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## Legislative update

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Link to Item	<a href="http://hdl.handle.net/10827/10268">http://hdl.handle.net/10827/10268</a>



South Carolina House of Representatives

# Legislative Update

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

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Vol. 25

March 4, 2008

No. 09

## CONTENTS

HOUSE WEEK IN REVIEW .....	02
HOUSE COMMITTEE ACTION .....	05
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	11

***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.4662, a bill that makes **REVISIONS TO THE EDUCATION ACCOUNTABILITY ACT**. Highlights of the legislation include:

## **End-of-Year Assessments (grades 3-8)**

In lieu of the Palmetto Achievement Challenge Test (PACT), this bill provides for the Elementary and Middle School Assessment Program (EMSAP). To facilitate the reporting of strand level information and the reporting of student scores prior to the beginning of the next school year, the EMSAP multiple choice items must be administered as close to the end of the school year as possible and the writing assessment must be administered earlier in the school year. Reports from the EMSAP include strand information. The EMSAP would be first administered in 2010.

## **Subjects Tested for Accountability**

The subject areas tested for accountability have not changed with this bill. Subjects tested for accountability are English/language arts, mathematics, science and social studies.

## **Formative Assessments**

Under the legislation, the State Board of Education shall create a statewide adoption list of formative assessments for grades one through nine aligned with the state content standards in English/language arts and mathematics that satisfies professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2009-2010 school year, with funds appropriated by the General Assembly, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans.

## **Assessment Data**

Currently, there is no codified deadline for student assessment results to be provided. This bill provides that assessment results on individual students and schools are due by August 1.

## **Academic Plans**

## **Legislative Update, March 4, 2008**

The legislation eliminates provisions for individual student academic plans, parent conferences, and district level reviews for students in grades three through eight lacking the skills to perform at current grade level.

### **Student Performance Levels**

Currently, student performance levels are not codified, but under current practice there are four levels: advanced, proficient, basic, and below basic. This bill provides for three student performance levels: Exemplary (demonstrated exemplary performance in meeting grade level standard), Met (met grade level standard), and Not Met (did not meet grade level standard). For purposes of reporting as required by federal statute, proficiency includes students performing at Met or Exemplary.

### **School/District Performance Levels**

The legislation retains the existing performance levels of excellent, good, average, below average, and unsatisfactory. Under the legislation, graduation rates must be used as an additional accountability measure for high schools and school districts.

### **State and Federal Level Accountability Reporting Levels**

Current practice provides for separate levels for state and federal accountability reporting. This bill provides for the same levels for state and federal accountability reporting.

### **Annual School and District Report Cards**

This bill provides that annual report cards must meet federal report card requirements. This bill further provides that district report cards will include the state's National Assessment of Educational Progress (NAEP) scores as well as scores of the nation. NAEP is the only nationally representative and continuing assessment of what America's students know and can do in various subject areas.

### **Performance Awards**

Currently, there are two performance awards: Palmetto Gold and Palmetto Silver. In addition to these two awards, this bill provides for a closing the achievement gap award for schools making substantial progress in closing the achievement gap between disaggregated groups.

### **District and School Performance**

Currently, district and school performance are referred to as absolute and improvement. Under this bill, district and school performance are referred to as absolute and growth.

### **Periodic Review of the Accountability System**

The Education Oversight Committee, working with the State Board of Education, shall conduct a cyclical review of the accountability system at least every five years and provide the General Assembly with a report of findings and recommendations.

**Legislative Update, March 4, 2008**

The House appointed a conference committee to address differences with the Senate over **S.392**, the “**SOUTH CAROLINA ILLEGAL IMMIGRATION REFORM ACT.**”

The House amended Senate amendments to **H.3496**, a bill that makes comprehensive changes to **DRIVING UNDER THE INFLUENCE (DUI) LAWS**. The House substituted the Senate’s version of the legislation with the House-approved version and returned the bill to the Senate.

The House approved **S.1099** and ordered the joint resolution enrolled for ratification. This joint resolution creates a **STUDY COMMITTEE TO REVIEW THE CRIMINAL DOMESTIC VIOLENCE LAWS** of the State and make recommendations to the General Assembly concerning any proposed changes. The study committee must be composed of five members of the Senate, appointed by the President Pro Tempore, and five members of the House of Representatives, appointed by the Speaker of the House. Any vacancies in the membership of the study committee must be filled for the remainder of the unexpired term in the manner of original appointment. Members of the study committee may receive per diem, subsistence, and mileage as provided by law for members of state boards, committees, and commissions. The study committee shall make a report of its recommendations to the General Assembly no later than January 31, 2009, at which time the study committee must be dissolved.

The House amended, approved, and sent to the Senate **H.3674**, the “**SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT.**” The legislation establishes prompt payment provisions requiring insurers to make timely payments to providers of health care services who submit unproblematic claims. The legislation establishes criteria for what is to be considered a clean claim free of any defect, error, or impropriety. The legislation requires payment within forty business days for a clean claim submitted on paper and payment within twenty business days for a clean claim submitted electronically. The legislation requires an insurer to provide an updated fee schedule upon written request by a physician who is also a participating provider. Each physician may request from an insurer an updated fee schedule no more than two times annually.

The House approved and sent to the Senate **H.4759**, legislation **EXEMPTING MILITARY BENEFITS SOCIETIES FROM INSURANCE PROVISIONS**. The legislation provides an exemption from provisions governing insurers for an association, whether a fraternal benefit society or not, which was organized before 1880 and whose members are officers or enlisted, regular or reserve, active, retired, or honorably discharged members of the Armed Forces or Sea Services of the United States, and a principal purpose of which is to provide insurance and other benefits to its members and their dependents or beneficiaries. Organizations such as the Navy Mutual Insurance Company were formed to afford access to insurance for individuals who might otherwise be unable to obtain coverage due to the risks involved in military service.

The House approved and sent to the Senate **H.4731**, a bill designating the nineteenth day of June of each year as ‘**JUNETEENTH CELEBRATION OF FREEDOM DAY**’ to commemorate and reflect on the freedom of African Americans and their contributions to this State and nation.

The House approved and sent to the Senate **H.4058**, a bill relating to **PRENEED FUNERAL CONTRACTS**. The legislation transfers administrative duties relating to

preneed funeral contracts from the State Board of Financial Institutions to the Department of Consumer Affairs. The legislation increases the amounts of fines imposed for violations. The legislation also provides that, before the suspension, revocation, or other action by the department involving a license to sell preneed funeral contracts becomes final, the department shall offer the licensee the opportunity for a contested case hearing before the Administrative Law Court.

The House approved and sent to the Senate **H.4511**, relating to **MOPED DRIVER'S LICENSES**. This bill repeals a current statute which provides that a photograph of the licensee is not required.

The House approved and sent to the Senate **H.4747**, a bill transferring certain provisions into the **SOUTH CAROLINA CHILDREN'S CODE**.

## **HOUSE COMMITTEE ACTION**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

The full committee did not meet this week.

### **EDUCATION AND PUBLIC WORKS**

The full committee did not meet this week.

## JUDICIARY

The Judiciary Committee met on Tuesday, February 26, 2008.

**H.4065** received a favorable report from the committee. Relating to **JURISDICTION OF THE PROBATE COURT**, this bill adds the word "general" before "personal representatives" in connection with formal proceedings for their appointment.

The full committee gave a favorable recommendation to **H.4345**. This bill provides that under the **STATE REVENUE APPEALS PROCEDURE**, a taxpayer is considered to have exhausted his prehearing remedy when the Department of Revenue (DOR) fails to issue a proposed assessment or determination within a specified period. This bill provides that the taxpayer must request a contested case hearing before the Administrative Law Court (ALC) within a specified period; further, the ALC may remand the case to DOR for a proposed assessment, determination on a refund claim, or final agency determination, in certain circumstances. A taxpayer may request the ALC place the contested case back on the court's active docket within a specified period. The bill requires DOR to notify a taxpayer who files a written protest of his rights concerning appeals procedures.

**S.110** received a favorable with amendment recommendation from the Judiciary Committee. This bill enacts the "**UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS ACT**" to provide a procedure which must be followed regarding applications for expungement of all criminal records. Only certain offenses are eligible for expungement; however, a charge that has been dismissed, nol-prossed or the defendant was found not guilty may be expunged. Applications for expungement of criminal records are administered by the circuit solicitors. There is a \$250 dollar administrative fee. Any person who applies for expungement within one year of the date of disposition is exempt from paying the fee; South Carolina Court Administration must include notices on all bond paperwork and courtesy summons about this one-year exemption from the fee. The solicitor has the discretion to waive the fee only when it is determined that a person has been falsely accused of a crime as a result of identity theft. The expungement fee is nonrefundable, regardless of whether the offense is later determined to be statutorily ineligible for expungement or if the solicitor or his designee does not consent to expungement. Each solicitor's office shall maintain a record of all fees collected related to expungement of criminal records, which must be made available to the chairmen of the House and Senate Judiciary Committees.

**H.4578, PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO SPECIAL PURPOSE DISTRICTS**, received a favorable report from the committee. This joint resolution proposing to amend the State Constitution would be submitted to the voters at the next general election. This joint resolution proposes to amend the State Constitution to authorize the General Assembly, by special or local law, to abolish a special or public service district created by the General Assembly and transfer its assets and liabilities to an assuming service provider.

The full committee recommitted **S.71**, a bill relating to **AUTOMATED EXTERNAL DEFIBRILLATORS**, to the Constitutional Laws Subcommittee.

The Judiciary Committee adjourned debate on the following bills:

- **H.3343**, a bill pertaining to **QUALIFICATIONS FOR REGISTRATION TO VOTE**
- **H.4725**, a bill relating to **BALLOT STANDARDS AND SPECIFICATIONS**

## **LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce and Industry Committee met on Tuesday, February 26, and reported out several bills.

The committee gave a report of favorable with amendment on **H.3674**, the “**SOUTH CAROLINA HEALTH CARE FINANCIAL RECOVERY AND PROTECTION ACT.**” The legislation establishes prompt payment provisions requiring insurers to make timely payments to providers of health care services who submit unproblematic claims. The legislation establishes criteria for what is to be considered a clean claim free of any defect, error, or impropriety. The legislation requires payment within forty business days for a clean claim submitted on paper and payment within twenty business days for a clean claim submitted electronically. The legislation requires an insurer to provide an updated fee schedule upon written request by a physician who is also a participating provider. Each physician may request from an insurer an updated fee schedule no more than two times annually.

The committee reported out Committee Bill **H.4759**, legislation **EXEMPTING MILITARY BENEFITS SOCIETIES FROM INSURANCE PROVISIONS**. The legislation provides an exemption from provisions governing insurers for an association, whether a fraternal benefit society or not, which was organized before 1880 and whose members are officers or enlisted, regular or reserve, active, retired, or honorably discharged members of the Armed Forces or Sea Services of the United States, and a principal purpose of which is to provide insurance and other benefits to its members and their dependents or beneficiaries. Organizations such as the Navy Mutual Insurance Company were formed to afford access to insurance for individuals who might otherwise be unable to obtain coverage due to the risks involved in military service. The committee adopted a revised version of **H.4674** as the committee bill.

The committee gave a favorable report on **H.4058**, a bill relating to **PRENEED FUNERAL CONTRACTS**. The legislation transfers administrative duties relating to preneed funeral contracts from the State Board of Financial Institutions to the Department of Consumer Affairs. The legislation increases the amounts of fines imposed for violations. The legislation also provides that, before the suspension, revocation, or other action by the department involving a license to sell preneed funeral contracts becomes final, the department shall offer the licensee the opportunity for a contested case hearing before the Administrative Law Court.

The committee gave a report of favorable with amendment **S.668**, a bill that provides an **EXEMPTION FROM CONTRACTORS LICENSING ACT PROVISIONS FOR PORTABLE STORAGE BUILDINGS AND METAL FARM BUILDINGS** with less than five thousand square feet of floor space that are owner-constructed and used only for livestock or storage.

The committee gave a report of favorable with amendment on **H.4350**, relating to a **LIEN ON REAL ESTATE TO SECURE PAYMENT OF DEBT TO A LANDSCAPING**



**SERVICE.** This bill provides that a person who provides a landscape service on a parcel or real estate by virtue of an agreement with the owner of the real estate, and to whom a debt is due for his performance of the landscaping service, has a mechanics' lien on the real estate to secure payment of debt due to him.

The committee gave a report of favorable with amendment on **H.4594**, a bill relating to the **REGULATION OF RESIDENTIAL HEATING AND AIR CONDITIONING CONTRACTING**. This bill prohibits a person from engaging in the business of residential heating and air conditioning contracting unless licensed as a residential specialty contractor. The legislation prohibits providing a potential buyer a proposal for sale or installation of residential heating and air conditioning, other than a written estimate, before the specifications for the system have been reviewed and approved by a licensed employee of the retail seller, or the retail seller. The legislation further specifies contract requirements for the sale and installation of a heating and air conditioning system. These provisions do not apply to a homeowner who makes minor repairs or minor replacements to an already installed system or to a homeowner who qualifies to purchase equipment as long as the homeowner obtains proof of a mechanical building permit under local municipal ordinances. These provisions do not apply to licensed residential builders or general contractors who are purchasing heating and/or air conditioning equipment to be installed by licensed heating and air conditioning residential specialty contractors. These provisions do not apply to licensed manufactured home contractors, installers, or retailers involved in the sale or installation of a manufactured home.

The full committee met on Thursday, February 28, and reported out two joint resolutions.

The committee gave a report of favorable with amendment on **H.4735**, a joint resolution relating to the **USE OF EDUCATIONAL TELEVISION NETWORK LICENSES AND EXCESS BROADCAST SPECTRUM CAPACITY**. The legislation directs the Educational Television Network to make all necessary filings with the Federal Communications Commission as soon as practicable to indicate an intention to retain licenses currently operated by the Educational Television Network and an intention to form a public/private partnership to complete the necessary transition from an analog to digital system. However, Educational Television Network may not sell, lease, or otherwise alienate or obligate telecommunications and information technology infrastructure of the State until provided for by the General Assembly. The legislation directs the Executive Director of the State Budget and Control Board to hire, using funds from approved accounts of the Department of Commerce, a nationally-recognized telecommunications consultant to provide an estimate of the value of licenses operated by the Educational Television Network, to analyze various business models for the leasing of excess capacity on the spectrum, and to analyze the feasibility of a wireless cloud over all public school facilities. The hiring of the consultant is excepted from the provisions of the South Carolina Consolidated Procurement Code. The consultant must be hired by April 1, 2008, and must make available an official report of its findings to the General Assembly by May 1, 2008.

The committee gave a report of favorable with amendment on **H.3395**, a joint resolution providing for a **REPORT ON NET METERING PROGRAMS AT THE STATE'S ELECTRIC UTILITIES**. Net metering is a means of calculating the energy that is consumed and produced at facilities equipped with renewable energy generators such as solar panels or wind turbines. The legislation provides that the South Carolina

Energy Office and the Office of Regulatory Staff, not later than January 1, 2009, shall provide a report to the General Assembly that recommends process and procedures for establishing net metering programs at all distribution electric utilities in South Carolina, including investor-owned electric utilities and the South Carolina Public Service Authority. The report must consider net metering requirements of adjacent states, and make recommendations that facilitate interstate uniformity for utilities that serve both South Carolina and a neighboring state. The report's recommendations must be consistent with requirements of the federal Energy Policy Act. The report must also consider the need to facilitate consistency with Green Power electricity purchase programs operating in South Carolina. In preparing the net metering report, the South Carolina Energy Office and the Office of Regulatory Staff shall consult with all affected electric utilities, the State Consumer Advocate, representatives of environmental interests, and the South Carolina Energy Advisory Committee.

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

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, February 26, 2008.

The full committee gave favorable approval to **S.1005** relating to **AGE RESTRICTIONS ON BLOOD DONORS** adding that a person sixteen years old may donate blood with written consent of parent or guardian. The bill also outlines that it is unlawful for person under eighteen years old to sell blood. This identical bill replaces H.4595.

**H.3912** relating to the “**PHYSICIAN PRACTICE ACT**” was given favorable approval by the full committee. This bill clearly outlines that a physician must be immediately available (on the premises) when he or she delegates a task to an unlicensed person who works for the physician. It adds that a physician is not prohibited from practicing in actual consultation with a physician licensed in this State concerning an opinion for the South Carolina physician's consideration in managing the care or treatment of a patient in this State. The bill changes the requirements for an applicant who graduated from medical school outside of the United States, who has met all other criteria and wishes to obtain a license to practice in this State. It requires the applicant to have been licensed for the preceding five years and specifies that the practice must have been without significant disciplinary action. The bill also allows a physician who currently is certified by a board approved national specialty organization that does not require an examination for recertification to become licensed in South Carolina without further examination if the physician has 150 hours of approved continuing medical education in the three years prior to application. Seventy five percent of the hours must be related to the applicant's specialty. And finally, this bill provides that a physician testifying as an expert medical witness in court is deemed to have submitted to the jurisdiction of the Board of Medical Examiners.

The full committee gave favorable approval to **H.3906** **DENTAL TECHNOLOGICAL WORK**, requiring an out-of-state dental lab to employ a dental technician registered in South Carolina if the lab performs dental technological work prescribed by a dentist licensed in South Carolina. The bill also requires all dental labs to provide certification of the country where the lab work was performed; a list of all materials used to make the

## Legislative Update, March 4, 2008

device; and the name, address and certificate number of the person or organization authorized to make the device.

**H.4334** regarding **EMERGENCY MEDICAL TECHNICIAN (EMT) CERTIFICATION** was given favorable approval by the full committee. This bill requires a person seeking Emergency Medical Technician (EMT) certification or recertification to undergo a state criminal records check and a national criminal records check. The state and national criminal records checks are not required for an EMT employed as of July 1, 2008, until the EMT applies for recertification. A state criminal records check will cost no more than eight dollars and is the responsibility of the EMT or EMS agency.

Full committee gave favorable with amendment recommendation to **H.3803** relating to the **DEFINITION OF THE PROFESSION OF COSMETOLOGY**. This bill allows an individual to shampoo hair without being licensed as a cosmetologist. This individual must be under the direct supervision of a cosmetologist.

## 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.4762 MORATORIUM ON DEBRIS LANDFILL PERMITS Rep. Cooper**

This bill provides for a moratorium on the issuance of permits for construction, demolition, and land clearing debris by the Department of Health and Environmental Control, to remain in effect until new regulations have been promulgated and become effective.

### **H.4764 WATER RESOURCES PLANNING FOR WATERCRAFT EQUIPMENT AND OPERATIONS Rep. Witherspoon**

This comprehensive bill makes numerous changes to the equipment, operations and titling for watercraft and water devices used on the waters of this State. The changes include, but are not limited to, the following:

- Provides for permits and operational standards for marine dealers;
- Requires marine dealers to sell a minimum of ten new or used watercraft or outboard motors a year in order to renew permit;
- Outlines provisions for dealer demonstration numbers and penalties for violations;
- Outlines the application and cost, assignment and warranty and transfer requirements for certificate of title for watercraft;
- Requires statement of origin for transfers and outlines penalties for fraud or misrepresentation;
- Outlines provisions for outstanding liens on watercraft or outboard motor;
- Repeals Section 50-21-35 Dealer Demonstration Numbers for Watercraft; Section 50-21-60 Personnel Expenses and Salaries of Department Employees and Sections 50-23-15, 50-23-40, 50-23-50, 50-23-65, 50-23-100 and 50-23-160 all relating to certificates of title or marine dealer permits

### **H.4766 ENERGY CONSERVATION PLANS FOR STATE AGENCIES Rep.**

**Lowe**

This bill requires state agencies and school districts to submit a plan with a specific energy consumption reduction goal of one percent annually for five consecutive years beginning July 1, 2008. The plan will be submitted to and receive approval by the State Energy Office. The plan must have a goal of ultimately reducing energy consumption by twenty percent by July 1, 2020, relative to year 2000 levels. Along with other requirements, this bill also indicates that the State Energy Office shall provide assistance and information needed to help meet approved goals.

**H.4776 SOUTH CAROLINA ENERGY INNOVATION AND DISCOVERY PROGRAM Rep. Hutson**

Beginning July 1, 2008, the general assembly shall approve an amount no less than two hundred fifty thousand dollars annually to the State Energy Office. These funds will be used to establish the South Carolina Energy Innovation and Discovery Program. This grant program shall make awards over renewable periods of up to five years to South Carolina based companies and individuals for the invention of new applications which will result in the more efficient and clean use of carbon fuels or the more efficient disposal of carbon fuels or the remaining residue of carbon fuels after combustion. The bill outlines the program requirements, grant process as well as eligible tax credit opportunities.

**H.4785 PROCEEDS OF THE SALE OF TIMBER Rep. Bowers**

Currently, proceeds of the sale of timber are deposited with the Treasurer's office to the credit of the game protection fund. This bill adds that beginning July 1, 2008, twenty-five percent of the revenue derived from the sale of timber must be paid by the State Treasurer to the general fund of the school district in which the lands are located. The bill further outlines that if the lands are located in more than one school district, the funds must be apportioned among the districts on the basis of the land acreage involved.

## **EDUCATION AND PUBLIC WORKS**

**H.4758 STUDENT TRANSFERS AND ELIGIBILITY TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES Rep. Erickson**

Any high school student who is the victim of physical abuse, harassment, or stalking by a classmate during school hours or otherwise resulting in a restraining order being granted against the classmate by a court of competent jurisdiction under this bill may transfer with the consent of the student's school district to another high school within or out of the district, without any loss of eligibility to participate in interscholastic activities at the school to which the student transfers.

## **JUDICIARY**

**H.4750 DISCIPLINARY PROCEDURES FOR THOSE THAT MANAGE CONTINUING CARE RETIREMENT COMMUNITIES Rep. Cobb-Hunter**

This bill relates to disciplinary procedures for those who manage continuing care facilities. Among other things, the bill deletes obsolete provisions, provides grounds for which disciplinary action may be taken, requires that disciplinary actions occur subject to the Administrative Procedures Act, and requires a person who has undertaken unlawful conduct to repay costs of enforcement of these provisions. The bill authorizes the Attorney General to file an action in civil court to enforce these provisions. Relating to exemptions from disciplinary procedures, the bill provides that exempt communities must obtain a letter of nonapplicability. Certain funds collected by the South Carolina Department of Consumer Affairs must be used to implement these provisions.

**H.4751 ELIMINATION OF A RAILROAD COMPANY'S CONDEMNATION AUTHORITY Rep. Ballentine**

Relating to the acquisition of real estate by a railroad company, this bill eliminates a railroad company's condemnation authority.

**H.4754 DISSOLUTION OF CERTAIN SPECIAL PURPOSE DISTRICTS**

**Rep. G.R. Smith**

This bill allows the governing body of a special purpose district created by act of the General Assembly that provides recreational services and has as its boundary the same as the county in which it is located to voluntarily dissolve itself and transfer its assets and liabilities to a county under certain circumstances.

**H.4755 "EQUIVALENT WAGE ACT" Rep. Moody-Lawrence**

This bill provides that no state agency or any agency of a political subdivision of the State may pay different wages based upon gender to individuals performing comparable work and skills. The bill further provides that an individual aggrieved by a violation of this provision is entitled to receive equal pay and must be reimbursed retroactively for the difference paid in wages.

**H.4757 CAMPAIGN CONTRIBUTION LIMITS AND RESTRICTIONS Rep. Kirsh**

Relating to campaign contribution limits and restrictions, this bill provides that closely held business entities under shared control must be held to a single, maximum aggregate campaign contribution limit.

**H.4771 "RESPONSIBLE FAMILY PLANNING ACT" Rep. Sellers**

This bill provides that consenting individuals have the right to use safe and effective methods of contraceptive without governmental interference. The bill further provides that no governmental entity or person acting on behalf of a governmental entity may deprive consenting individuals of the right to obtain and use safe and effective contraceptives or interfere with or discriminate against, in the regulation or provision of benefits, facilities, services, or information, the right of consenting individuals to obtain and use safe and effective contraceptives.

**H.4782 REPEAL OF STATUTE RELATING TO TERRITORIAL AGREEMENTS REGARDING THE DISTRIBUTION OF CERTAIN ALCOHOLIC BEVERAGES Rep. Bowers**

This bill repeals the current statute, S.C. Code §61-4-1300, relating to territorial agreements regarding the distribution of beer, ale, porter, and other similar malt or fermented beverages by wholesalers.

## **LABOR, COMMERCE AND INDUSTRY**

**H.4760 RETAIL MOTOR FUEL PRICING Rep. Williams**

This bill requires every retail motor fuel outlet selling fuel for motor vehicles at retail, including gasoline, gasohol, diesel, or blended fuel must charge a price per gallon not stated or computed in fractional cents and must advertise or display this price in like amounts.

**H.4763 ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVES**

**Rep. Lowe**

This bill establishes tax incentives and rebates for the purchase and installation of energy efficient manufactured homes in South Carolina.

**H.4783 REVISIONS TO THE LICENSURE AND REGULATION OF ARCHITECTS**

**Rep. Hagood**

This bill revises provisions for the licensure and regulation of architects. The legislation establishes provisions allowing intern architects. The legislation increases from ten thousand dollars to twenty thousand dollars the maximum amount of total fines that the Board of Architectural Examiners may impose. The legislation revises licensure requirements, so as to provide that application fees are nonrefundable and that applicants must be enrolled and participating in an intern development program. The legislation revises license renewal and continuing education requirements, so as to further clarify required continuing education topics and to require registrants to comply with audit deadlines and requirements. The legislation authorizes the use of an electronic seal and signature by architectural firms. The legislation specifies that engineers are not subject to architect provisions. The legislation further specifies which farm buildings, buildings less than three stories high, and detached single family or two-family dwellings do not require the services of an architect. The legislation provides that architectural services are not required for alterations and renovations to buildings that do not increase the areas or capacities of buildings beyond that governed by these provisions, that do not affect the structural safety of the building, or that do not change the building's access or exit pattern.

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

**H.4786 "PHARMACY PATIENT PROTECTION ACT"**

**Rep. Spires**

This bill establishes the "Pharmacy Patient Protection Act" which requires registration of a pharmacy benefit manager (PBM). A pharmacy benefit manager provides claims processing services, other prescription drug or device services, or both, to covered individuals who are residents of the State. A person or organization may not act or operate as a PBM in this State without a valid certificate of registration issued by the Department of Insurance. Penalties for operating without registering allows for a fine no less than five thousand dollars or no more than ten thousand dollars for each violation. The bill outlines application requirements and provides for the conditions under which a PBM shall operate. The Department of Insurance is authorized to make rules and promulgate regulations in accordance with the Administrative Procedures Act to implement and enforce.

## **WAYS AND MEANS**

**H.4761 SALES TAX EXEMPTION FOR CERTAIN ENERGY EFFICIENT APPLIANCES**

**Rep. Lowe**

This bill provides an exemption from the state sales tax for certain energy efficient consumer appliances and products with sales prices of no more than two thousand five hundred dollars. This exemption does not apply to purchases of energy efficient

products for trade, business, or resale. This exemption applies only to sales occurring during October, National Energy Efficiency Month, of 2008, and April, National Earth Month, of 2009.

**H.4772 "TRUTH IN SPENDING ACT" Rep. G. R. Smith**

This bill provides that each agency, department, and institution of state government and each local governmental entity must maintain a detailed transaction register of all funds expended over one hundred dollars each month and post that register online. These governmental entities must post online all of its credit card statements for credit cards issued to public officials and employees for public use. These governmental entities must annually post online a listing of its full-time employees grouped by class along with the number of full-time positions and the average salary in each class. The State Budget and Control Board must maintain a web site if a state agency or local governmental entity does not maintain its own for this purpose.

**H.4773 SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION EXPENDITURES Rep. W.D. Smith**

This joint resolution authorizes the South Carolina Employment Security Commission to expend up to eight million dollars of funds made available to the state under a provision of the United States Social Security Act for specified purposes.

**H.4774 INCOME TAX CREDIT FOR PROCESSING DEER MEAT FOR CHARITABLE DONATION Rep. Littlejohn**

This bill provides for a nonrefundable income tax credit for any meat packer, butcher, or processing plant licensed or permitted by this State or the United States Department of Agriculture that, during the tax year for which the credit is claimed, had a valid contract with a nonprofit organization to process deer for donation to any charitable organization engaged in distributing food to the needy. The amount of the credit shall be fifty dollars for each carcass processed and donated.

**H.4784 SALES TAX INCREASE FOR PROPERTY TAX REDUCTION FUND Rep. Limehouse**

This bill increases the sales and use tax by an additional one percent and provides that the revenue derived from this additional one percent sales and use tax must be deposited in a separate "Property Tax Reduction Fund" and dispersed as provided. The legislation revises general exemptions from the property tax, so as to exempt all of the fair market value of owner-occupied residential property eligible for and receiving the homestead exemption for taxpayers sixty-five and over or disabled or blind. The legislation exempts from the property tax the difference between the purchase price or fair market value of a piece or parcel of real property upon its sale or transfer and the present property tax valuation of the property from the property tax. The legislation provide for reimbursement to counties, municipalities, school districts, and special purpose districts for the revenue lost as a result of the full homestead exemption provided in the legislation. The legislation provides that the balance of the revenues in any year remaining in the Property Tax Reduction Fund shall be distributed to the several counties of this State on a per capita basis and used to provide property tax credits against county operating and debt service millage for property assessed at a four or six percent assessment ratio not otherwise exempt.



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