteen shall be allowed to participate in training activities offered by local fire departments, the Office of the State Fire Marshall, and the Department of Labor, Licensing and Regulation. Participants in the junior firefighters program are not compensated, are not considered employees of the State, and are not considered eligible for unemployment compensation upon termination from the program. Participants are, however, entitled to all other work benefits, including workers' compensation or its equivalent.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full House Ways and Means Committee met on Tuesday, April 20, and reported out two bills.

The committee gave a report of favorable with amendments on **S.391**, relating to the conduct of **DEPARTMENT OF WORKFORCE APPELLATE PANEL ELECTIONS** by the General Assembly. This bill prohibits pledges of support for candidates by members of the General Assembly until after the qualifications of all candidates for that office have been determined by the Department of Workforce Review Committee and the review committee has released formally to the General Assembly its report regarding the qualifications of all candidates for the office. The legislation provides that a member of the General Assembly may not trade a thing of value, including a pledge to vote for legislation or for another candidate, in exchange for another member's pledge to vote for a candidate for the Department of Workforce Appellate Panel. A violation of these provisions is a misdemeanor subject to a fine of up to one thousand dollars or imprisonment for up to ninety days.

The committee gave a favorable report on **H.4233**. This bill conforms the **DEFINITION OF "BEER" UNDER THE BEER AND WINE LICENSE TAX** to the revised definition for "beer" provided by law for the regulation of beer and wine sales and consumption.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4888 "TAILORING RULE" Rep. Ott

This Joint Resolution adopts proposed "Tailoring Rule" of the U.S. Environmental Protection Agency in South Carolina, upon its adoption by the EPA, in order to give the Department of Health and Environmental Control sufficient time to promulgate appropriate regulations.

EDUCATION AND PUBLIC WORKS

S.1330 ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER'S EMPLOYEE BENEFITS PROGRAM Sen. Peeler

In 2011 and 2012, this joint resolution provides that the annual fee for the automobile manufacturer standard license plate for vehicles in such manufacturer's employee benefit program and for the testing, distribution, evaluation, and promotion of its vehicles is \$699. Twenty dollars of each fee is credited to the general fund of the state and the balance to local governments. The entire fee amount is to be credited to the general fund of the state for nonresident participants in the employee benefit program.

S.1134 "SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE" Sen. Peeler

Among other things, this bill requires each school district to have in place procedures to ensure seamless transitions between schools and school districts for children upon notice that a child is in foster care. Educational and school placement decisions for children in foster care must be made to ensure that each child immediately is placed in the least restrictive educational program and has access to all academic resources, services, and extracurricular and enrichment activities that are available to all students. The bill provides that absences from school due to a court-appearance or related court-ordered activity must be counted as excused absences. Each school district, subject to federal law, may permit an authorized representative of the Department of Social Services (DSS) to have access to the school records of a child in foster care for the purpose of fulfilling educational case management responsibilities and to assist with the school transfer or placement of a child. DSS shall ensure that children in foster care have a willing and available adult to advocate for their best educational interests, and school districts shall acknowledge and accept this person's role in advocating for educational serves necessary to meet each child's needs.

S.1339 "I-85 CORRIDOR AUTHORITY ACT" Sen. Peeler

This bill establishes the I-85 Corridor Authority to (1) oversee the implementation of the recommendations contained in the Department of Transportation's I-85 Widening Corridor Feasibility Study for Cherokee County and Spartanburg County and other studies from the department relating to widening I-85; and (2) report to the General Assembly, at least annually, on the progress made related to its charge, any modification of the laws of this State needed to allow the authority to better fulfill its charge, programs, and operations. The bill provides for the composition, duties and powers of the authority.

H.4866 EDUCATION OPERATIONAL EXPENDITURES OF SCHOOL DISTRICTS Rep. H. B. Brown

This bill provides that at least 65% of the education operational expenditures of each school district must be used for classroom instructional expenditures. Each school district shall submit its proposed budget to the State Superintendent of Education with the actual percentage of its education operational expenditures used for classroom instruction. The bill provides for a waiver. The bill allows the governing body in a county to amend the fiscal year budget of a school district within the county upon a finding by the State Superintendent of Education that a school district has demonstrated blatant disregard for these requirements. The Superintendent of Education shall develop model plans, and the State Board of Education shall promulgate regulations to aid in the implementation of these requirements.

JUDICIARY

S.418 MEETINGS OF THE BOARD OF STATE CANVASSERS AND MEETINGS OF COUNTY BOARDS OF CANVASSERS Sen. L. Martin

This bill provides that a meeting of the Board of State Canvassers may be convened by telephone or electronic communication instead of in person at the office of the State Election Commission. Relating to the convening of the county commissioners of election as county boards of canvassers, this bill also allows any required meetings to be convened by telephone or electronic communication.

S.1070 "SOUTH CAROLINA ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT" Sen. Hayes

This bill enacts the "South Carolina Adult Guardianship and Protective Proceedings Jurisdiction Act". Among other things, it defines necessary terms, provides a procedure for determining jurisdiction over adult guardianships, conservatorships, and other protective proceedings.

S.1120 DEBT COLLECTION FOR HEALTH CARE SERVICES PROVIDED TO CRIME VICTIMS Sen. Lourie

When a person files a claim for compensation as a victim of a crime, this bill provides that a health care provider that has received written notice of a pending claim is prohibited from all debt collection activities relating to medical and psychological treatment received by the person in connection with the claim until an award is made on the claim or the claim is determined to be non-compensable and is denied. The statute of limitations for collection of the debt is suspended during the period in which the applicable health care provider is required to refrain from debt collection activities.

H.4861 RESTRICTIONS ON WHERE SEX OFFENDERS MAY RESIDE Rep. Wylie

Current law provides that it is unlawful for sex offenders who have been convicted of certain offenses to reside within 1,000 feet of a school, daycare center, children's recreational facility, park, or public playground. This bill provides that any convicted sex offender would be subject to this restriction.

H.4867 SEX OFFENDERS DISQUALIFIED FROM REGISTERING TO VOTE Rep. H. B. Brown

This bill provides that a registered sex offender is disqualified from registering to vote.

H.4868 SEX OFFENDERS PROHIBITED FROM BEING APPOINTED TO PUBLIC OFFICE Rep. H. B. Brown

This bill prohibits a registered sex offender from being appointed to a public office.

H.4869 SEX OFFENDERS PROHIBITED FROM BEING EMPLOYED BY THE STATE Rep. H. B. Brown

This bill prohibits a registered sex offender from being employed by the State.

H.4875 "MUNICIPAL FINANCE ACCOUNTABILITY ACT OF 2010" Rep. Edge

This bill enacts the "Municipal Finance Accountability Act of 2010". The legislation creates the Municipal Finance Accountability Commission and provides for its composition, powers, duties, and responsibilities. The legislation requires municipalities to submit annual financial reports and annual audits. The legislation provides for the formulation and implementation of a plan by the commission to ensure that a municipality does not practice actions of fiscal mismanagement or matters which could lead to impending fiscal instability. The legislation provides for the forfeiture of office or employment of an official or employee of a municipality who persists in failing or refusing to comply with requirements. The legislation provides for orientation programs, approved by the commission, which municipal officials are required to complete. The legislation revises requirements for a municipal council to provide an annual independent audit of financial statements, records, and transactions, so as to: provide

when the audit must be performed; provide that certain auditing standards must be used; require an audit be done by an independent accountant rather than by a certified public accountant; require the production of books and records requested by the auditor; and, provide penalties for violations. The bill revises the requirement of municipalities with a population over two hundred to publish financial statements, so as to require all municipalities to prepare a quarterly statement of finances to include a cash balance report and a statement of accounts with comparisons of actual to budgeted revenues and expenditures, and provide that the statement must be provided to the municipal council and, upon request, to members of the public or interested organization.

LABOR, COMMERCE AND INDUSTRY

S.1065 CLOSED-END CREDIT TRANSACTIONS Sen. Hayes

This bill specifies closed-end credit transactions that are not considered supervised loans. The legislation establishes conditions under which a person licensed to make supervised loans may not make or enter into a closed-end credit transaction, with an original repayment term of less than one hundred twenty days, unsecured by any interest in the consumer's personal property or secured by personal property, excluding motor vehicles that are free of any other liens or encumbrances, that does not have a market value that reasonably secures the amount of the loan. Penalties are provided for violations.

S.1097 "FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA" Sen. Alexander

This bill enacts the "Future Volunteer Firefighters Act of South Carolina" to establish the junior firefighters program. The legislation authorizes the Director of the Department of Labor, Licensing and Regulation, in cooperation with the State Firefighters Association, to establish a junior firefighters program, consistent with all applicable state and federal child labor laws, for the purpose of encouraging, educating, and training qualified youth to enter the fire service as a career. Under the program, young people between the ages of fourteen and eighteen shall be allowed to participate in training activities offered by local fire departments, the Office of the State Fire Marshall, and the Department of Labor, Licensing and Regulation. Participants in the junior firefighters program are not compensated, are not considered employees of the State, and are not considered eligible for unemployment compensation upon termination from the program. Participants are, however, entitled to all other work benefits, including workers' compensation or its equivalent.

WAYS AND MEANS

S.1164 LEGAL RESIDENCE FOUR PERCENT PROPERTY TAX ASSESSMENT

***RATIO ALLOWED FOR CERTAIN HEIRS' PROPERTY* Sen. Rose**

This bill provides that the four percent property tax assessment ratio allowed for a legal residence includes the legal residence and not more than five contiguous acres thereto located on 'heirs' property' so long as the legal residence is owned and occupied by one or more heirs. For purposes of this item, 'heirs' property' includes, but is not limited to, land that is owned collectively by heirs of a deceased person whose estate never

passed through the probate process. For purposes of qualifying for the this assessment ratio by an owner of heirs' property, proof of ownership may include, but is not limited to, a birth certificate, language in a deed, authentic family papers, and other means that shall be designated by regulation by the Department of Revenue.

**S.1303 AVERAGE WEEKLY WAGE FOR AN INMATE WHO WORKS IN A
FEDERALLY APPROVED PRISON INDUSTRIES ENHANCEMENT
CERTIFICATION PROGRAM Sen. Fair**

This bill revises provisions establishing the average weekly wage designated for certain categories of employees, to provide that the average weekly wage for an inmate who works in a federally approved Prison Industries Enhancement Certification Program must be based upon the inmate's actual net earnings after any statutory reductions.

**H.4864 OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT
ACCOUNTABILITY Rep. Loftis**

This bill creates the Office of Program Policy Analysis and Government Accountability as a division of the Legislative Audit Council to perform independent examinations, program reviews, and other functions in regard to state agency accountability, effectiveness, and suitability of mission.

H.4880 UNEMPLOYMENT BENEFITS CRITERIA Rep. J. H. Neal

This bill provides that an individual may not be disqualified from receiving benefits from the Department of Workforce on the sole basis of being available for part-time employment under certain circumstances. The legislation provides certain benefits for an individual who must care for an immediate family member with a verified illness or disability that necessitates certain care. The legislation provides a dependents' allowance for each dependent of an eligibility for benefits. The legislation provides extended training benefits in certain circumstances. The legislation provides an alternate base period for unemployment benefits. The legislation revises provisions relating to benefits for an individual who is unemployed because of domestic abuse, so as to define an immediate family member and to provide a benefit for a person who, among other things, reasonably believes that leaving work is necessary for the safety of an immediate family member. The legislation revises provisions relating to military relocation benefits, so as to provide certain conditions for receipt of these benefits.

H.4889 CHARITABLE RAFFLES AND GAMING Rep. Merrill

This bill establishes provision authorizing charitable organizations to conduct raffles and special limited charity fundraising events. The legislation defines these events and defines the type of organization allowed to conduct the events. The legislation establishes standards for the management and conduct of these events and provides penalties for violations.

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