



South Carolina House of Representatives

Legislative Update

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

Vol. 29

May 1, 2012

No. 14

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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.4997, a bill providing for **INDIVIDUAL INCOME TAX RELIEF**. This bill revises individual income tax provisions by eliminating the current four, five, and six percent income brackets and providing instead for incomes to be taxed through a revised and consolidated structure consisting of only three brackets of 0%, 3.75%, and 7%. The legislation includes provisions to ensure that no individual income tax burden increases as a result of these changes. The revised bracket structure applies for taxable years beginning after 2012.

The House amended, approved, and sent to the Senate H.4996, which provides for **SMALL BUSINESS INCOME TAX RELIEF**. This bill reduces from five percent to three percent the tax rate for income derived from pass-through trade and business arrangements, such as sole proprietorships, partnerships, and "S" corporations. The reduction is to be phased in over the course of four years under a gradual schedule that reduces the tax rate by 0.5% per year.

The House amended and gave second reading approval to H.4995, a bill revising **SALES TAX EXEMPTIONS**. The legislation eliminates the sales tax exemptions provided for the following items: railroad cars, locomotives, monorail cars, and the engines or motors that propel them, and their parts; vessels and barges of more than fifty tons burden; motor vehicles (excluding trucks) or motorcycles sold to someone who is a resident of another state, but who is located in South Carolina by reason of orders of the United States Armed Forces; plants and animals sold to any publicly supported zoological park or garden; office supplies or other commodities and services resold by the State Budget and Control Board to state government departments and agencies, if the tax was paid on the original purchase; petroleum asphalt products used in paving, purchased in-state, but exported for out-of-state use; depreciable assets, used in the operation of a business when the entire business is sold by the owner under a written contract and the purchaser continues operation of the business; solid waste disposal collection bags that a local government specifically requires its residents to buy; postage purchased by those selling direct mailing advertising services; parts and supplies used by persons engaged in the business of repairing or reconditioning aircraft owned by or leased to the federal government or commercial air carriers; motor vehicle extended service contracts and motor vehicle extended warranty contracts; clothing and other attire required for working in high tech clean room environments; audiovisual masters; cooperative direct mail promotional advertising materials and promotional maps, brochures, pamphlets, or discount coupons by nonprofit chambers of commerce or convention and visitor bureaus; copies of or access to legislation or other informational documents provided to the general public or any other person by a legislative agency when a charge for these copies is made to cover the cost of the copies; seventy percent of the gross proceeds of the rental or lease of portable toilets; property sold to the public through a sheriff's sale; amusement park rides and their parts, machinery, and equipment located in a qualifying park; energy efficient appliances and products purchased for noncommercial home or personal use with a sales price of two thousand five hundred dollars or less; and, machinery and equipment, building and other raw materials, and electricity used in the operation of a facility owned by a nonprofit organization that is principally used for researching and testing the impact of such natural hazards as wind, fire, water, earthquake, and hail on building materials used in

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residential, commercial, and agricultural buildings. The revenue generated by the elimination of these exemptions must be used to reduce the overall sales tax rate. The Joint Committee on Taxation is re-established under the legislation and charged with conducting a cost benefit analysis of the sales tax exemptions and reviewing their feasibility every five years, if not more frequently.

The House amended, approved, and sent to the Senate **H.5025**, a bill revising the **GOVERNANCE OF SOUTH CAROLINA STATE UNIVERSITY**. The legislation immediately terminates the current terms of all present members of the South Carolina State University board of trustees and establishes an interim board to govern the university until June 30, 2014. The legislation provides for the composition and qualifications of the seven-member interim governing board, with three of its members to be appointed by the Speaker of the House of Representatives, three to be appointed the President Pro Tempore of the Senate, and one appointed by the Governor. The interim governing board is instructed to immediately terminate any individual serving as president of the university and is authorized to select another president or designate someone to serve as acting president. Beginning July 1, 2014, South Carolina State University is to be governed by a revised board of trustees, composed of eleven members (a reduction from the current total of thirteen members). The General Assembly elects one member from each of the state's seven congressional districts (an increase reflecting the addition of a congressional district), and one at-large member (a decrease from the current total of six at-large members). The legislation adds one alumni member of the board elected by the university's alumni association. The president of the student body or the university's student government association is to serve ex officio as the tenth member of the board with full privileges, including the right to vote. Provisions for a designee are included should this individual not be a qualified elector. The Governor, or a designee, continues to serve as an ex officio board member.

The House amended and gave second reading approval to **H.4610**, a bill establishing a **SCHOOL BUS DECENTRALIZATION STUDY COMMITTEE**. The legislation creates a committee to produce a study on the decentralization of the provision of school transportation services in this state by the public sector, private sector, or combination of both that must address the most cost-effective, efficient, and safe way to provide school transportation services to students in grades K-12 utilizing available state and local resources and funding. The committee shall consist of eleven members, four members to be appointed by the Speaker of the House of Representatives, one of whom must be a school finance officer, four members to be appointed by the President Pro Tempore of the Senate, one of whom must be a school finance officer, and three members to be appointed by the Governor. With legislative and gubernatorial staff supplying needed assistance, the committee is required to submit its report by January 1, 2013, at which time the committee shall be abolished. The legislation also provides that a school district may not require or charge a fee to a parent or guardian of a child for access to school bus transportation to and from school.

The House amended, approved, and sent to the Senate **H.4497**, the "**CERVICAL CANCER PREVENTION ACT**". The legislation provides that, beginning with the 2012-2013 school year, the Department of Health and Environmental Control (DHEC) shall offer the cervical cancer vaccination for adolescent students enrolling in the seventh grade in any public or private school in the state. This cervical cancer vaccination, the human papillomavirus vaccination series, is not mandatory. DHEC is charged with

developing and providing schools with informational brochures concerning adolescent vaccinations, including the cervical cancer vaccination series, which must specifically mention the optional nature of the cancer vaccination series and encourage the student's parent or guardian to take the child to their own health care provider to be vaccinated. Each school district must provide these informational brochures to the parents or guardians of all students in the sixth grade at the beginning of the school year. Implementation of this legislation is contingent upon the appropriation of state and federal funding to DHEC to fully cover the costs of providing this vaccine to eligible students as well as the availability of funds to produce the informational materials.

The House approved and sent to the Senate **H.4626**. This bill creates the **BREAST CANCER AND COLORECTAL CANCER SCREENING AND TREATMENT TRUST FUND** and redirects to this new fund half of the annual five million dollars of cigarette surtax revenues that current law assigns to the Smoking Prevention and Cessation Trust Fund. This annual fund deposit of two and one-half million dollars in cigarette surtax revenues must be used by the South Carolina Department of Health and Environmental Control for the sole purpose of establishing a statewide breast cancer and colorectal cancer screening and treatment program.

The House amended, approved, and sent to the Senate **H.4943**, a bill providing expansive authority for **NIGHTTIME HUNTING OF COYOTES, ARMADILLOS, AND FERAL HOGS ON PRIVATE PROPERTY** in an effort to control growing populations of these destructive animals. The legislation allows someone with a valid hunting license and the landowner's permission to take coyotes, armadillos, and feral hogs on private property during the nighttime hours from one hour after official sunset on the last day of February to one hour before official sunrise the first day of July of that same year. The legislation allows for hunting with any legal firearm or arrow shooting device with or without the aid of bait, electronic calls, artificial light, infrared, thermal or laser sighting devices, night vision devices, or any device aiding the identification or targeting of species.

The House approved and sent to the Senate **H.5104**, relating to **SWORN TESTIMONY BEFORE THE GENERAL ASSEMBLY**. The bill provides that all testimony given to a committee or subcommittee of either house of the General Assembly must be under oath. The felony offense of contempt of the General Assembly is created for those who willfully provide false, materially misleading, or materially incomplete testimony to legislative bodies. The legislation also creates the felony offense of criminal contempt for those who are subpoenaed to attend as a witness before a legislative body, but refuse to attend, be sworn, answer questions, or produce required documents. A violator of these new criminal offenses must be fined within the discretion of the court and/or imprisoned for up to five years.

The House amended and gave second reading approval to **H.3235**, a bill making revisions to the **FREEDOM OF INFORMATION ACT (FOIA)** which establishes an individual's rights to inspect or obtain copies of public records and other government documents. The legislation includes provisions for the electronic transmission and online posting of public records. Documents from meetings during the previous six-month period are included among the records a public body must make available for public inspection and copying. The legislation revises the required timeline for complying with a FOIA request and provides that records must be furnished or made available no later than thirty days (except Saturdays, Sundays, and legal public holidays)

from the date of the original request. If, however, the records are more than twenty-four months old, the public body is allowed up to forty-five additional calendar days to comply with the request. The legislation revises the fees that a public body is allowed to charge for complying with FOIA requests by: disallowing copy charges for records that are stored or transmitted in an electronic format; capping fees at the prevailing commercial rate for producing copies; and, prohibiting a public body from charging for staff time associated with gathering or reproducing the records. The legislation allows a deposit of up to 25% of the total cost for reproduction of the records to be required prior to the public body searching for or making copies of records. The legislation eliminates the current FOIA exemption provided for memoranda, correspondence, and working papers in the possession of individual members of the General Assembly and their immediate staff.

The House amended, approved, and sent to the Senate **H.4484**, a bill providing authority for **CLAIMING THE OWNER-OCCUPIED PROPERTY TAX ASSESSMENT RATIO ON A SECOND RESIDENCE THAT IS A VACANT HOME UP FOR SALE**. The legislation establishes provisions that allow a taxpayer to claim the four percent property tax assessment ratio for two residential properties located in the state so long as the taxpayer is attempting to sell the first acquired residence and this residence that is for sale remains vacant and unused. The four percent assessment ratio may not be claimed on both residences for more than one property tax year.

The House amended, approved, and sent to the Senate **H.5049**, a bill revising the **APPEAL OF A PROPERTY TAX ASSESSMENT VALUE**. The legislation provides that the appeal must be based on the market values of real property as of December thirty-first of the tax year under appeal. The legislation revises property tax assessment notice provisions, so as to provide that in a year in which an assessable transfer of interest occurs due to a conveyance, if the assessor determines that fair market value is more than the purchase price, the assessor shall state with particularity, the basis for the increase in fair market value. The legislation provides that the taxpayer at least has thirty days of receipt of the tax notice to appeal, and requires the assessor to include a property tax refund assignment contract in certain cases. The legislation provides that the county assessor shall have the burden of proof in a property tax appeal. The legislation allows a taxpayer to appeal the value once every five years, with certain exceptions.

The House amended, approved, and sent to the Senate **H.4640**, a bill revising **RESIDENT VENDOR PREFERENCES UNDER THE STATE'S CONSOLIDATED PROCUREMENT CODE**. Current laws governing the award of government contracts for goods and services do not allow resident vendor preferences to apply in contracts that exceed five hundred thousand dollars. The legislation allows in-state businesses and all others that qualify for resident vendor status to receive their preferences, up to the allowed maximum, on these larger contracts. The legislation makes other procurement code revisions, eliminating certain provisions that tie preferences to South Carolina and United States end products, and enhancing the preference allowed on bids by certain large employers, manufacturers, and other business located in South Carolina by providing for such bids to be decreased by nine rather than seven percent.

The House approved and sent to the Senate **H.4802**, the "**SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT**". The legislation establishes incentives for the renovation and redevelopment of abandoned buildings located in

South Carolina by providing conditions under which a taxpayer making qualifying investments in a building abandoned for at least five years can receive a tax credit equal to twenty-five percent of actual rehabilitation expenses against income tax and/or property tax liability.

The House approved and sent to the Senate **H.4675**, relating to **PROHIBITED GAMBLING DEVICES**. This legislation specifies that those who are licensed to hold and advertise special events such as bingo, raffles, and other similar activities intended to raise money for charitable purposes do not have the authority to make use of video poker machines, slot machines, or other coin-operated gambling machines and similar statutorily prohibited devices. The legislation also specifies that these prohibited gambling devices are not authorized for use in the sweepstakes and promotional games that beer and wine sales permit holders are allowed to conduct.

The House amended, approved, and sent to the Senate **H.4082**, a bill addressing **FUNDING FOR FORESTRY COMMISSION FIREFIGHTING ACTIVITIES AND EQUIPMENT**. The legislation provides that, from July 1, 2012, through June 30, 2017, two and one-quarter percent of insurance premium tax revenue must be transferred to the South Carolina Forestry Commission and used by that agency for firefighting and firefighting equipment replacement.

The House amended, approved, and sent to the Senate **H.4697**, a bill relating to **SOUTH CAROLINA ARTS COMMISSION FUNDING**. The legislation provides that eight and one-half percent of the balance remaining of the general fund portion of state admissions tax revenues for the previous fiscal year, after required transfers have been, made must be transferred annually to the South Carolina Arts Commission. The South Carolina Arts Commission shall expend at least seventy percent of funds from the admissions tax on grants to support the statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural programs with proven research-based strategies.

The House amended, approved, and sent to the Senate **H.3209**, a bill authorizing **PROTECTIONS FOR PETS IN COURT ORDERS OF PROTECTION FROM DOMESTIC ABUSE** in order to prevent the mistreatment of an animal from being used as a means of threatening or coercing a domestic abuse victim. This legislation authorizes a court to prohibit harm or harassment of a pet animal in an order of protection from domestic abuse. The court may also order the temporary possession of pets when providing for the temporary possession of personal property.

The House approved and sent to the Senate **H.4516**, relating to the **INVESTIGATION OF ABUSE, NEGLECT, AND EXPLOITATION OF RESIDENTS IN CERTAIN FACILITIES OPERATED BY THE STATE**. This legislation provides that noncriminal reports of abuse, neglect, and exploitation of persons committed to the Department of Mental Health pursuant to the Sexually Violent Predator Act must be referred by the Vulnerable Adults Investigations Unit of the State Law Enforcement Division to the Client Advocacy Program of the Department of Mental Health for investigation.

The House approved and sent to the Senate **H.3987**, legislation authorizing **CHILD SUPPORT ENFORCEMENT ASSISTANCE TO BE PROVIDED BY CLERKS OF COURT** in cases not being administered pursuant to federal law by the South Carolina Department of Social Services. This legislation allows clerks of court to attempt to locate

individuals for the purpose of establishing, modifying, and enforcing child support obligations, and it allows clerks of court access to certain enforcement information.

The House amended, approved, and sent to the Senate **H.3274**, a bill establishing a procedure for a landlord in a residential rental agreement to apply for the **EXPEDITED EJECTMENT OF A TENANT FOR CAUSING MALICIOUS PROPERTY DAMAGE OR A SIGNIFICANT THREAT TO SAFETY**.

The House amended, approved, and sent to the Senate **H.4672**, a **PROPOSED AMENDMENT TO THE STATE CONSTITUTION RELATING TO THE ELIGIBILITY TO HOLD A POPULARLY ELECTED OFFICE IN THIS STATE**. This legislation proposes to amend the State Constitution relating to the eligibility to hold a popularly elected office in this state, specifically so as to eliminate the exception that allows a person to hold elective office if it has been fifteen or more years after the completion date of the person's sentence, including probation and parole time. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

The House approved and sent to the Senate **H.4128**, legislation authorizing **GOLD AND SILVER AS LEGAL TENDER**. To the full extent allowed by the United States Constitution, this legislation allows minted gold and silver coins as legal tender for payment of any debt public or private. The legislation further provides that no person may be compelled to accept or tender gold or silver coin, minted or otherwise. A transaction for the purchase of gold or silver coin is not subject to ad valorem or sales tax imposed by South Carolina. **H.4128** also establishes a nine-member **JOINT COMMITTEE FOR THE ADOPTION OF AN ALTERNATIVE FORM OF CURRENCY**. This committee is composed of three Senators appointed by the Chairman of the Senate Finance Committee; three members of the House of Representatives appointed by the Chairman of the Ways and Means Committee; and three representatives of the business community, one being a certified public accountant, appointed by the Governor. The committee must make a detailed and careful study of the need, means and schedule for establishing an alternative currency within the State of South Carolina. The committee must report its findings to the General Assembly and Governor by June 30, 2012, at which time the committee will be dissolved. These findings and recommendations must be published and made available to the public.

The House amended, approved, and sent to the Senate **H.5051**. This legislation provides that the **MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES INCLUDES HIGHLY FOCUSED DOCTORAL DEGREES** that are not unnecessarily duplicative of any university doctoral program; reflect the unique research expertise of a cadre of faculty in the discipline sufficient to sustain doctoral level research at the four-year institution; and meet the needs of the State.

The House amended, approved, and sent to the Senate **H.3710**, a bill providing authority for the **ISSUANCE OF TEMPORARY PROFESSIONAL AND OCCUPATIONAL LICENSES TO SPOUSES OF ACTIVE DUTY MILITARY PERSONNEL** stationed in South Carolina. The legislation establishes the conditions under which a board or commission that regulates the licensure of a profession or occupation may issue a six-month temporary license to the spouse of an active duty member of the United States Armed Forces assigned to a duty station in this state. In order to obtain a temporary license, an applicant must meet the legislation's requirements, including holding a valid

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license issued in another jurisdiction and passing applicable criminal background checks.

The House approved and sent to the Senate **H.4637**. This bill requires each regional transportation authority to develop and implement a program within its service area that makes **PUBLIC TRANSPORTATION AVAILABLE AT NO CHARGE TO DISABLED VETERANS** and former prisoners of war.

The House approved and sent to the Senate **H.5150**. Responding to an opinion recently issued by the South Carolina Supreme Court, this bill reenacts a code provision to assert that the **LIMITED LIABILITY COMPANY ACT WAS INTENDED BY THE GENERAL ASSEMBLY TO SHIELD A MEMBER OF A LIMITED LIABILITY COMPANY FROM PERSONAL LIABILITY** for actions taken in the ordinary course of business of the LLC.

The House approved and sent to the Senate **H.4766** the "**SOUTH CAROLINA BENEFIT CORPORATION ACT**". The legislation establishes a mechanism for organizing as, or converting to, a benefit corporation, a domestic corporation arrangement that involves not only accountability to the interests of corporate shareholders but also adherence to third-party standards for benefiting the public welfare through environmental, religious, charitable, scientific, literary, or educational missions and similar pursuits. With regard to accountability, benefit corporations are required to consider the impact of their decisions not only on shareholders but also on workers, community, and the environment. Additionally, benefit corporations must publicly report annually on overall social or environmental performance against a third party standard. A benefit corporation may include in its governing documents other corporate purposes, including engaging in any lawful business. This status has no tax implication for the corporation. A benefit corporation may terminate its status by amending its governing documents.

The House approved and sent to the Senate **H.4956**, a joint resolution by which the South Carolina General Assembly requests the President of the United States of America to issue an executive order to the Department of Interior to lift the 2010 ban on all **OFFSHORE DRILLING EXPLORATION** within the outer continental shelf lands and expedite all permitting requirements for the development of the nation's abundant oil and natural gas energy resources.

The House amended, approved, and sent to the Senate **H.4687**, regarding the **ELECTRONIC TRANSMITTAL OF DEATH CERTIFICATES**. The bill requires death certificates to be electronically filed with the Bureau of Vital Statistics. Death certificates must be transmitted electronically between the funeral home director and the physician, coroner, or medical examiner certifying the cause of death in order to document the death certificate information. Required signatures on death certificates must be provided by electronic signature. An individual who acts, without compensation, as a funeral director on behalf of a deceased family member or friend; physicians certifying fewer than twelve deaths per year; or funeral homes that perform fewer than twelve funerals per year are exempt from the requirement.

The House approved and sent to the Senate **H.4821**, a bill authorizing the collection of a fee for **FILING COURT DOCUMENTS BY ELECTRONIC MEANS** from a South Carolina Judicial Department integrated electronic filing (e-filing) system. The amount

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of the fee is to be set by the Chief Justice of the South Carolina Supreme Court and all fees collected must be dedicated to the support of court technology.

The House approved and sent to the Senate **H.4758**. The legislation eliminates provisions relating to the role of jury commissioners in **SUMMONING JURORS IN CIRCUIT COURT** and instead allows the clerk of court or the deputy clerk to perform the function of drawing and summoning jurors.

The House amended and gave second reading approval to **H.3079**, a bill providing for **CHARITABLE BINGO REVISIONS**. The legislation creates the Charitable Bingo Advisory Committee to address, in an advisory capacity, issues arising in the charitable bingo industry including, modernization of the industry, expansion of products, streamlining the regulatory process, and improvement of communication toward the ends of conformance and compliance with the Bingo Tax Act. The legislation provides for the committee's membership and requires a Department of Revenue employee, who is knowledgeable about the provisions of the Bingo Tax Act, to serve as liaison with the committee. The legislation provides for the establishment of an informational charitable bingo website by the Department of Revenue to serve as a clearinghouse for information and requires the department's response to inquiries as permanently accessible advisory opinions. The legislation provides for various revisions to bingo provisions. Notably, the legislation broadens provisions for a bingo gaming session to include several types of instant bingo games.

The House amended, approved, and sent to the Senate **H.5029**, a bill establishing conditions for the **OFF-SITE DISPLAY OF AUTOMOBILES AND TRUCKS** by vehicle dealers at charitable functions, school or church fundraising events, town festivals, and similar occasions.

The House approved and sent to Senate **H.4957**. This joint resolution provides that, in 2013 and 2014, the annual **FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE** for vehicles in the manufacturer's employee benefit program and for the testing, distribution, evaluation, and promotion of its vehicles is seven hundred two dollars. The legislation provides that twenty dollars of each fee is credited to the General Fund of the state and the balance to local governments. In the case of employees participating in the benefit program who reside outside of this State, the entire fee must be credited to the General Fund of the state.

The House approved and sent to the Senate **H.4824**, a joint resolution relating to the **REPEAL OF DRIVER'S LICENSE SUSPENSIONS FOR CONTROLLED SUBSTANCE VIOLATIONS**. This joint resolution makes revisions pertaining to the repeal of Section 56-1-754, which relates to the suspension of a driver's license of a person convicted of a controlled substance violation. This particular code section was repealed by the General Assembly last year by Act 13 of 2011. This legislation enacts language in order to carry out the intentions of the General Assembly when it enacted this legislation to discontinue the suspension of the driver's license of a person who was charged with a controlled substance violation before April 12, 2011, but whose conviction occurred on or after April 12, 2011.

The House approved and sent to the Senate **H.5098**, a bill revising provisions that relate to **TEMPORARY PERMITS FOR THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IN A COUNTY OR MUNICIPALITY UPON A**

FAVORABLE REFERENDUM VOTE, so as to further provide for those elections which constitute general elections for purposes of the referendums required.

The House approved and sent to the Senate **H.4054**, a bill providing that it is **UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE KEOWEE WITHIN TWO HUNDRED YARDS OF A DWELLING**.

Following the Senate's rejection of the conference committee report that the House adopted on **H.3241**, a bill revising provisions for **CHARTER SCHOOLS**, the House made appointments to a new conference committee to address its differences with the Senate on this legislation.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met on Thursday, April 26, and reported out five bills.

H.4487 received a favorable with amendment report. As approved by the committee, this legislation establishes a thirteen-member **UTILITIES RELOCATION STUDY COMMITTEE** to review, study, and make recommendations concerning the need for improved coordination and funding of the relocation of water and sewer facilities located within the public rights-of-way when such relocation is required due to the construction or improvement of roads and bridges in the state. The members of the study committee shall serve without compensation and may not receive mileage or per diem. The committee shall make a report of its findings and recommendations to the General Assembly no later than January 15, 2013, at which time the study committee terminates.

The full committee gave a favorable with amendment recommendation to **H.5048**. This legislation provides that the **DEPARTMENT OF TRANSPORTATION (DOT) SHALL INCLUDE "AIKEN" ON ALL EXISTING AND FUTURE SIGNAGE THAT DIRECTS MOTOR VEHICLE TRAFFIC TO THE CITY OF AUGUSTA, GEORGIA** along the eastbound and westbound lanes of traffic at Exit 107 on Interstate Highway 26, and along the northbound and southbound lanes of traffic at Exit 16 on Interstate Highway 77. Public funds shall not be used to implement these provisions. The legislation further provides that DOT is directed to petition the appropriate entities for Aiken, South Carolina, to be included on the "list of control cities" as published by the American Association of State Highway and Transportation Officials for use in guide signs on interstate highways.

S.105, which creates an **AGRITOURISM AND TOURISM ORIENTED SIGNAGE PROGRAM**, received a favorable with amendment report. This legislation directs the Department of Transportation (DOT) to create and supervise a coordinated, self-funded, statewide program related to providing directional signs along the state's major rural

highways leading to tourism and agritourism-oriented facilities. Participating facilities are responsible for the cost associated with the manufacture, installation and maintenance of the signs. The statewide program shall be operated according to standards and regulations authorized to be promulgated by DOT in compliance with the federal Manual on Uniform Traffic Control Devices. DOT shall coordinate with the Department of Agriculture and the Department of Parks, Recreation and Tourism (PRT), as applicable, to allow those departments to promote tourism and agritourism facilities participating in this directional signage program. The criteria for selection of qualified agritourism facilities shall be established by the Department of Agriculture. The criteria for the selection of qualified tourism facilities shall be established by PRT. The approval of applications for signs for agritourism and tourism oriented facilities must be determined by an oversight committee. The Department of Agriculture and PRT must develop logos to be utilized for the signage. The logos developed may be used by those departments for other promotional purposes associated with tourism and agritourism. **S.105** also provides that it is **UNLAWFUL FOR ANY PERSON TO CAMP, SET FIRES, OR COOK ON A HIGHWAY**. Violations are a misdemeanor punishable by a fine of \$100 or imprisonment of not more than 30 days.

The Education and Public Works Committee gave a favorable with amendment report to **H.3257**. This bill allows the Department of Motor Vehicles to issue **UNITED STATES MARINE CORPS SPECIAL LICENSE PLATES**.

H.3258 also received a favorable with amendment report. This bill provides that a **UNITED STATES NAVAL ACADEMY SPECIAL LICENSE PLATES MAY BE ISSUED TO A SURVIVING SPOUSE OF A GRADUATE**. This bill also allows the Department of Motor Vehicles to issue a **UNITED STATES NAVY CHIEF PETTY OFFICER SPECIAL LICENCE PLATE**.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.1231 CLASSIFICATION OF SALTWATER GAME FISH Sen. Gregory

The bill classifies Cobia *Rachycentron Canadum* as a saltwater game fish. The bill adds that it is unlawful to sell, purchase, trade, or barter or attempt to sell, purchase, trade, or barter Cobia taken from state waters.

S.1364 SHEEPSHEAD SIZE AND CATCH LIMITS Sen. Cromer

It is unlawful to take or possess more than ten sheepshead (*Archosargus probatocephalus*) in any one day, not to exceed thirty sheepshead in any one day on any boat. It is also unlawful to take or possess sheepshead of less than fourteen inches in total length.

S.1445 HUNTING AND FISHING LICENSE Sen. Land

This joint resolution outlines that certain nonresidents may obtain a lifetime combination license from the Department of Natural Resources under certain conditions which grants the same privileges as a statewide combination license during a specified period.

EDUCATION AND PUBLIC WORKS

S.1307 *BOARDS AND COMMISSIONS* Sen. Courson

This legislation makes various revisions to certain boards and commissions in the education area; revision generally reflect the addition of a seventh congressional district. Boards and commissions addressed by this legislation include: South Carolina Educational Television Commission; South Carolina School for the Deaf and the Blind; Board of Trustees of the Special School of the Science and Mathematics; South Carolina Governor's School for Arts and Humanities' Board of Directors; State Board for Technical and Comprehensive Education; State Commission on Higher Education; Medical University of South Carolina Board of Trustees; Board of Trustees of Winthrop University; South Carolina State University Board of Trustees; Board of Trustees for the College of Charleston; Board of Trustees for Francis Marion University; Board of Trustees for Lander University; Board of Trustees for Coastal Carolina University; State Library Board; and South Carolina Museum Commission.

S.1375 *BICYCLES AND PEDESTRIANS* Sen. Campsen

This legislation provides that a local governing body may authorize bicyclists and pedestrians to operate on the roadway and shoulder of a main facility of a non-interstate freeway under certain conditions. If the local governing body: (a) determines that bicyclists and pedestrians have no other reasonably safe or viable alternative route; (b) adopts an ordinance allowing bicycle and pedestrian traffic on the shoulder of a main facility of the non-interstate freeway and allowing bicycle and pedestrian traffic on the roadway when utilizing the shoulder is not practicable because of an obstruction or an unpaved shoulder, or when necessary to cross an access ramp in compliance with accepted bicycle safety standards and practices; and (c) notifies the Department of Transportation that the ordinance has been adopted. Upon receiving notice, the department shall remove all signs prohibiting pedestrians and bicyclists along the roadway and shoulders of the main facility of the portion of the freeway to which the ordinance applies. The local governing body may request permission from the department to erect appropriate signs and markers along the roadway and shoulders of the main facility of the portion of the freeway to which the partial exemption applies. Two or more local governing bodies that have jurisdiction over portions of a section of a roadway to which a partial exemption from the provisions is proposed may authorize an exemption for the entire section if the local governing bodies affected by the proposed exemption formally agree to granting the exemption and each local jurisdiction completes the exemption procedure for the portion of the roadway section that passes through its jurisdiction.

S.1417 *SOUTH CAROLINA TENNIS PATRONS FOUNDATION SPECIAL LICENSE PLATES* Sen. Land

This legislation allows the Department of Motor Vehicles to issue 'Play Tennis' special license plates to owners of private passenger carrying motor vehicles or motorcycles registered in their names which shall have imprinted on them an emblem, seal, symbol, or wording relating to the South Carolina Tennis Patrons Foundation.

JUDICIARY

S.1321 AMENDMENTS TO THE "OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT" Sen. Malloy

This legislation makes numerous amendments to the "Omnibus Crime Reduction and Sentencing Reform Act of 2010".

S.1328 SOIL AND WATER CONSERVATION DISTRICT COMMISSIONERS Sen. Verdin

This legislation provides that the appointed commissioners of any conservation district are exempt from disclosing economic interests if the value of their economic interests that would otherwise require filing a disclosure is equal to or less than \$500.

LABOR, COMMERCE AND INDUSTRY

S.1044 HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT APPEALS Sen. Knotts

This bill revises notice requirements for the initiation of overpayment recovery efforts under the South Carolina Health Care Financial Recovery and Protection Act by adding requirements concerning an appeal.

S.1107 TEMPORARY PROFESSIONAL AND OCCUPATIONAL LICENSES FOR SPOUSES OF ACTIVE DUTY MILITARY PERSONNEL Sen. Leventis

This bill establishes the conditions under which a board or commission that regulates the licensure of a profession or occupation may issue temporary professional and occupational licenses to spouses of active duty military personnel stationed in South Carolina.

S.1137 "ARCHITECTS' AND ENGINEERS' VOLUNTEER ACT" Sen. Shoopman

This bill enacts the "Architects' and Engineers' Volunteer Act" to provide immunity from legal liability for licensed architects, contractors, and subcontractors who provide volunteer architectural or volunteer construction services during declared emergencies.

S.1229 INSURANCE ADJUSTERS Sen. O'Dell

This bill makes revisions to insurance adjuster provisions, including additional exemptions from licensure, provisions relating to reciprocal agreements with other jurisdictions, and training requirements.

S.1247 ELECTRONIC SERVICE OF PUBLIC SERVICE COMMISSION FINAL ORDER Sen. Alexander

This bill authorizes the Public Service Commission to serve a final order or decision by electronic service.

S.1319 CLOSING OR SETTLEMENT INSURANCE Sen. L. Martin

This bill authorizes a title insurer to issue closing or settlement insurance and provides for loss against which this insurance may indemnify an insured. A premium charged for

this coverage must be approved by the Department of Insurance and must not be subject to any agreement requiring a division of fees or premiums collected on behalf of the title insurer.

S.1340 EMPLOYMENT DISCRIMINATION ALLEGATIONS Sen. Malloy

This bill revises remedies for employees alleging unlawful discrimination by establishing procedures that the director of the Department of Labor, Licensing and Regulation shall follow upon receipt of a complaint alleging such discrimination.

S.1376 OFF-SITE DISPLAY OF AUTOMOBILES AND TRUCKS Sen. Grooms

This bill establishes conditions for the off-site display of automobiles and trucks by vehicle dealers at charitable functions, school or church fundraising events, town festivals, and similar occasions.

S.1392 DERIVATIVE TRANSACTIONS INCLUDED UNDER BANK LENDING LIMITATIONS Sen. Campbell

This bill brings state laws into compliance with the federal Dodd-Frank Wall Street Reform and Consumer Protection Act by providing for the inclusion of derivative transactions under bank lending limitations. The legislation includes derivative transactions under provisions relating to the maximum amount of loans by a bank to a borrower. A “derivative transaction” is defined as any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of any interest in, or any quantitative measure or the occurrence of any event relating to one or more commodities, securities, currencies, interest, or other rates, indices, or assets.

S.1395 LEGISLATIVE APPROVAL OF PROFESSIONAL AND OCCUPATIONAL BOARD FEES Sen. Lourie

This bill revises the regulatory authority of the Department of Labor, Licensing and Regulation by eliminating provisions that authorize professional and occupational boards to establish fee schedules and requiring, instead that all such fees must be approved by the General Assembly through legislative enactment in the general and permanent law of the state.

S.1419 SURPLUS LINES INSURANCE Sen. Thomas

This bill revises provisions relating to insurance brokers and surplus lines insurance. The legislation provides that the revenue collected from the broker’s premium tax rate must be credited to a special earmarked fund and provides the manner in which the fund may be used and disbursed. The legislation authorizes the director of the Department of Insurance to conduct examinations of broker records and allows the department to promulgate necessary regulations. The legislation provides the manner in which the Nonadmitted and Reinsurance Reform Act of 2010 may be implemented. The legislation revises provisions relating to municipal license fees and taxes, so as to disallow a municipality from charging an additional license fee or tax based upon a percentage of premiums for purposes of surplus lines insurance.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.1429 ALZHEIMER'S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER ADVISORY COUNCIL Sen. Alexander

Currently, the Alzheimer's Disease and Related Disorders Resource Coordination Center Advisory Council is appointed by the Governor. The bill allows for the Lieutenant Governor to make appointments to the Council. The bill also requires the Council's annual report to be submitted to the Chairman of the Medical Affairs Committee of the Senate and the Chairman of the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives, and requires the report to be published on the Lieutenant Governor's website.

S.1438 COMMISSION ON HUNGER Sen. Lourie

This bill creates the Commission on Hunger within the Department of Health and Environmental Control. The Commission is responsible for developing, implementing and overseeing a comprehensive strategy to reduce food insecurity and alleviate hunger in the state. DHEC shall provide staff to the 17-member Commission. "Food insecurity" means a household level economic and social condition of uncertainty of being able to acquire, in socially acceptable ways, enough food, at any given time, to meet basic dietary needs because of insufficient funds or other resources for food.

H.5155 STATE BOARD OF COSMETOLOGY Rep. Horne

Under current law, the State Board of Cosmetology Board is comprised of seven members of which one member is an esthetician and one member is a nail technician. The bill clarifies that an esthetician and a nail technician must have at least five years of practice experience in the state before appointment.

H.5164 LONG-TERM CARE FACILITIES Rep. Spires

The bill outlines that a community residential care facility resident or his representative must provide the facility administrator written notice of the resident's or his representative's intent to voluntarily relocate to another community residential care facility. The written notice must be given not less than thirty days before the resident relocate. The facility administrator may charge the equivalent of thirty days occupancy for failure to give this notice.

WAYS AND MEANS

S.1176 TAX CODE REVISIONS Sen. Courson

This bill updates and revises numerous tax code provisions.

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