



South Carolina House of Representatives

# Legislative Update

ROBERT W. HARRELL, Jr., Speaker of the House

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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 concurred in Senate amendments to **H.3505**, relating to a **JASPER COUNTY PORT FACILITY**, and enrolled the legislation for ratification. This joint resolution directs the State Ports Authority to continue and bring to its earliest conclusion the condemnation action it has begun involving approximately one thousand eight hundred acres in Jasper County needed for new terminal facilities. The joint resolution establishes a timeline for completion of site acquisition, engineering studies, market analysis, submission of environmental impact statements, application for necessary permits, site preparation, and design and construction of the Jasper County Port facilities and its supporting infrastructure. The joint resolution establishes the Savannah River Maritime Commission to negotiate with the State of Georgia, the U.S. Army Corps of Engineers, and others regarding the use of the Savannah River as a waterway for ocean-going container or commerce vessels. The twelve-member commission is composed of: (1) the Governor or his designee (who serves as chairman); (2) the Speaker of the House of Representatives or his designee; (3) the President Pro Tempore of the Senate or his designee; (4) the Attorney General of South Carolina or his designee; (5) the Chairman of the Board of Health and Environmental Control to serve ex officio or his designee; (6) the Chairman of the Board of Natural Resources to serve ex officio or his designee; (7) the Chairman of the State Ports Authority to serve ex officio or his designee; (8) the Chairman of the Senate Finance Committee or his designee; (9) the Chairman of the Senate Transportation Committee or his designee; (10) the Chairman of the House Ways and Means Committee or his designee; (11) the Chairman of the House Education and Public Works Committee or his designee; and (12) one resident of Jasper County appointed by the Jasper County Council to serve at the pleasure of the council. The joint resolution also creates the Jasper County Port Facility Infrastructure Fund. The fund shall be used for expenses and administrative fees incurred by the county for infrastructure and service provision requirements related to the Jasper County Port Facility.

The House amended and gave second reading approval to **H.3567**, a bill providing for a **CIGARETTE TAX INCREASE AND A REDUCTION IN THE SALES TAX ON GROCERIES**. The legislation provides for an additional 1.5-cent surtax on each cigarette, which amounts to an additional 30 cents collected on each pack of twenty cigarettes. The revenue of the new surtax must be credited to the newly-established Groceries' Sales Tax Relief Fund and used to reduce the state sales and use tax imposed on the gross proceeds of the sale or sales price of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons. The legislation reduces the state sales and use tax rate for groceries from 3% to 1.4%. The legislation provides for transfers from the State's general fund to the Education Improvement Act Fund in amounts sufficient to offset the estimated loss of revenue from this sales tax rate reduction. The legislation also provides that in any fiscal year that the license tax on cigarettes is greater than seven cents a pack, the General Assembly shall appropriate one million dollars in the annual general appropriations act to the Department of Agriculture for research and promotion of healthy lifestyles with food grown in this State.

The House amended, approved, and sent to the Senate **H.3569**. This joint resolution creates the **SOUTH CAROLINA WIRELESS TECHNOLOGY AND COMMUNICATIONS**

**COMMISSION** for the purpose of implementing a statewide wireless broadband network. The commission is composed of the following thirteen members, of whom eleven are voting members and two are nonvoting members: (1) two members of the South Carolina Senate appointed by the President Pro Tempore of the Senate; (2) two members of the House of Representatives appointed by the Speaker of the House of Representatives; (3) two members of the private sector appointed by the President Pro Tempore of the Senate; (4) two members of the private sector appointed by the Speaker of the House of Representatives; (5) one member from the private sector appointed by the Governor; (6) the Secretary of Commerce or his designee; (7) the Chairman of the South Carolina Educational Television Endowment; (8) the State Chief Information Officer (CIO), or his designee, shall serve ex officio in a nonvoting and advisory capacity; and (9) the Executive Director of the Office of Regulatory Staff, or his designee, shall serve ex officio in a nonvoting and advisory capacity.

The House approved and sent to the Senate **H.3828**, a joint resolution creating a **STUDY COMMITTEE TO EXAMINE OFFSHORE NATURAL GAS EXPLORATION**. The joint resolution creates a State Government Study Committee to examine and report to the General Assembly on the feasibility of natural gas exploration in the Atlantic coastal waters of the State of South Carolina. The study committee is comprised of eighteen members to include: (1) six at-large members to be selected by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of Commerce, including one member designated by the: (a) Speaker of the House of Representatives representing the state's agricultural industry; (b) President Pro Tempore of the Senate representing the state's environmental interests; (c) Secretary of Commerce representing the state's manufacturing industry; (d) Speaker of the House of Representatives representing the state's coastal tourism interests; (e) President Pro Tempore of the Senate representing the state's natural gas distributors; and (f) Secretary of Commerce representing the state's economic development interests; (2) one member from each of the state's six United States Congressional Districts who must be selected by the members of the General Assembly representing each United States Congressional District; (3) one member from the House of Representatives Minority Party selected by the House Minority Leader; (4) one member from the Senate Minority Party selected by the Senate Minority Leader; (5) one member from the House of Representatives Majority Party selected by the House Majority Leader; (6) one member from the Senate Majority Party selected by the Senate Majority Leader; and (7) the Chairman of the House of Representatives Labor, Commerce and Industry Committee, or his designee, and the Chairman of the Senate Judiciary Committee, or his designee, shall serve as co-chairmen of the committee. The committee shall use clerical and professional staff from the Department of Commerce and also may request the support of the professional and clerical staff of the standing committees of the House of Representatives and the Senate. In conducting its study, the committee shall consider comprehensive implications relating to energy, economic development, tourism, commercial and recreational fishing, the environment, agriculture, manufacturing, public safety, national security, employment, and possible impacts on state and local economies. The committee shall render its report and recommendations to the General Assembly before January 8, 2008, at which time it is dissolved.

The House amended, approved, and sent to the Senate **H.3024**, providing for **SUNSET REVIEW OF STATE GOVERNMENT PROGRAMS**. This bill establishes the South Carolina Sunset Commission and a Sunset Review Division of the Legislative Audit Council, to establish procedures providing for the manner in which the programs of

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certain agencies and departments of State government must be evaluated to determine if they should be continued in existence, modified, or terminated. The legislation establishes the procedures by which these programs must be continued, modified, or terminated.

The House amended, approved, and sent to the Senate **H.3463**, pertaining to the **JUDICIAL MERIT SELECTION**. This bill changes the Judicial Merit Selection Commission's process for nominating judicial candidates from the nomination of three candidates to the release of a list of all qualified and fit candidates to the General Assembly. The bill deletes the requirement that the commission consider race, gender, national origin, and other demographic factors. The bill provides that a member of a legislator's immediate family may not be elected to a judicial office while the legislator is serving in the General Assembly or for one year after the legislator leaves office. The bill defines the term "immediate family member" as an individual who is: (1) a child residing in the person's household; (2) a spouse of the person; or (3) claimed by the person or the person's spouse as a dependent for income tax purposes.

The House concurred in Senate amendments to **H.3115**, relating to **SEWER SPECIAL PURPOSE DISTRICTS' CONSTRUCTION FINANCING AUTHORITY**, and enrolled the bill for ratification. This bill authorizes a special purpose district that only provides sewage collection and disposal services to utilize any method of financing the construction of sewer lateral collection lines notwithstanding other provisions of law.

The House amended and gave second reading approval to **S.518**. This bill requires the Department of Health and Environmental Control (DHEC) to approve and make available a video on the **DANGERS ASSOCIATED WITH SHAKING INFANTS AND YOUNG CHILDREN**. DHEC must make the video available at cost to every hospital, licensed childcare facility, and parent who adopts a child through the Department of Social Services. DHEC will be required to establish a protocol for health care providers to educate parents and primary caregivers about the dangers of shaking infants and young children. DHEC is instructed to request family practice and pediatric health care providers review these dangers with parents and primary caregivers of children up to age one at each well-child visit. Every hospital must make an approved video available and request both parents of every newborn baby to view it. Following the hospital's request, the parents are to sign a document stating they have been offered an opportunity to watch the video. In addition to making the video available, hospitals must make information available to parents about learning **INFANT CPR**. Also, the video presentation must be part of the initial and ongoing training of licensed childcare providers. The bill provides that there will be no civil, criminal or administrative cause of action or other liability against a health care facility or health care provider for any acts or omissions relating to compliance with the provisions of the act.

The House gave second reading approval to **S.321**, relating to the use of the **STUDENT RECOVERY FUND** and other revisions to the South Carolina Nonpublic Post Secondary Institution License Act. The legislation provides the proceeds of a surety bond and monies in the Student Recovery Fund may be used for the benefit of students who suffer financial losses of tuition and fees prepaid to a nonpublic post secondary institution as a result of the closing of the institution. The funds may be used to pay refunds to these students for unearned tuition and fees, to pay for or subsidize the cost of providing facilities and instruction for these students to complete their programs, or to pay expenses to store and maintain student records of these students. The legislation also

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provides that requirements imposed on higher education recruitment do not apply to an institution's occasional, incidental, and informational appearances at high school recruitment fairs and similar activities.

The House amended, approved, and sent to the Senate **H.3045**, a bill enacting the **“VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT ACT OF 2007 (V-SAFE)”**. The legislation requires the General Assembly to appropriate not more than \$3 million annually to offer grants of not more than \$30,000 to eligible volunteer and combination fire departments for the purpose of protecting local communities and regional response areas from incidents of fire, hazardous materials, and terrorism, and to provide for the safety of volunteer firefighters. The legislation specifies the purposes for which grant money must be used, including fire suppression equipment, self-contained breathing apparatus, training, protective clothing, decontamination equipment, and special operations vehicles. The legislation provides that the grants must be administered by the State Fire Marshall in conjunction with a peer review panel. The State Fire Marshall is required to submit an annual report to the chairmen of the House Ways and Means and Senate Finance Committees detailing the grant awards and corresponding fire department purchases. At least three percent of the funds of this legislation must be awarded to the South Carolina State Firefighters Association annually for the purpose of establishing and maintaining a recruitment and retention program for volunteer firefighters.

The House amended, approved, and sent to the Senate **H.3372** the **ANNUAL TAX CLEAN-UP BILL** that makes numerous technical revisions and updates to revenue provisions. Additionally, the legislation **REDUCES THE TOP MARGINAL RATE FOR THE SOUTH CAROLINA INCOME TAX** from 7% to 6.83%. The legislation revises various **ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS** so as to make their provisions more consistent with one another. The legislation makes revisions to the **MOTION PICTURE INCENTIVE ACT**. The legislation provides an **EXEMPTION FROM SUNDAY BLUE LAW RESTRICTIONS** on sales, work, and events, for a county that collects during one fiscal year more than nine hundred dollars in accommodations tax revenues (the current level is nine hundred thousand dollars).

The House amended, approved, and sent to the Senate **H.3526**, a bill providing for a **STATE INCOME TAX CREDIT FOR EMPLOYING AN APPRENTICE**. The bill provides that a taxpayer who employs an apprentice under a program registered with the Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor is allowed an income tax credit equal to one thousand dollars for each apprentice employed. A credit is not allowed unless the apprentice was in the employ of the taxpayer for at least seven full months of the taxable year and a credit is not allowed for an individual apprentice for more than four taxable years. Apprenticeship programs are used by such occupations as electricians, carpenters, and plumbers.

The House approved and sent to the Senate **H.3495**, a bill requiring **AGENCY HEAD SALARY COMMISSION REVIEW OF TECHNICAL COLLEGE PRESIDENTS**. This bill includes technical college presidents in provisions requiring performance and salary recommendations to be reviewed by the Agency Head Salary Commission.

The House amended, approved, and sent to the Senate **H.3568**. This bill provides for additional **AGRITOURISM** uses for agricultural real property that do not affect the

eligibility of the property for agricultural use classification for purposes of the property tax. The agritourism uses, such as hayrides, wineries, roadside stands, farm tours, etc., must be incidental and supplemental to the tract's primary agricultural use.

The House amended, approved, and sent to the Senate **H.3713**, a bill directing the Employee Insurance Program of the Budget and Control Board to review its health plans in order to identify possible incentives to be offered to plan participants to encourage **PARTICIPATION IN PROGRAMS THAT PROMOTE HEALTH AND PREVENTION OF DISEASE**. Based on that review, the Employee Insurance Program is further directed to develop a proposal on possible premium reductions or other financial incentives for those plan participants who participate in these health programs. The proposal shall be submitted to the Senate Finance Committee and the House Ways and Means Committee by January 15, 2008.

The House amended, approved, and sent to the Senate **H.3789**, a bill pertaining to **EMPLOYEES AND RETIREES INSURANCE-ACCOUNTING FOR POST-EMPLOYMENT BENEFITS**. This bill revises provisions regarding employees and retirement insurance so as to bring the State into compliance with new federal requirements of the Governmental Accounting Standards Board for post-employment benefits. The legislation establishes the South Carolina Retiree Health Insurance Trust Fund (SCRHI trust fund) and the South Carolina Long Term Disability Insurance Trust Fund as the method of paying and accounting for retiree health insurance premiums and basic long term disability income benefit plan premiums in compliance with the new federal accounting standards.

The House amended, approved, and sent to the Senate **H.3015**, a bill providing a particular option for a **TAX CREDIT RATHER THAN JUST COMPENSATION**. This bill establishes the option of a property tax credit or personal income tax credit, instead of just compensation, for the value of property that is subject to a condemnation action to a landowner that grants property to a county, municipality, or state agency for the purpose of building a sidewalk or bicycle path.

The House approved and sent to the Senate **H.3289**. This bill **EXEMPTS FROM SALES TAX THE GROSS PROCEEDS OF SALES OR SALES PRICE OF GOLD, SILVER, AND PLATINUM BULLION, LEGAL TENDER COINS, AND CURRENCY**. The legislation requires the retailer to maintain proper documentation as required by the South Carolina Department of Revenue for each exempt sale.

The House approved and sent to the Senate **H.3233**. This bill **REVISES THE REQUIREMENT FOR PERSONAL PROPERTY TAXES ON A WATERCRAFT AND OUTBOARD MOTORS TO BE CURRENT BEFORE THE TITLE TO THESE ITEMS MAY BE TRANSFERRED**, so as to provide that this prohibition on the transfer of title applies only for property taxes due for property tax years beginning after 1999. The legislation provides that used watercraft and used outboard motors obtained from a licensed dealer on or after October 3, 2000, are free of the lien for the payment of property taxes for property tax years before 2000. The legislation provides that no refunds of property taxes on watercraft and outboard motors are payable for property tax years before 2000. The legislation repeals Act 451 of 2002 relating to transfer of titles to watercraft in Lexington County.

The House amended, approved, and sent to the Senate H.3765, pertaining to **PROPERTY TAXES ON WATERCRAFT AND MOTORS**. This legislation provides that a county, by ordinance, may exempt from the property tax 42.75% of the fair market value of a watercraft and its motor. The exemption for a watercraft motor applies whether the motor is located in, attached to, or detached from the watercraft. The legislation also provides that the time that a boat or motor spends in the State in a marine repair facility does not count towards establishing state tax situs.

The House approved and sent to the Senate H.3544, relating to **MOTOR HOMES VALUED AS MOTOR VEHICLES FOR PROPERTY TAX PURPOSES**. This bill revises provisions for property taxes on motor homes, so as to provide that the fair market value of a motor home classified for property tax purposes as a primary or second residence must be determined in the manner that motor vehicles are valued for property tax purposes.

The House amended, approved, and sent to the Senate H.3659. This bill revises provisions relating to the **EXCISE TAX ON ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION**, so as to require that a state agency or local entity that does not receive the same amount of revenue from the excise tax as it did from the minibottle tax in fiscal year 2004-2005 is to receive the difference from the general fund within thirty days after the close of each quarter in a calendar year.

The House amended, approved, and sent to the Senate H.3511, a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO DUAL OFFICE HOLDING**. The State Constitution prohibits an individual from dual office holding. This joint resolution proposes to submit to the voters at the next general election whether or not to amend the State Constitution so as to provide that the prohibition against holding two offices does not apply to commissioned law enforcement or correctional officers who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer.

The House amended, approved, and sent to the Senate H.3309, a bill revising the Joint Municipal Electric Power and Energy Act by establishing new **TERMS UNDER WHICH A JOINT AGENCY MAY ACQUIRE AND OWN GENERATING FACILITIES**. The legislation eliminates provisions that a joint agency be served by the electric supplier generally serving the area in which the members are located. The legislation adds to the criteria the Public Service Commission takes into consideration in determining whether it is beneficial for a joint agency to acquire generating resources exceeding a capacity of seventy-five megawatts or transmission resources with an operating voltage of one hundred twenty-five kilovolts or more. In determining whether to approve such projects, the Public Service Commission is directed to consider the effect of the proposed acquisition on the ability of the joint agency to satisfy existing financial and contractual obligations that it may have incurred in the acquisition of any previously acquired projects.

The House amended, approved, and sent to the Senate H.3722, a bill **REVISING THE LICENSURE OF ENGINEERS AND SURVEYORS**. The legislation revises licensure criteria and phases out the associate professional engineer category that allows for restricted practice. The legislation establishes a system of staggered terms of service for members of the South Carolina State Board of Registration for Professional Engineers and Surveyors. The legislation provides that the board may waive all licensing and credentialing requirements under state law for the period of a declared

public emergency. The board shall establish the conditions as may be appropriate to enable engineers properly licensed in other jurisdictions having like standards as those currently in effect in this State or jurisdictions that meet the NCEES Model Law standards to render services in the geographic areas identified in the order declaring the emergency.

The House approved and sent to the Senate **H.3826**. This bill revises provisions under which personnel in a hospital under the State Retirement System have the option of joining the retirement system, so as to provide that **PHYSICIANS MAY OPT OUT OF THE STATE RETIREMENT SYSTEM**.

The House amended, approved, and sent to the Senate **H.3254**, which requires **ORIENTATION CLASSES FOR SCHOOLS THAT HAVE RECEIVED AN UNSATISFACTORY ABSOLUTE ACADEMIC PERFORMANCE RATING**. Any year a school receives an unsatisfactory absolute academic performance rating, this bill provides that the school shall offer an orientation class for parents, focusing on: the value of education; academic assistance programs that are available at the school and in the community; student discipline; school policies; and other pertinent issues. Schools shall provide parents with written notification of the date and time of the meeting. Schools are encouraged to avoid transportation or scheduling difficulties for parents by offering the class at a convenient time and location. A parent or guardian of each student registered to attend the school shall attend the orientation class each year it is offered.

The House amended, approved, and sent to the Senate **H.3197** which makes **AMENDMENTS TO ELECTION LAWS**. As defined by South Carolina election law, the term "club district" means the territory of the general election voting place or precinct in which the political party club is formed, whether a ward or township or a subdivision. This legislation deletes the definition of the term "club district" as well as deletes references to this term from the election laws.

The House approved and sent to the Senate **H.3449** pertaining to **COUNTY BOARD OF REGISTRATION AND COUNTY COMMISSIONERS OF ELECTION**. This bill requires the Governor to remove any member of these boards or commissions that has not fulfilled the training requirements.

The House approved and sent to the Senate **H.3933**, a joint resolution creating a multi-agency advisory committee to the South Carolina Department of Health and Environmental Control to promote **ENVIRONMENTAL JUSTICE** in this state.

The House amended, approved, and sent to the Senate **H.3172**, a bill pertaining to **ADOPTION BIRTH RECORDS**. This legislation establishes a procedure allowing an adoptee twenty-one years of age or older to obtain copies of birth records and related information when the birth parent has authorized the release of such information. The bill directs the Office of the State Registrar to conduct a public service campaign to inform the public of the provisions of this legislation.

The House approved and sent to the Senate **H.3631** received a favorable report. This bill amends the **NURSE PRACTICE ACT**. The revisions in this bill include the following:



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- Allows the Board of Nursing to accept valid forms of identification other than a birth certificate or passport.
- Requires advanced practice registered nurses who are authorized to write prescriptions to include both state and federal drug registration numbers on the prescription form.
- Conforms the application requirement for a nurse from out-of-state to the Multi-State Nurse Compact licensure provisions. Allows a nurse who previously has held a valid license in another state to be licensed in this state.
- Allows the Board of Nursing discretion in issuing a license to a nurse who may have a minor disciplinary action pending in another state.
- Makes clear that a nurse seeking license reinstatement from lapsed or inactive status requires documented evidence of continuing education within the preceding two years.

The House approved and sent to the Senate **H.3721**. This bill defines the **PRACTICE OF SURGICAL TECHNOLOGY**, establishes qualifications for a person who practices surgical technology, and establishes requirements for health care facilities that employ surgical technologists. 'Surgical technology' means patient care that involves ensuring that surgical equipment is functioning properly and safely, preparing sterile supplies, instruments, and equipment using sterile technique, anticipating the needs of the surgical team, and as directed within the sterile field in an operating room setting, performing tasks including: (a) passing supplies, equipment, or instruments; (b) sponging or suctioning an operative site; (c) preparing and cutting suture materials; (d) transferring fluids or drugs; (e) holding retractors; and (f) assisting in counting sponges, needles, supplies, and instruments.

The bill provides that a person may not be employed as a surgical technologist in a health care facility unless he:

- Holds and maintains the Surgical Technologist Certification administered by the National Board of Surgical Technology and Surgical Assisting, or its successor;
- Has completed a surgical technology training program in the U.S. military or in the U.S. Public Health Service;
- Provides evidence he was employed to practice surgical technology in a health care facility in S.C. prior to January 1, 2008; or
- Is employed by the federal government as a surgical technologist.

The bill provides an exception if, after a diligent and thorough effort has been made, the health care facility is unable to employ a sufficient number of persons who meet the requirements of this section. The health care facility must have a written record of its efforts and retains the record at the health care facility.

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Except for surgical technologists employed by the federal government, all surgical technologists must complete 15 hours of continuing education each year. A health care facility that employs a surgical technologist must verify he has met the continuing education requirements. A health care facility also must supervise each person employed to practice surgical technology according to the health care facility's policies and procedures.

The bill also provides that an operating room circulator in a health care facility must be a licensed registered nurse trained in perioperative nursing. The term, 'operating room circulator' is defined as a registered nurse trained in perioperative nursing who is responsible for coordinating the nursing care and safety needs of a patient in the operating room. A surgical technologist may not serve as the circulator in the operating room but he may assist in the performance of circulating duties: (1) consistent with the person's education, training, and experience; and 2) as assigned and supervised by a registered nurse circulator who must be present in the operating room for the duration of the surgical procedure.

The bill also makes clear that it does not prohibit a person licensed under another provision of law from performing surgical technology tasks or functions if the person is acting within the scope of his license.

The House approved and sent to the Senate **H.3830**. This bill revises definitions and procedures for adopting redevelopment plans for purposes of the **TAX INCREMENT FINANCING** law. The legislation revises the definitions for "redevelopment plan" and "redevelopment project costs", and requires additional findings before adoption of a redevelopment plan by a municipality. The legislation revises definitions and procedures for adopting redevelopment plans and intergovernmental agreements for purposes of the Tax Increment Financing Act for counties. The legislation revises definitions for "conservation area" and "redevelopment project area" and requires additional findings before adoption of a redevelopment plan by a county. The legislation clarifies the application of municipal and county tax increment financing laws to intergovernmental agreements.

The House approved and sent to the Senate **H.3817**, pertaining to the **UNLAWFUL PURCHASE OR TRANSPORTATION OF ALUMINUM**. This bill revises provisions relating to the unlawful purchase or transportation of copper wire or copper pipe, so as to also include aluminum and products containing a mixture of copper and aluminum. The legislation provides an exception for aluminum cans.

The House approved and sent to the Senate **H.3798**. This bill authorizes the Chief of a Native American Indian tribe recognized by the South Carolina Commission for Minority Affairs to perform **MARRIAGE CEREMONIES**.

The House approved and sent to the Senate **H.3629**. This bill increases the fines for a person submitting false information to obtain a **LICENSE TO PRACTICE AS A FUNERAL DIRECTOR OR AN EMBALMER**. The bill requires that a person found guilty and convicted of this misdemeanor must pay not less than \$1,000 or more than \$5,000. The current fines are not less than \$500 or more than \$2,500.

The House approved and sent to the Senate **H.3346**, which provides for **ACCESS TO CEMETERIES ON PRIVATE PROPERTY**. This bill provides that owners of property on

which a cemetery or graves are located must allow ingress and egress to the cemetery by families of persons buried there, an agent who has written permission of family members or descendants, plot owners, and persons conducting genealogy. The bill authorizes the property owner to designate times and frequency of access. The property owner is immune from liability in any action arising out of granting such access. The bill also establishes a cause of action for denial of reasonable access. These provisions do not apply to a deed that creates or reserves a cemetery on private property.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Wednesday, April 25, 2007.

The full committee voted to have a committee bill relating to **UNDERGROUND STORAGE TANKS**; see [H.3977](#) in the Introduced Bills portion of the [Legislative Update](#) under the House Agriculture, Natural Resources and Environmental Affairs Committee section.

[H.3292](#), pertaining to **REGISTRATION OF UNDERGROUND STORAGE TANKS AND RELATED ENVIRONMENTAL IMPACT FEE**, was recommitted to subcommittee.

[H.3510](#) received a favorable recommendation. For the privilege of hunting or taking **MIGRATORY WATERFOWL** in this State, this bill provides that a person must purchase a migratory waterfowl stamp for five dollars and fifty cents. Evidence of purchase must be endorsed on the hunting license. Fifty cents of the cost may be retained by the issuing sales agent, and the balance must be paid to the department. Stamps expire June thirtieth of each year. The bill provides that State residents who are at least sixty-four and who hold a lifetime hunting and fishing license are not required to have a migratory game bird permit. Relating to the Migratory Waterfowl Committee, this bill further defines the responsibilities and duties of the committee. Under the bill, it unlawful to harm, disturb, or take actively nesting waterfowl or to disturb or damage a waterfowl nest box. Penalties are provided for violations.

The full committee gave a favorable report to [S.597](#). Relating to the requirements for **YOUTH HUNTING** days, this bill provides that a person who is less than eighteen years of age may be a youth hunter.

[S.348](#), which enacts the "**ALL-TERRAIN VEHICLE SAFETY ACT**" or "**CHANDLER'S LAW**," received a favorable recommendation. The legislation provides that it is unlawful for a parent or legal guardian to knowingly permit his child or ward six years of age or younger to operate an all-terrain vehicle (ATV).

A person fifteen years old or younger may not operate an ATV within this State unless the person possesses a safety certificate indicating successful completion of an ATV

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safety course approved by the ATV Safety Institute. The legislation further provides that a person fifteen years of age or younger must wear a safety helmet and eye protection while operating an ATV.

The following restrictions apply to operation of an ATV on those lands open to the public:

- It is unlawful to operate an ATV except in compliance with the local regulations and restrictions.
- A person fifteen years of age or younger must be accompanied by an adult.
- It is unlawful to operate an ATV between one-half hour after sunset to one-half hour before sunrise unless it is equipped with operational headlights, and they are on.
- It is unlawful to cross an unbridged stream except at a designated ford or crossing. Riding in any water bodies or watercourses is unlawful.
- An ATV must have an effective muffler system in good working condition; a United States Department of Agriculture Forest Service approved spark arrester in good working condition, and a brake system in good operating condition.
- It is unlawful to operate an ATV while under the influence of alcohol or any controlled substance.
- It is unlawful to operate an ATV in a negligent or reckless manner.
- It is unlawful to operate an ATV in a manner that damages flora or fauna, roads, trails, firebreaks, signs, gates, guardrails, bridges, fencing, or other public property.

The legislation provides that ATVs are exempt from *ad valorem* personal property taxes beginning with calendar year 2007.

Violations of this legislation, unless otherwise specified, are misdemeanors punishable by a fine of not less than \$50 dollars nor more than \$200 dollars.

The legislation also provides for the titling of ATVs through the Department of Motor Vehicles.

[S.448](#), pertaining to **ELK HUNTING**, received a favorable report. This bill provides that it is unlawful to take or attempt to take elk. A person convicted of violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five hundred dollars or imprisoned for not more than thirty days, or both.

[S.613](#), relating to **CONIFER AND HARDWOOD SEEDLINGS**, received a favorable recommendation. This bill provides that a phytosanitary certificate or a permit may be issued by an inspector for intrastate and interstate shipments of conifer and hardwood seedlings to verify that they are apparently free of pests and diseases. To ensure pest and disease-free plant material, this bill provides that the preferred method of treatment is fumigation using methyl bromide in seedling plant beds prior to seeding.

## EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

## JUDICIARY

The full committee did not meet this week.

## LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

## WAYS AND MEANS

The full committee did not meet this week.

# BILLS INTRODUCED IN THE HOUSE THIS WEEK

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

### **S.283 WILDLIFE MANAGEMENT AREAS Sen. Grooms**

This bill authorizes the Department of Natural Resources to promulgate regulations for hunting and taking wildlife on all wildlife management areas. The bill prohibits the possession of alcoholic beverages on land designated for hunting. The bill also provides that a person convicted twice within a three-year period of abusing, damaging, or destroying wildlife management area land or improvements shall lose the privilege of entering onto wildlife management areas for one year.

### **S.489 SALTWATER GAMEFISH Sen. Campsen**

This bill revises catch limits for various saltwater gamefish.

### **H.3977 UNDERGROUND STORAGE TANKS House Agriculture, Natural Resources and Environmental Affairs Committee**

This bill decreases the registration fee from \$100 dollars to 35 dollars. This bill provides that the amount of registration and late fee revenue used for administration may not exceed the total amount collected from funds received by federal grant, interest accrued by the fund, and registration and late penalty fees. Current law provides that the amount used for administration may not exceed three million a year.

## EDUCATION AND PUBLIC WORKS

### **H.3956 MANDATORY CONTINUING EDUCATION PROGRAM FOR SCHOOL BOARD TRUSTEES** Rep. Alexander

This bill provides that the State Department of Education (SDE) shall establish a mandatory continuing education program for school board trustees. Each trustee must attend six hours of continuing education annually. The school trustee continuing education program must be funded by the State, and the SDE may use its own resources or contract with public or private entities to conduct the program.

### **H.3979 MOTOR HOMES** Rep. Walker

This bill provides a definition for the term "motor home." The bill also provides for a biennial registration fee for a motor home.

### **H.3982 GROSS VEHICLE WEIGHT** Rep. Walker

This bill provides for commercial drivers licenses to be issued based on the gross vehicle weight rating.

Also existing statutes identify the maximum empty weight and the maximum gross vehicle weight that a pickup can have in order to be issued certain special plates. This bill provides one standard to use to issue special plates or regular passenger plates for pickups.

### **H.3994 "SOUTH CAROLINA HIGH SCHOOL DROPOUT PREVENTION ACT OF 2007"** Rep. J.H. Neal

This bill provides that any high school student during a school year (1) who has cumulatively failed to pass at least two units of instruction required for a high school diploma in the student's program of study, or (2) who has scored in the twenty-five percentile or lower on applicable end-of-year assessment tests must meet with his high school guidance counselor and his parents or legal guardian before the start of the next school year. The purpose of this meeting is to review the student's individualized educational plan and his academic progress to determine if modifications in the plan or changes in the student's program of study are required in order to allow the student to achieve greater educational benefits and also to prevent the student from dropping out of school.

Relating to notification to parents or legal guardian of a pupil who has been suspended from a class or school and conferences in regard to the suspension with the student's parents or legal guardian which are available with school administrators, this bill requires the conference to be held and further provides for the information to be covered at the conference.

This bill provides that a child who has not attained the age of nineteen and who has not graduated from high school is required to attend school.

**H.3995 GLEAMNS HUMAN RESOURCES SPECIAL LICENSE PLATES**

**Rep. Parks**

This bill provides that the Department of Motor Vehicles shall issue special motor vehicle license plates to the members of the GLEAMNS Human Resources Commission for private passenger motor vehicles owned by them.

## JUDICIARY

**S.99 PRESIDENTIAL PREFERENCE PRIMARIES Sen. Sheheen**

Among other things, this bill provides that the State Election Commission must conduct certain presidential preference primary elections.

**S.175 STATEWIDE FIRST RESPONDER BUILDING MAPPING INFORMATION SYSTEM Sen. Elliott**

The stated intent of this bill is to create a statewide first responder building mapping information system that will provide all first responders with the information they need to be successful when disaster strikes. The first responder building mapping system is to be developed for a limited and specific purpose and is not to be construed as imposing standards or system requirements on any other mapping systems developed and used for any other local government purposes.

**S.392 "SOUTH CAROLINA ILLEGAL IMMIGRATION REFORM ACT"  
Sen. Ritchie**

This comprehensive legislation addresses issues surrounding illegal immigration. Areas covered by the legislation include, but are not limited to, the following: Illegal Aliens and Public Employment; Enforcement of Federal Immigration and Customs Laws Memorandum of Understanding; Verification of Lawful Presence in the United States; Recording and Reporting Immigration Law Violations; Verification of Nationality of Prisoners; and Registration of Immigration Assistance Services.

**S.610 CONTROLLED SUBSTANCES PRESCRIPTIONS Sen. Thomas**

This bill allows a pharmacist to issue certain prescriptions pursuant to a facsimile of a written, signed prescription, transmitted by the practitioner or the practitioner's agent to the pharmacy. The bill provides that prescriptions for controlled substances in Schedules III through V must not exceed a 90-day supply. The bill also makes revisions pertaining to prescription logs.

**H.3943 MARITAL PROPERTY Rep. Young**

This bill requires the signatures of both spouses as settlors of an irrevocable trust that is funded by property that may be deemed marital property if marital litigation is filed.

**H.3961 PAYMENTS WHILE A WORKERS' COMPENSATION APPEAL IS PENDING Rep. Clyburn**

This bill revises provisions relating to the conclusiveness of an award by the Workers' Compensation Commission, an appeal from the decision and payment of compensation during appeal, so as to provide for the payment of weekly compensation and the provision of medical treatment ordered by the commission while an appeal is pending. The legislation also provide for the payment of interest on the unpaid portion of the award not paid during the pending of an appeal.

**H.3962 AVERAGE WEEKLY WAGES IN WORKERS' COMPENSATION  
Rep. Clyburn**

This bill revises the definition of "average weekly wages" as used in the Workers' Compensation Law, so as to include the cost of health, life, and disability insurance premiums and retirement contributions. The legislation also provides that when allowances are made to an employee instead of wages as part of a verbal or written wage contract they are considered a part of his earnings.

**H.3963 WORKERS' COMPENSATION ACTION AGAINST EMPLOYERS'  
SAFETY VIOLATIONS Rep. Clyburn**

This bill provides that employee's rights and remedies under Workers' Compensation Law do not exclude an action against the employer or carrier for a wilful, intentional, or reckless injury resulting from the violation of a statute or regulation enacted by federal, state, or local authorities to ensure a safe workplace, the intentional removal of a safety device, or warning label from a machine or equipment used in the employment, or for the bad faith refusal of an employer or carrier to pay benefits or provide medical treatment.

**H.3964 CONCEALABLE WEAPONS PERMITS Rep. Duncan**

A person who possesses a concealable weapons permit under this bill may carry a concealable weapon on his person while on the premises or property of a public educational institution. This bill also deletes the restrictions placed upon carrying a concealable weapon into a school or college event.

**H.3965 REVIEW OF WORKERS' COMPENSATION AWARD FOR CHANGE IN  
CONDITION Rep. Clyburn**

This bill revises provisions relating to the review of an award by the Workers' Compensation Commission when there has been a change in condition, so as to extend from twelve months to two years the period for requesting the review of an award for a change in condition.

**H.3966 THIRD PARTY LIABILITY UNDER WORKERS' COMPENSATION  
Rep. Clyburn**

This bill revises provisions relating to the right of compensation not being affected by the liability of a third party under Workers' Compensation Law, so as to provide that the carrier's lien on proceeds of a third party settlement for future compensation and medical benefits is subject to equitable apportionment.

**H.3973 CREATION OF THE OFFENSE OF POSSESSION OF A FALSIFIED  
FEDERALLY-ISSUED IDENTIFICATION CARD Rep. Crawford**

With certain exceptions, this bill provides that it is unlawful for a person to possess in this State a falsified federally-issued identification card including, but not limited to, a social



security card or work permit. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

**H.3974 *HANDGUNS* Rep. Rutherford**

This bill provides that a person may stow a handgun under the seat of a vehicle.

**H.3980 *DEPARTMENT OF MOTOR VEHICLES PROVISIONS* Rep. Walker**

The bill defines the terms conviction and low speed. The bill also adds Canada and Mexico as jurisdictions to which the Department of Motor Vehicles reports traffic violations.

**H.3992 *RICHLAND-LEXINGTON AIRPORT DISTRICT AND COMMISSION*  
Rep. Toole**

Relating to the Richland-Lexington Airport District and Commission, this bill provides that members shall serve terms of four years, not to exceed three terms. The bill also specifies the manner in which the chairmanship of the commission is rotated.

**H.3999 *ENFORCEMENT OF STATE CRIMINAL LAWS BY FEDERAL LAW  
ENFORCEMENT OFFICERS* Rep. Witherspoon**

Relating to enforcement of state criminal laws by federal law enforcement officers, this bill further provides for the types of United States Department of Interior officers and agents who may enforce these laws.

## **LABOR, COMMERCE AND INDUSTRY**

### **S.376 “ENERGY INDEPENDENCE AND SUSTAINABLE CONSTRUCTION ACT**

**OF 2007” Sen. Ritchie**

This bill enacts the “Energy Independence and Sustainable Construction Act of 2007”, to provide that new state-funded major facility construction projects must meet certain environmental standards set forth by the U.S. Green Building Council. The legislation charges the State Budget and Control Board with administering the new requirements and with reporting to the General Assembly each year on the effects of the legislation.

### **H.3967 SOUTH CAROLINA 911 TELEPHONE ADVISORY COMMITTEE**

**Rep. Sandifer**

This bill reenacts and makes permanent the provisions establishing the CMRS Emergency Telephone Services Advisory Committee. The legislation changes the name of the committee to the South Carolina 911 Telephone Advisory Committee. The legislation removes the State Auditor and the Director of the Office of Information Resources as members of this committee and includes a division director of the Budget and Control Board as a member of the board. The legislation eliminates term limits applicable to committee members.

### **H.3978 MINIMUM LIMITS FOR LIABILITY INSURANCE FOR MOTOR**

**VEHICLES Rep. Walker**

The minimum limits for motor vehicle liability insurance is established in Section 38-77-140. This bill refers other sections of the code to this statute for reference when determining the minimum liability limits.

### **H.3981 SURETY BOND FOR CERTAIN DEALERS Rep. Walker**

This bill increases the surety bond for wholesale motor vehicle auctions, motorcycle dealers and travel trailer dealers to \$30,000.

### **H.3997 FINANCIAL LIMITATIONS ON GROUP FOUR MECHANICAL**

**CONTRACTORS Rep. Spires**

This bill revises provisions relating to contractor’s financial statements, net worth requirements, and financial limitations on bids and jobs, so as to increase for Group Four Mechanical Contractors the bid and job limitation from one hundred twenty-five thousand dollars to five hundred thousand dollars and the net worth requirement from twenty-five thousand dollars to seventy-five thousand dollars.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

### **H.3950 CHRONIC KIDNEY DISEASE INITIATIVE GOVERNING BOARD**

**Rep. Kennedy**

This bill creates the Chronic Kidney Disease Initiative Governing Board and provides for its membership, powers, and duties. Among other things, these duties include managing funding and implementing programs to educate the public and health care professionals about kidney disease.

### **H.3952 “SOUTH CAROLINA ELECTROLOGY PRACTICE ACT” Rep. Mitchell**

This bill establishes the Electrology Licensure and Regulatory Committee, an advisory committee under the State Board of Cosmetology. Among other things, the bill provides licensing requirements; authorizes the establishment of continuing education requirements; provides for the approval of electrology education programs; provides fees and penalties; and further provides for the licensure and regulation of electrology.

**H.3957 BOARD OF THE DIABETES INITIATIVE OF SOUTH CAROLINA  
Rep. Harvin**

Relating to the Board of the Diabetes Initiative of South Carolina, this bill deletes the requirement that the president of the South Carolina Affiliate of the American Diabetes Association be a member of the board, and, instead, provides that the vice president of the Southeastern Division of the American Diabetes Association be a member of the board.

## WAYS AND MEANS

**H.3975 POSTPONEMENT OF A COUNTYWIDE PROPERTY TAX  
EQUALIZATION AND REASSESSMENT PROGRAM Rep. Delleney**

This joint resolution allows the governing body of a county by ordinance to postpone for one additional year a countywide property tax equalization and reassessment program otherwise scheduled for implementation beginning for property tax year 2007.

**H.3998 PRESCRIPTIONS FOR CHRONIC KIDNEY DISEASE RELATED  
ANEMIA EXEMPTED FROM SALES TAX Rep. Edge**

This bill includes within the sales tax exemption provided for prescription medications prescriptions for the treatment of chronic kidney disease related anemia prior to dialysis.

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