



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 amended, approved, and sent to the Senate **H.3229**, the **"BEHAVIORAL HEALTH SERVICES ACT OF 2011"**. In order to establish a unified system for the delivery of coordinated, client-centered behavioral health services, the legislation consolidates freestanding agencies and programs within a newly-created Department of Behavioral Health comprised of the Division of Alcohol and Other Drug Abuse Services, the Division of Mental Health, and the Division of the Continuum of Care for Emotionally Disturbed Children. The Director of the Department Behavioral Health Services is appointed by the Governor, with the advice and consent of the Senate. Among other things, existing boards become advisory to the Department of Behavioral Health Services, and the legislation also creates an advisory board for the Division of Alcohol and Other Drug Abuse Services.

The House amended, approved, and sent to the Senate **H.3709**, a bill **TRANSFERRING THE STATE MUSEUM, THE MUSEUM COMMISSION, AND THE ARTS COMMISSION TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM**, placing them under administration and supervision of the department.

The House insisted upon its amendments to **H.3003**, a bill establishing a **PHOTOGRAPH IDENTIFICATION REQUIREMENT FOR VOTING**, and appointed members to a conference committee to address differences with the Senate on the legislation.

The House approved and sent to the Senate **H.3779**, bill enacting the **"BILL WYLIE ENTREPRENEURSHIP ACT OF 2011"** to encourage greater availability of early stage capital for emerging high-growth enterprises in South Carolina by providing for state nonrefundable "angel investor" income tax credits allocated by the Department of Commerce to individuals who make qualified investments in businesses primarily engaged in such endeavors as manufacturing, processing, warehousing, wholesaling, software development, information technology services, and research and development.

The House approved and sent to the Senate **H.3735**, the **"SOUTH CAROLINA INCANDESCENT LIGHT BULB FREEDOM ACT."** The legislation provides that an incandescent light bulb that is manufactured commercially or privately in this state from basic materials that can be manufactured without the inclusion of any significant parts imported from another state and is offered for sale and sold for use only within the borders of this state is deemed to be in the stream of intrastate commerce, rather than interstate commerce, and is not subject to federal law or federal regulation.

The House amended, approved, and sent to the Senate **H.3720**, a bill revising **ECONOMIC DEVELOPMENT INCENTIVES**. The legislation revises the jobs tax credit requirements of a qualifying service-related facility by decreasing the required numbers of new jobs produced in order for a facility to qualify for the credit. The legislation expands eligibility for the jobs tax credit for a technology intensive facility to include data processing, computer facilities management, other computer-related services, and multi-use facilities. The legislation provides that a corporation establishing a national corporate headquarters or expanding or adding to an existing national corporate headquarters in this state, which adds at least fifty new full-time jobs, shall be exempt

from paying state corporate income taxes for a period of ten years. The legislation revises tax credits for providing infrastructure, so as to increase the maximum aggregate credit to four hundred thousand dollars annually. The legislation revises provisions for fee in lieu of taxes arrangements, so as to provide that a county auditor or county assessor may request and obtain any financial books and records from a sponsor that support the sponsor's tax form or return to verify the calculations of the fee in lieu of taxes tax form or return. The legislation establishes a sales tax exemption for computers, computer equipment, computer hardware and software purchases for a datacenter and electricity used by a datacenter.

The House amended, approved, and sent to the Senate **H.3506**, a bill revising **ECONOMIC DEVELOPMENT PROVISIONS**. This legislation expands eligibility of the job tax credit for technology intensive facilities to include research and development in biotechnology and research and development in physical, engineering, and life sciences. The legislation revises provisions relating to the tax credit for infrastructure improvements for water, wastewater, hydrogen fuel, sewer, gas, steam, electric energy, and communication services, so as to include certain site preparation costs within the definition of infrastructure improvements which give rise to the credit. The legislation specifies that the duration of a fee in lieu of tax arrangement is for a maximum of thirty years rather than for thirty years outright.

The House amended, approved, and sent to the Senate **H.3127**, pertaining to **EXPUNGEMENT OF CRIMINAL RECORDS FOR A PERSON WHO HAS RECEIVED A PARDON**. This legislation provides that a person who has received a pardon for any crime except criminal sexual conduct or a crime of violence as defined in Section 16-23-10(3), may apply, or cause someone acting on his behalf to apply to the circuit court for an order expunging the records of his arrest and conviction.

The House approved and sent to the Senate **H.3731**, providing for an **ADDITIONAL MEGALOAD IMPACT FEE**. This bill authorizes the Department of Transportation (DOT) to charge a new impact fee on the entire gross vehicle weight for transporting loads in excess of 500,000 pounds in this State. This Additional Megaload Impact Fee would be set at a rate of five cents per 1,000 pounds per mile traveled. The bill also includes technical amendments.

The House approved **S.38** and enrolled the bill for ratification. This bill revises the information that must be provided by an individual or business owner on applications for **VEHICLE TITLES**. The bill provides that the Department of Motor Vehicles will issue a title and registration only for vehicles that are physically located and primarily operated in this State. Additionally, the bill provides that vehicles purchased for operation in a foreign jurisdiction cannot be titled and registered in South Carolina.

The House amended, approved, and sent to the Senate **H.3183**, a bill relating to **LOBBYING AND ETHICS**. Relating to the registration and re-registration of lobbyists and lobbyist principals, this bill requires the payment of all outstanding penalties before a lobbyist or lobbyist principal may resume lobbying activities. The bill amends the definition of the term "family member" for the purposes of the Ethics, Government Accountability, and Campaign Reform Act, so as to include brothers-in-law and sisters-in-law. Relating to the use of one's official position for official gain, this bill replaces certain references to "immediate family" with the broader term "family member". Relating to the authority of the State Ethics Commission to enforce filing requirements and assess penalties for failure to file, the bill caps certain fines at \$5,000 and outlines

penalties for first, second, and third and subsequent offenses. Relating to penalties for either late filing of or failure to file a report or statement this bill caps certain fines at \$5,000, and outlines penalties for first, second and third and subsequent offenses.

The House amended, approved, and sent to the Senate **H.3747**. This bill provides a **SALES TAX EXEMPTION FOR BIOLOGICS** administered by a physician in a physician's office. The legislation specifies that biologics are products applicable to the prevention, treatment, or cure of a disease or condition of human beings that are produced using living organisms, materials derived from living organisms, or cellular, subcellular, or molecular components of living organisms.

The House approved and sent to the Senate **H.3233**. This bill revises provisions relating to **REDEVELOPMENT PROJECT COSTS**, so as to provide that property assembly costs also include the cost of environmental remediation.

The House amended, approved, and sent to the Senate **H.3543**, a bill relating to **BENCH WARRANTS**. This bill provides that a judge may not issue a bench warrant for failure to appear in court, unless the solicitor or clerk of court has provided notice to the attorney of record before the bench warrant is issued.

The House amended, approved, and sent to the Senate **H.3606**, relating to **ARREST WARRANTS AND COURTESY SUMMONS**. This legislation provides that an arrest warrant may not be issued for the arrest of a person unless sought by a member of a law enforcement agency acting in their official capacity. If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons. If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed.

The House amended, approved, and sent to the Senate **H.3607**. Relating to **ENDORSEMENT AND EXECUTION OF WARRANTS ISSUED IN OTHER COUNTIES OR BY MUNICIPAL AUTHORITIES**, this bill provides that a warrant is not required to be endorsed by a magistrate in the county where a person charged with a crime resides or where he is located. The bill includes provisions for serving the warrant under these circumstances.

The House approved and sent to the Senate **H.3063**, pertaining to the **CALCULATION OF REAL PROPERTY TAX MILLAGE IN A MULTI-COUNTY MUNICIPALITY**. The legislation establishes provisions for utilizing a blended millage format in a municipality with boundaries extending into multiple counties that implement countywide appraisal and equalization programs on different schedules.

The House approved and sent to the Senate **H.4033**. This bill revises the Municipal Improvement Act to provide that the **WIDENING AND DREDGING OF CERTAIN WATERWAYS MAY BE INCLUDED WITHIN A MUNICIPAL IMPROVEMENT DISTRICT** when the owner gives the governing body written permission to include the property at the time the improvement district is created.

# HOUSE COMMITTEE ACTION

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Tuesday, April 12, 2011, and reported out several bills.

**H.3470**, regarding the **USE, SALE, OR MANUFACTURE OF CLEANING AGENTS CONTAINING PHOSPHATES**, was given a favorable with amendment recommendation by the full committee. The bill adds household and commercial dishwashing detergent to the cleaning products included in the restriction on phosphates. The provision does not restrict sale by a retailer of a household dishwashing detergent product from inventory existing and in stock at the retailer on July 1, 2011. The provisions relating to household dishwashing detergent take effect July 1, 2011. The provisions relating to commercial dishwashing and laundry detergent and industrial cleaners take effect on July 1, 2013.

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

The full committee gave a favorable with amendment recommendation to **H.3687**, making it unlawful for a person, including a corporation, to display a wild caught or captive bred **MARINE MAMMAL** of the order Cetacean (dolphins and whales). A person violating this provision is guilty of a misdemeanor.

**H.3730**, relating to **COMMERCIAL FUR LICENSE** was given a favorable with amendment recommendation by the full committee. Among many things, this bill states in addition to a valid state hunting licenses, a commercial fur license is required of all persons who sell or take by any means, for commercial purposes, and all persons who trap or who attempt to trap any furbearing animals. The department will provide this license at a cost of twenty-five dollars for residents and two hundred dollars for nonresidents. In addition, a person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after

completing the Trappers Education Course. The bill also states that there is no closed season for hunting or taking coyotes with weapons.

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

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

The full committee reported out two companion bills, **H.3864** and **H.3865**, which together modernize the laws pertaining to **FRESHWATER GAME AND FISH** to be more consistent and user-friendly. These laws have not been updated in over thirty years. Specifically, **H.3864** received a favorable with amendment recommendation from the full committee, and **H.3865** received a favorable report. These revisions do not affect private ponds.

The full committee gave a favorable recommendation to revising the times, size and take limits for **H.3873**, relating to **HERRING SEASON**.

## **EDUCATION AND PUBLIC WORKS**

The full Education and Public Works Committee met on Tuesday, April 12, and reported out several bills.

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

The Education and Public Works Committee gave a favorable with amendment recommendation to **H.3035**, legislation which makes revisions pertaining to the **SCHOOL CALENDAR**. This legislation allows a local school district to establish its calendar based on a statutory term of 180 days of instruction or the equivalent number of instructional hours. Other references pertaining to the statutory school term are also updated to reflect not just days but an equivalent number of hours. Among other things, this legislation provides that the statutory school term consists of a minimum of 180 days of instruction or the equivalent of 1,170 instructional hours and ten additional days or the

equivalent of 60 hours for secondary schools or 1,080 hours and ten additional days or the equivalent of 60 hours for elementary schools. A local school district shall schedule ten additional days or the equivalent of 60 hours: three days or 18 hours must be used for professional development; two days may be used for the opening of schools; and five days may be used for teacher planning, academic plans and parent conferences.

**H.3028** received a favorable with amendment report. This legislation **INCREASES THE INDUCTION CONTRACT PERIOD FOR TEACHERS FROM ONE YEAR TO THREE YEARS**. The legislation provides that at the end of the first two years of the three-year induction period, the district may employ the teacher under another induction contract or may terminate the teacher's employment. If employment is terminated, the teacher may seek employment in another district at the induction contract level.

The full committee gave a favorable recommendation to **S.358**. This legislation makes revisions relating to the Department of Motor Vehicles (DMV) issuance of **RESEARCH AND DEVELOPMENT LICENSE PLATES**. Among other things, the legislation allows these plates to be issued to a research and development business or its contractors. The legislation allows for fleet research and development license plates. The legislation provides for the distribution of the fees for these license plates. The legislation allows the DMV to enter into reciprocal agreements with other states regarding the registration and operation of these vehicles. The legislation further provides that it is the sole responsibility of the research and development business or contractor to take any actions required by another state to test, evaluate or operate the vehicle in another state.

**H.3163**, relating to **MOPEDS**, received a favorable with amendment report from the full committee. This bill revises the definition of the term "motor vehicle" in Section 56-5-130 so as to include mopeds in the term's definition. The bill also revises the definition of the term "motorcycle" in Section 56-5-140 so as to exclude mopeds in the term's definition.

**H.3164**, which provides for the **SUSPENSION OF DRIVING PRIVILEGES FOR SCHOOL DROPOUTS**, received a favorable recommendation. The legislation provides that school attendance or participation in an adult education program leading to a regular high school diploma or equivalency diploma (GED) is a condition for holding a beginner's permit, conditional driver's license, special restricted driver's license, and a regular driver's license for a person who is less than eighteen years of age. The legislation requires school district boards of trustees, governing bodies of private schools, and officials of the home school association to provide electronic notification within fourteen days to the Department of Motor Vehicles (DMV) when an enrolled student who is at least fifteen but less than eighteen years of age has accumulated seven or more total unexcused absences, been expelled, or dropped out of school. The DMV must, in turn, notify the minor of the suspension of his license and driving privileges within ten days. The legislation establishes a procedure for appealing a suspension and allows a personal or family hardship waiver to be granted by the Office of Motor Vehicle Hearings if there is a medical condition of the student or a member of his immediate family that requires that he maintain a driver's license to receive or transport an immediate family member for treatments, or employment requiring the student to maintain a driver's license to support himself or his immediate family. A person who has appealed a suspension of his privilege to operate a motor vehicle may, upon payment of a \$100 fee, obtain a special route-restricted driver's license that is valid until the final disposition of his appeal. The suspension of driving privileges ends upon the date of the minor's eighteenth birthday.

**H.3266** received a favorable with amendment report. This legislation makes revisions pertaining to **ADDING AND REMOVING ROADS FROM THE STATE HIGHWAY SYSTEM**. Among other things, this legislation provides that highways in the state highway system must be constructed to the Department of Transportation's (DOT) standards and that DOT may use certain funds to maintain the state highway system. The legislation allows DOT to add county and municipal roads to the state highway system when necessary for the interconnectivity of the state highway system. The legislation provides for consent of the county or municipality and notification to the county's legislative delegation; the legislation includes provisions about when maintenance jurisdiction by DOT begins. The legislation adds language that roads can be transferred to schools, governmental agencies, nongovernmental entities, or a person. A county or municipality shall have first right of refusal to accept roads into their maintenance responsibility when roads are considered for transfer from the secondary highway system to a non-governmental entity or person. Deletions, removals, or substitutions from the state secondary highway system must be made with the consent of the affected county or municipality, and notifications must be made to the county's legislative delegation. The legislation also repeals a provision relating to belt lines and spurs.

## JUDICIARY

The full committee did not meet this week.

## LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, April 12, and gave a favorable with amendments report on **H.3111**, a bill authorizing the annual adoption of a schedule of **WORKERS' COMPENSATION INSURANCE FEES FOR ATTORNEYS, PHYSICIANS, AND HOSPITALS** by the Workers' Compensation Commission and establishing the manner in which these fees may be increased or reduced. The legislation establishes a review process for proposed adjustments that increase or reduce these fees by more than ten percent annually and affords greater flexibility in adopting fee adjustments that differ from existing rates by less than ten percent.

## 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

### **H.4070 PURCHASE OF NONFERROUS METALS Rep. Pitts**

The bill adds that all transactions totaling over one hundred dollars for the purchase of nonferrous metals must be paid by check. "Nonferrous metals" means metals not containing significant quantities of iron or steel, including but not limited to, copper wire and cooper pipe.

## EDUCATION AND PUBLIC WORKS

### **H.4092 *SMOKING PROHIBITIONS ON CAMPUSES OF PUBLIC INSTITUTIONS OF HIGHER LEARNING* Rep. Limehouse**

Relating to places where smoking is prohibited, this legislation provides that smoking is not allowed in buildings on campuses of public institutions of higher learning when it is prohibited by the governing body of the institution. This does not preclude a governing body from establishing a smoke-free campus.

## JUDICIARY

### **S.53 *CIVIL NO-CONTACT ORDERS* Sen. L. Martin**

This legislation outlines a procedure for the issuance of emergency and permanent civil no-contact orders under certain circumstances. Circuit court and family court have jurisdiction over an action seeking a permanent civil no-contact order; a permanent civil no-contact order remains in effect for the life of the complainant. Magistrates court has jurisdiction over an action seeking an emergency civil no-contact order. An emergency civil no-contact order remains in effect until a hearing on a permanent civil no-contact order.

### **S.78 *REVISIONS IN THE SCHEDULES OF CONTROLLED SUBSTANCES / ADDITION OF SYNTHETIC CANNABINOIDS TO THE LIST OF SCHEDULE I DRUGS* Sen. Hayes**

Currently, during the time the General Assembly is not in session the Department of Health and Environmental Control may add, delete or reschedule a substance as a controlled substance after providing notice and a hearing to all interested parties. This legislation provides that the addition, deletion or rescheduling of a substance has the full force of law unless overturned by the General Assembly. The legislation provides for notice of changes to also be provided to the House and Senate Judiciary Committees and requires DHEC to post the schedules on its website indicating the change and specifying the effective date of the change. The legislation adds synthetic cannabinoids to the list of Schedule I drugs.

### **S.258 *STATE INSPECTOR GENERAL* Sen. Sheheen**

This legislation establishes the Office of State Inspector General. It also provides for the manner of appointment for the State Inspector General and outlines the powers, duties and functions of the office. The State Inspector General is responsible for investigating and addressing allegations of fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in agencies.

### **S.394 *MASTER-IN-EQUITY COURTS* Sen. Rose**

The stated purpose of this legislation is to afford county councils discretion, despite a county's population, on whether to hire a full or part-time master-in-equity. A county with a population of more than 130,000 may have a full-time master-in-equity. A county with a population of 150,000 or more must have a full-time master-in-equity. Nothing prohibits a county or area with a population of more than 130,000 but less than 150,000 from having either a part-time or full-time master-in-equity in the discretion of the governing body of the county. Nothing prohibits a county or area with a population of more than

30,000 but less than 130,000 from having a part-time master-in-equity. The legislation also includes salary provisions for a master-in-equity.

**H.4060 MUNICIPAL COURTS Rep. Stringer**

This legislation allows the chief judge of the municipal court of any municipality, with approval of the municipality's governing authority, to enter into written contracts with the private sector to provide community supervision, counseling, and collection services under certain circumstances and restrictions.

**H.4061 PROBATE PROCEEDINGS TO DETERMINE A DECEDENT'S INTENT REGARDING THE APPLICATION OF CERTAIN FEDERAL TAX FORMULAS Rep. Harrison**

Relating to probate proceedings to determine a decedent's intent regarding the application of certain federal tax formulas, this legislation imposes certain time limits on the availability of these proceedings. The legislation provides that a personal representative, trustee, or any affected beneficiary under a will, trust, or other instrument of a decedent who dies or did die after December 31, 2009, and before January 1, 2011, may, before December 31, 2012, bring a proceeding to determine the decedent's intent when the will, trust, or other instrument contains a formula that is based on the federal estate tax or generation-skipping tax.

**H.4072 STUDY COMMITTEE ON GOVERNMENT PRIVATIZATION Rep. Toole**

This legislation creates the Study Committee on Government Privatization to examine each state agency, including public corporations authorized by the State, so as to determine if the State's best interests would be served by the privatization of an agency's activities, programs, services, powers, or other functions. This legislation includes provisions for the membership, powers and duties of the committee; the legislation also includes a procedure for the submission of recommendations of the study committee.

**H.4081 PROHIBITION ON THE USE OF PUBLIC FUNDS TO EMPLOY OR CONTRACT WITH A PERSON WHOSE ACTIVITIES INCLUDE LOBBYING Rep. Funderburk**

This legislation provides that it is unlawful for a state agency, instrumentality, or department to expend public funds in order to employ or contract with a lobbyist. These provisions do not include: (1) appearances by the administrative head of a state agency, instrumentality, or department before a public body by specific request; (2) authorized employees of the General Assembly, Office of the Governor, the Supreme Court, the State Budget and Control Board, the Commission on Higher Education, or the Department of Revenue, whose duties are to assess the impact of proposals which affect the administration of state government.

**H.4083 MAGISTRATES COURT Rep. Rutherford**

Notwithstanding a court rule or another provision of law, this legislation provides that a magistrate may not commence a trial or another proceeding, or require an attorney to appear or be present in the court, on Saturday, Sunday, or after five o'clock on a weekday except in the case of an emergency. If a magistrate determines an emergency exists and court must be held: (1) after five o'clock on a weekday, compensation for jurors must be no less than \$150 per day and court personnel must be paid overtime;

and (2) on the weekend, compensation for jurors must be no less than \$150 per day and court personnel must be paid overtime. These provisions do not apply to bond hearings.

**H.4095 JOINT CUSTODY OF A CHILD Rep. Pitts**

Under this legislation, if joint custody of a child is awarded to the parents, there is a rebuttable presumption that both parents have joint physical custody of the child. Joint physical custody of the child is defined as equal time-sharing. The presumption may be overcome by presenting clear and convincing evidence that joint physical custody is not in the best interest of the child. Prior to the hearing on the petition, the legislation requires the parents to submit a parenting plan to the court reflecting parental preferences and agreement on matters of substance. The legislation provides that parents share decision-making authority and responsibility for important decisions affecting the child's welfare and that when agreement cannot be reached the parents shall submit to mediation with a preselected mediator.

**H.4098 MUNICIPAL UTILITY SERVICES Rep. Nanney**

This bill prohibits a municipality from requiring annexation as a condition precedent to providing utility services.

**H.4109 WINE TASTINGS AND BEER TASTINGS Rep. Bannister**

Relating to wine tastings, this legislation allows the holder of a retail wine license for off-premises consumption to conduct twenty-four wine tastings regardless of the holder's primary product. Relating to beer tastings, this legislation allows the holder of a retail permit authorizing the sale of beer for off-premises consumption to conduct twenty-four beer tastings regardless of the holder's primary product.

## **LABOR, COMMERCE AND INDUSTRY**

**S.473 "SPORTS AGENT ENFORCEMENT AND REGISTRATION ACT OF 2011" Sen. Lourie**

This bill revises provisions governing the conduct of athlete agents and student athletes.

**H.4062 PAWNBROKER PLEDGED GOODS DATABASE Rep. Murphy**

This bill creates the "Pawnbroker Pledged Goods Database" within the Department of Consumer Affairs to serve as a central, statewide, electronic repository of records concerning goods received by pawnbrokers in a pawn transaction available for use by law enforcement. The legislation establishes requirements for pawnbrokers to submit information to the database and provides penalties for violations.

**H.4071 ELECTRONIC PRESCRIPTIONS Rep. Sandifer**

This bill provides that a person or group involved in providing prescription benefits to a patient must make available all information necessary to comply with provisions of insurance law concerning electronic prescriptions. The legislation establishes electronic prescription hardware and software requirements.

**H.4073 "REGISTERED INTERIOR DESIGNER PRACTICE ACT" Rep. Brady**

This bill enacts the "Registered Interior Designer Practice Act" to provide requirements for the registration, renewal of registration, and continuing education of interior

designers. The legislation creates the South Carolina Registered Interior Designers Board and provides for its composition, terms, duties, and powers.

**H.4080 ATOMIC ENERGY DEVELOPMENT ACTIVITIES Rep. Hosey**

This bill revises the definition of “Decommissioning Trust Fund” under the Atomic Energy and Radiation Control Act so as to provide that interest earned on this fund must be transmitted to Barnwell County and the Barnwell County Economic Development Commission for economic development and infrastructure purposes. The legislation revises the powers and duties of the Division of State Development within the Department of Commerce so as to provide for the sponsoring or funding coursework at the University of South Carolina-Salkehatchie or Denmark Technical College in trades and research useful to the nuclear power generation industry, radioactive disposal industry, or other related economic endeavors. The legislation provides for the division to focus on developing a technically adept workforce in and around the Savannah River Site with sufficient knowledge and ability to work in the atomic industry and related remedial industries. The legislation revises powers and duties of the State Budget and Control Board, so as to provide for interest earned from the collection of certain fees related to the custodial holding of radioactive materials to be used for the purpose of economic development in Barnwell County and must be paid to Barnwell County and the Barnwell County Economic Development Commission for use in economic development and infrastructure projects. These funds may be expended for economic development and infrastructure projects approved by a majority vote of the Barnwell County Council. The legislation expands the membership of the Technical Advisory Radiation Control Council to provide for one additional member to be appointed by the Barnwell County Council.

**H.4108 ALZHEIMER’S DISEASE AND DEMENTIA SUFFERERS INCLUDED AMONG ELECTRIC AND NATURAL GAS SERVICE SPECIAL NEEDS ACCOUNT CUSTOMERS Rep. Allen**

This bill includes those who suffer from Alzheimer’s disease or dementia within the restrictions placed on terminating electric and natural gas service for special needs account customers.

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

**H.4058 DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT Rep. Sellers**

The legislation changes term “mentally retarded” to “intellectual disability”.

**H.4059 HEALTH SCREENING OF RETAIL FOOD ESTABLISHMENT EMPLOYEES Rep. Viers**

A retail food establishment shall screen semi-annually all employees to determine if an employee is infected with a communicable disease that can be transmitted by food or carries an organism that causes a communicable disease that can be carried by food. The bill also states that a retail food establishment may not employ a person known to be infected with a communicable disease that can be transmitted by food. Documentation of the employee screening results shall be maintained by the employer for a period of five years from the date of the screening. This provision also applies to innkeepers and their employees.

**H.4090 CONTINUATION OF SERVICE BY SPECIAL PURPOSE DISTRICTS  
FOLLOWING ANNEXATION BY A MUNICIPALITY Rep. Nanney**

This bill provides for the continued health, safety and general welfare of a person and real property located within the boundaries of the district before extension of corporate limits.

**H.4093 "HONOR AND REMEMBER" FLAG DESIGNATION Rep. Pope**

The bill designates the "Honor and Remember" Flag as the official State Emblem of Service and Sacrifice by those persons in United States Armed Forces who have given their lives in the line of duty.

## WAYS AND MEANS

### **H.4082 PORTION OF INSURANCE PREMIUM TAX REVENUE DEVOTED TO THE FORESTRY COMMISSION Rep. Vick**

This bill provides for seven percent of the annual revenue of the insurance premium tax to be transferred to the South Carolina Forestry Commission to be used for firefighting, firefighting equipment replacement, and forest industry economic enhancement.

### **H.4091 DISTRIBUTION FACILITIES AND THE SALES AND USE TAX Rep. Bingham**

This bill provides that owning or utilizing a distribution facility within South Carolina is not considered in determining whether there is a physical presence in the state sufficient to establish nexus with South Carolina for sales and use tax purposes. The legislation includes applicable requirements and provisions governing duration.

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