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**HOUSE WEEK IN REVIEW**

The House of Representatives returned **H.3650**, the fiscal year 2009-2010 **GENERAL APPROPRIATION BILL**, to the Senate with amendments. The Senate subsequently concurred in House amendments and enrolled the bill for ratification. Highlights of the House-amended legislation include:

**OVERVIEW:**

The amendment is based off of the Senate version of the bill which already incorporated the additional 2% reduction enacted in the current year. The split for the ARRA funds earmarked towards education favors K-12 education slightly over the House version, and the compromise funds key education programs such as school bus transportation, four year old kindergarten, and assessments with recurring dollars. Health agencies receive funding to help maintain the core Medicaid programs and other key programs such as Hospice, the PDD (autism) waiver, and the Institutes of Mental Disease transition. While many law enforcement agencies receive base reductions, many of these agencies also receive net increases once ARRA funds are taken into account. Funding for the Department of Corrections and the Department of Juvenile Justice are increased to help those agencies avoid operating deficits.

**REVENUE:**

 Senate had $64 million less than the House because of the 2% BEA cut in March.

 Senate generated $48 million in additional revenue through increased enforced collections at DOR.

 Senate transferred funds from excess cash balances at LLR to the General Fund.

 The proposed compromise takes $48 million from enforced collections at DOR, $37 million from the Insurance Reserve Fund as taken on the House side, and $15 million from Unclaimed Property in the Treasurer’s Office. The transfers from LLR cash balances also remain in the compromise.

**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS:**

 The amendment takes the Senate version on ARRA funds, and lays out a timeline for drawing those funds.

 The Senate consolidates ARRA funding into a “Part III” in the budget, leaving these designations separate from the rest of the bill.

 The Senate spread out the 18.2% discretionary ARRA dollars among many agencies where there were reductions to mitigate the effects of these reductions.

 The House had focused on funding education items such as school bus fuel, and four year old kindergarten with discretionary ARRA funds. It should be noted that the Senate version funds these items with recurring dollars. This proposed compromise also ensures these items are funded with recurring revenue.

 Senate language also includes directives to the Governor to complete the steps necessary to draw down ARRA funds.

**EDUCATION & HIGHER EDUCATION:**

 Base student cost with ARRA funds - $2,334. Stimulus funds account for about $300 of the base student cost.

 Language was added to proviso 1.3 to direct SDE to fund the South Carolina Public Charter School District at the base student cost plus $700 times weighted pupil units for fiscal year 2009-10.

 CDEPP (4k program) is funded at $19.7 million. $17.3 million of this is designated for SDE, and $2.4 million is designated for First Steps.

 The school bus transportation program receives $17.5 million.

 National Board Certification – applicants are capped at 1,100 and the program is funded at $13.4 million.

 The Governor’s School for Math and Science and the Governor’s School Arts and Humanities each receive $500,000.

 John de la Howe receives $600,000 for roof replacement.

 In total, state institutions of higher education receive a net increase of $68,830,561 from ARRA funds.

 The Needs Based Grants program receives an additional $1.5 million.

**ECONOMIC DEVELOPMENT:**

 Film incentives were restored to the level originally outlined by proviso in the House budget.

 Destination Specific Grants are funded at $10 million. This is $8 million more than in the Senate version.

 The Conservation Bank receives $2 million for land purchases.

 Aeronautics Division is transferred from Commerce to the Budget and Control Board.

 $500,000 is directed by proviso to the Forestry Commission for equipment purchases.

**LAW ENFORCEMENT:**

 Department of Corrections receives a total of $48 million from State funds and ARRA funds to cover the current year's deficit problem.

 Department of Juvenile Justice receives a total of $13 million in State funds and ARRA funds to cover current year's deficit and Medicaid funding needs.

 Attorney General's Office receives $2.2 million requested for water litigation.

 Department of Public Safety receives a net increase of $6 million with the help of $15 million of ARRA funds.

 Commission on Indigent Defense receives $3.3 million recurring funds to annualize implementation of the Act.

 SLED's budget is maintained with the help of $3 million in non-recurring funds.

 Probation, Parole and Pardon Services' budget is maintained with the help of $3 million in non-recurring funds.

**HEALTH:**

 Medicaid Maintenance of Effort is funded at $98,897,191.

 The IMD transition is funded at $26 million and is now fully funded, completing all three phases of the transition.

 A variety of other items were funded through a transfer of cash from HHS. This includes programs restored to eligibility levels from the beginning of the fiscal year and other key items.

 Many items were restored under DHHS which were required for the FMAP draw-down. These items include but are not limited to the GAPS program, Hospice services, and Transitional Medicaid services.

 Other optional services were restored including Community Long Term Care, Federally Qualified Health Centers, AIDS drug assistance program, Rural Hospital Grants, and the Breast and Colorectal Cancer Screenings.

 Under DDSN, the PDD (autism) waiver was restored in recurring dollars.

 DSS Childcare Vouchers and Adoption Subsidies were annualized.

**OTHER ITEMS:**

 Funds the General Reserve Fund and Capital Reserve Fund as required by the SC Constitution.

 Funds the anticipated Homestead Exemption Fund shortfall.

 Capitol Police – The agency is established, and dollars and FTES are transferred from other agencies. There is a provision to reverse the structural changes in the budget if the bill establishing the Capitol Police does not pass.

 The Office on Aging under the Lieutenant Governor’s Office receives $2.9 million for Home and Community Based Services (which includes Congregate and Home Delivered Meals).

 $1.4 million is transferred to the State Energy Office under the Budget and Control Board for repayment of hydrogen fuel station loans.

The House and Senate adopted concurrent resolution **H.4000** which allows for sine die **ADJOURNMENT OF THE 2009 LEGISLATIVE SESSION** on Thursday, May 21, and establishes the conditions under which the General Assembly could meet this year after that date to consider a limited list of specified matters, such as gubernatorial vetoes, appropriation bills, conference committee reports, and matters relating to federal funds available under the American Recovery and Reinvestment Act of 2009.

The House returned **S.351** to the Senate with amendments. This bill revises the governance and operation of the **SOUTH CAROLINA STATE PORTS AUTHORITY**. Under the legislation, the governing authority is a board of directors consisting of nine members, all of whom must be state residents, who serve for terms of five years each and until their successors have been appointed, screened and have qualified. Beginning, January 15, 2011, the membership of the board shall include: (1) one person appointed by the Governor upon the advice and consent of the Senate from each of the six congressional districts; (2) one person appointed by the Governor upon the advice and consent of the Senate from the state at large; (3) the Secretary of Transportation to serve ex officio; (4) the Secretary of Commerce to serve ex officio. The legislation establishes a schedule of staggered terms for new members of the board. The legislation establishes new qualifications for board members, except for the ex officio Secretary of Transportation and Secretary of Commerce, requiring a board member to possess a four‑year baccalaureate or more advanced degree from a qualifying institution of higher learning. Instead of these academic requirements, each board member must possess a background of at least five years in any one or any combination of the following fields of expertise: (a) maritime shipping; (b) labor related to maritime shipping; (c) overland shipping by truck or rail, or both; (d) international commerce; (e) finance, economics, or statistics; (f) accounting; (g) engineering; (h) law; or (i) business management gained from serving as a chief executive officer, president, or managing director of a business or any upper level management position with a business that is equivalent in duties and responsibilities to the positions listed. The legislation establishes a Joint Commission on Ports Authority Qualification, consisting of five members of the Senate appointed by the President Pro Tempore of the Senate and five members of the House of Representatives appointed by the Speaker of the House, to screen board candidates to determine whether they are qualified. The legislation provides that, when making appointments to the board, the Governor shall ensure that the diverse interests represented by the port are represented. To the greatest extent possible, the Governor shall ensure that the membership of the board includes a certified public accountant, a member representing port users such as manufacturers, shippers, and importers, a member representing the state’s economic development interests, and a member who has served as a corporate chief executive officer. Board members are required to act in good faith and in a manner they reasonably believe to be in the best interests of the authority. The legislation defines a conflict of interest transaction, and under what circumstances such a transaction is not voidable. Members of the board of directors may be removed by the Governor under provisions relating to misconduct, incapacity, neglect of duty, breach of duty, or entering into a prohibited conflict of interest transaction.

The board of directors shall employ an Executive Director of Port Operations who shall serve at the pleasure of the board. A person employed to this position shall possess practical and successful business and executive ability and must be knowledgeable in the field of port operations. The executive director shall appoint a director for each division contained in the organizational structure established by the board; division directors serve at the pleasure of the executive director. The legislation requires the executive director to employ a director of port operations for the port of Georgetown. Compensation for the executive director and division directors must be approved by the board in a public vote. The Joint Transportation Review Committee shall conduct an independent, annual performance review of the executive director and submit a written report of its findings to the board, the Governor, and the General Assembly.

The Senate Transportation Committee and the House of Representatives Ways and Means Committee must each conduct an oversight review of the authority and its operations at least once every two years. The committees may coordinate their reviews to reduce duplication. A written report of the findings from each oversight review must be published in the journals of both houses and made available on the General Assembly’s website. Each committee may undertake any additional reviews, studies, or evaluations it deems necessary.

The legislation requires the authority to develop a long-range port development and capital financing plan. It has a duty to review port operation and proposals for future operations and constructions to determine whether utilizing a public-private partnership is advantageous. At least once each year the authority shall furnish the Governor and post on its website a complete detailed statement of all monies received and disbursed during the previous year. The legislation requires approval by the State Budget and Control Board for the sale of any real property held by the authority. The legislation adds Jasper to the list of ports for which the authority has responsibility, and it directs the authority to take necessary action to establish a port at Jasper in accordance with the compact between South Carolina and Georgia. The legislation directs the authority to complete construction of a container terminal in North Charleston. The authority is to explore and enter into beneficial public-private partnerships. However, the board retains all authority associated with entering a public-private partnership on behalf of the port. The legislation transfers all railroads and related property located in the former naval base to the Division of Public Railways. The legislation includes provisions relating to the sale of Port Royal in Beaufort County and real property owned on Daniel Island and Thomas Island in Berkeley County.

The House returned **S.116** to the Senate with amendments. The bill establishes **VENDOR PREFERENCES FOR SOUTH CAROLINA AND UNITED STATES END PRODUCTS AND FOR SOUTH CAROLINA LABOR** under the Consolidated Procurement Code. This legislation revises provisions of the Consolidated Procurement Code relating to vendor preferences, so as to provide for preferences for end products from South Carolina and from the United States and for contractors and subcontractors who employ individuals domiciled in South Carolina. A vendor preference is established for bidders that maintain an office in South Carolina. The legislation establishes eligibility requirements for the preferences and provides penalties for their false application. The legislation establishes a resident preference in contracts for design services. The legislation provides that resident vendor procurement preferences are not available to a not-for-profit corporation that converts to a for-profit corporation. The legislation establishes a new statutory mechanism by which a not-for-profit corporation may convert to a for-profit corporation. Additionally, the Department of Health and Human Services, the Department of Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, the Department of Alcohol and Other Drug Abuse Services, the Department of Social Services, Vocational Rehabilitation, and the Commission for the Blind are directed to explore the feasibility of a **“ONE‑STOP” HEALTHCARE INFORMATION SYSTEM** for the populations they serve. The cost and time saving one‑stop software system for businesses developed by the state, through the Department of Revenue, is to be considered as a possible model.

The House approved **S.364** and enrolled the bill for ratification. The legislation establishes the **VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT (V‑SAFE) PROGRAM** to offer grants to eligible volunteer and combination fire departments to pay for training and purchase protective gear, fire suppression equipment, vehicles, and other materials needed for the purpose of protecting local communities from incidents of fire, hazardous materials, and terrorism and to provide for the safety of volunteer firefighters. Grants awarded shall not exceed thirty thousand dollars per year for each eligible chartered fire department, with no matching or in‑kind money required. A chartered fire department may be awarded only one grant in a three‑year period. The grant program is contingent upon the General Assembly appropriating sufficient funds. The grants are to be administered by the State Fire Marshal in conjunction with a peer review panel that is established under the legislation.

The House approved **S.278**, pertaining to the **AUTHORITY FOR COUNTIES TO WAIVE OR REDUCE REAL PROPERTY TAX LATE PAYMENT PENALTIES**, and enrolled the legislation for ratification. This joint resolution provides that the governing body of a county by resolution adopted by majority vote may allow county officials charged with the collection of property taxes to waive or reduce the late payment penalties otherwise applicable for taxes due on real property for property tax years 2008 and 2009 as long as the full property tax payment is made by April fifteenth of the applicable tax year. The resolution must specify those terms and conditions under which the penalties may be waived or reduced. However, a county may only waive or reduce the late payment penalties if the county does so uniformly, irrespective of the class of real property. Prior to proposing the resolution, each local taxing entity within the county whose taxes are collected by the county, must notify the county of its consent to the resolution. Following the adoption of the resolution, the county must refund any taxpayer the requisite amount if the taxpayer paid a late payment penalty and the taxpayer would have otherwise had the late payment penalty waived or reduced pursuant to the resolution.

The House amended the Senate’s amendments to **H.3311** and returned the bill to the Senate. The Senate subsequently concurred in House amendments and enrolled the bill for ratification. In order to expedite the placement of adoptive children in stable and permanent homes, the legislation establishes the **RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES**. The purpose of this registry is to provide notice of adoption or petition for termination of parental rights proceedings to unmarried biological fathers who affirmatively assume responsibility for children they may have fathered by registering. No unmarried biological father who fails to file a claim of paternity with the registry is entitled to notification of any adoption proceeding or any termination of parental rights proceeding concerning the unmarried biological father’s child. The registry is not available for public inspection and is not subject to disclosure under the Freedom of Information Act; however, under certain circumstances outlined in the legislation the information may be disclosed. Any unauthorized use, or attempted unauthorized use, of the registry is expressly prohibited, and any person or organization seeking, receiving, using, or publishing, or attempting to do so, of any information contained in the registry in violation of these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than $500 dollars or imprisoned for not more than thirty days, or both. A person who knowingly, maliciously, or in bad faith files a false claim of paternity with the registry is guilty of a misdemeanor and, upon conviction, must be fined not more than $500 dollars or imprisoned for not more than thirty days, or both. Relating to persons or entities entitled to be served with a petition for termination of parental rights, this bill further specifies the age as fourteen for serving a child and provides for service on the guardian ad litem of a child under fourteen years of age. The bill also specifies the notice provisions applicable to an unmarried biological father of a child whose parental rights are being terminated.

The House approved **S.13** and enrolled the bill for ratification. This legislation provides for **MOTOR VEHICLE FEES AND PENALTIES TO BE PLACED IN THE STATE HIGHWAY ACCOUNT OF THE TRANSPORTATION INFRASTRUCTURE BANK** instead of the Department of Transportation.

The House amended and gave second reading approval to **H.3543**. This bill requires the State Department of Education to develop a model **DATING VIOLENCE PREVENTION POLICY** to assist school districts in developing their own policies for reporting and responding to dating violence among students in grades six through twelve. Among other things, the bill outlines what must be included in the policies, and it provides reporting and publication requirements. By the beginning of the 2010-2011 school year, each school district shall establish a specific policy to address incidents of dating violence involving students in grades six through twelve. School districts must inform parents and guardians of the policy and provide them with a copy of the policy upon request. These provisions are subject to the availability of funds.

The House returned **S.593** to the Senate with amendments. Relating to the prohibition on **CARRYING WEAPONS ON SCHOOL PROPERTY**, this legislation provides an exception for a person who is authorized to carry a concealed weapon when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

The House amended and gave second reading approval to **S.453**, a bill relating to **THE CARE OF LIVESTOCK, ANIMALS, AND POULTRY**.Under this legislation, units of local government may not enact ordinances, orders, or other regulations concerning the care and handling of livestock and poultry. Care and handling means accepted animal husbandry practices. The stated intent of this legislation is for the General Assembly to occupy the field of regulation of care and handling of livestock and poultry. All local laws and ordinances related to the regulation of and the enforcement of the care and handling of livestock and poultry in this State are preempted and superseded by laws enacted by the General Assembly. The provisions do not apply to the "Right to Farm Act" and do not affect a local unit of government’s authority to enact ordinances concerning new swine operations and new slaughterhouse operations. The legislation outlines that governing body of a county may not impose a storm water fee on agricultural lands, forest lands, or undeveloped lands. However, any county which imposes such a fee on these lands on the effective date of this provision may continue to impose that fee under its same terms, conditions, and amounts. The provisions also do not preclude or limit a unit of local government’s right to exercise its land use and zoning authority. Under the legislation, only property owners and residents within a one mile radius of a permitted livestock and poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of Health and Environmental Control pertaining to the facility. The legislation also provides that a compounding pharmacist who fills an order for performance enhancing mineral or drug compounds which are not FDA approved for polo horses prior to a polo match must certify the compound with his signature accompanied by a complete listing of the components contained in the compound. A pharmacist who violates these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

The House returned **S.184**, a bill establishing new requirements for **JUNK DEALERS**, to the Senate with amendments. The legislation establishes new requirements for junk dealers and demolishers to collect and maintain certain identifying information on the sellers of scrap metal or vehicle parts, other than nonferrous metals, as well as certain identifying information on items purchased. The legislation enhances penalties for violations of junk and scrap dealing provisions. The legislation provides that a vehicle that has had at least two colored tags previously placed on it is an abandoned vehicle and may be removed immediately by a law enforcement agency to a designated placed to be sold. The legislation also provides that it is unlawful for a junkyard owner to allow motor vehicles to be parked on a highway adjacent to his property.

The House concurred in Senate amendments to **H.3123**, relating to the **UNAUTHORIZED PRACTICE OF LAW**, and enrolled the bill for ratification. This bill provides that no person may either practice law or solicit the legal cause of another person or entity in this State unless he is enrolled as a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. The specific conduct that is the subject of any charge filed pursuant to this section must have been defined as the unauthorized practice of law by decisions of the Supreme Court of South Carolina prior to any charge being filed.

The House approved **S.301** and enrolled the bill for ratification. The legislation revises **INSURANCE PROVISIONS** to bring them into compliance with the accreditation standards of the National Association of Insurance Commissioners which allow South Carolina’s insurance provisions to enjoy reciprocity with those of other states. The bill enacts provisions requiring certain insurers to file a statement of actuarial opinion and actuarial opinion summary annually and provide for the confidentiality of these documents. The legislation revises provisions relating to the revocation or suspension of license of an insurer and its officers and agents for the publication of the notice, so as to provide a procedure for an aggrieved insurer to request a hearing before the director or his designee and provide recourse through judicial review. The legislation redefines the term “company action level event”. The legislation revises provisions relating to approval for acquisition of a domestic insurer by a controlling producer in another state, so as to eliminate the applicability to foreign producers and correct certain references.

The House concurred in Senate amendments to **H.3562** and enrolled the bill for ratification. The legislation revises **INSURANCE PRODUCER PROVISIONS** to bring them into compliance with the National Association of Insurance Commissioners’ Producers Licensing Model Act which allows South Carolina’s insurance provisions to enjoy reciprocity with those of other states. The bill revises insurance provisions. The legislation adds definitions of “general appointment”, “local appointment”, “special appointment”, “crop insurance”, and “travel insurance”, corrects archaic language, and makes conforming amendments. The legislation revises provisions relating to premium service companies, so as to provide that the fee for licensure to engage in servicing insurance premiums in this state is due on a biennial rather than on an annual basis. The legislation revises provisions for license fees for insurance producers and agencies, so as to provide for a biennial producer license renewal fee of twenty‑five dollars, increase the initial producer license renewal fee from twenty dollars to twenty‑five dollars, and provide for the requirements relating to the payment of appointment fees. The legislation revises continuing education requirements for insurance producers, so as to provide that the biennial compliance period is based on the licensee’s month and year of birth. The legislation insurance producer’s license provisions, so as to provide that individual licenses must be renewed biennially based on the licensee’s month and year of birth and provide for the requirements relating to renewal. The legislation eliminates existing provisions relating to the prohibition on splitting commissions with an unlicensed person by an insurance producer, and provides for requirements relating to the splitting and sharing of commissions. The legislation revises provisions relating to the definitions of an insurance broker, so as to provide for the qualifying duties and provide for exceptions. The legislation revises provisions relating to the requirements for licensure as an insurance broker, so as to eliminate the requirements that a broker hold at least one appointment.

The House returned **S.630** to the Senate with amendments. The Senate subsequently concurred in the House amendments and enrolled the bill for ratification. The legislation establishes new **LIMITATIONS ON REQUIREMENTS IMPOSED ON MOTOR VEHICLE DEALERS BY MANUFACTURERS OR DISTRIBUTORS**. This bill prohibits a motor vehicle manufacturer, distributor, factory representative, or distributor representative to require, coerce, or attempt to coerce any motor vehicle dealer to change the location of the dealership or to make any substantial alterations to the dealer’s premises or facilities unless specified conditions are met. The legislation specifies the conditions under which it is unlawful for any manufacturer, distributor, factory branch, distributor branch, factory representative, or distributor representative to require, coerce, or attempt to coerce any motor vehicle dealer to refrain from participation in the management of, investment in, or acquisition of any other make or line of new motor vehicles or related products. The legislation revises provisions relating to motor vehicle dealers, so as to provide certain factors that must be considered in calculating the fair and reasonable compensation for the value of a motor vehicle dealership.

The House returned **S.360** to the Senate with amendments. The Senate subsequently concurred in the House amendments and enrolled the bill for ratification. The legislation revises provisions relating to the **IMPOSITION OF A ONE PERCENT CAPITAL PROJECT SALES AND USE TAX BY A COUNTY GOVERNING BODY**, so as to eliminate a requirement that the tax is to collect a limited amount of money. The legislation allows proceeds from such a tax to be used for educational facilities under the direction of an area commission for technical education. The legislation exempts from such a sales and use tax unprepared food items eligible for purchase with United States Department of Agriculture food coupons. The legislation revises provisions relating to the county ordinance and ballot question for the referendum required, so as to further provide for the contents of the ordinance and the dates and purposes of the referendum. The legislation revises provisions relating to the imposition and termination of the tax, so as to further provide for the termination of a newly imposed and a reimposed tax.

The House approved **S.668** and enrolled the bill for ratification. The legislation establishes **CHRISTMAS EVE AS A STATE EMPLOYEE HOLIDAY**.

The House approved **S.696** and enrolled the bill for ratification. The bill allows the **REQUIREMENT FOR THE RESULTS OF A SCHOOL’S REPORT CARD TO BE ADVERTISED IN A LOCAL NEWSPAPER** to be waived if an audited newspaper of general circulation in a school district’s geographic area has previously published the entire school report card results as a news item.

The House approved **S.463** and enrolled the bill for ratification. This bill expands the types of data collected by the **ALZHEIMER'S DISEASE REGISTRY**. Among other things, the registry is authorized to conduct follow-back studies, prospective studies of the progression and treatment of Alzheimer's disease and related disorders, and research on caregiving for individuals with Alzheimer's disease or a related disorder, on services used by individuals with Alzheimer's disease or a related disorder, and on causes of Alzheimer's disease and related disorders that examines risks associated with area of residence. Caregivers must provide informed consent to participate in research on caregiving.

The House approved **S.363** and enrolled the bill for ratification. The legislation provides for **REVISIONS TO THE ARSON REPORTING IMMUNITY ACT** that add the Fire Chief, Sheriff, or Chief of Police having jurisdiction over an arson investigation to the list of agencies authorized to receive information from an insurance company.

The House approved **S.388**, pertaining to **FINANCING ARRANGEMENTS FOR SOUTH CAROLINA ENTERPRISE INFORMATION SYSTEM IMPLEMENTATION COSTS**, and enrolled the legislation for ratification. This joint resolution directs the State Treasurer’s Office to provide financing arrangements through the Master Lease Program for any agency that has not paid in full for its South Carolina Enterprise Information System (SCEIS) implementation costs and has not utilized the agency’s set-aside account to meet its obligations. The resolution provides that the amounts and timing of lease payments by an agency shall be determined by the State Treasurer’s Office in cooperation with the SCEIS Executive Oversight Committee. The resolution requires an agency to meet all of its SCEIS financial obligations and provides for when an agency may withdraw funds from its SCEIS set-aside account.

The House approved **S.700** and enrolled the legislation for ratification. This joint resolution authorizes the University of South Carolina to develop and construct a **NEW FACILITY FOR THE MOORE SCHOOL OF BUSINESS** in the Innovista District on the Columbia campus.

The House overrode the Governor’s veto on **H.3627** to allow the bill to become law. The legislation revises provisions relating to the use of **BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION** for the transportation of school children from islands to mainland schools by certain other persons, so as establish new conditions for operating these boats on Sandy Island that allow for the transportation of Sandy Island residents as well as non-residents when accompanied by island residents.

The House returned **S.304** to the Senate with amendments. The legislation revises provisions relating to **REVENUE BONDS**, to provide that the proceeds of local accommodations fees, hospitality fees, and state accommodations fees may be pledged as security. The legislation revises provisions relating to state accommodations fees, to provide that fees allocated for advertising and promoting tourism may not be pledged as security.

The House returned **S.202**, a bill revising various **INSURANCE PROVISIONS**, to the Senate with amendments. The legislation revises provisions of Title 38 relating to the Department of Insurance, so as to amend the definition of “admitted assets” to include those on the insurer’s most recent statutory financial statement filed with the Department of Insurance pursuant to the provisions of Section 38‑13‑80 instead of those admitted under the provisions of Section 38‑11‑100. The legislation revises provisions relating to capital and surplus required of stock insurers, so as to change the marketable securities that may be required by the Director of Insurance. The legislation revises provisions relating to the surplus required of mutual insurers, so as to change the marketable securities which may be required by the Director of Insurance. The legislation revises provisions relating to the reduction from liability for the reinsurance ceded by a domestic insurer, so as to change the securities listed that qualify as security. The legislation revises provisions relating to the protected cell assets of a protected cell, so as to change a code reference. The legislation revises provisions relating to the security deposit of a health maintenance organization, so as to eliminate the requirement that a health maintenance organization shall issue a conversion policy to an enrollee upon the termination of the organization. The legislation revises provisions relating to loans to directors or officers by an insurer, so as to change a code reference. The legislation also revises automobile insurance provisions that relate to receiving a driver training course credit.

The House returned **S.345** to the Senate with amendments. The legislation revises provisions relating to **LEAVES OF ABSENCE TO BE AN ORGAN DONOR**, to provide that the number of days a person may miss each year to donate their organs shall be counted in a calendar year instead of a fiscal year. The legislation also revises **REQUIREMENTS FOR POSTING OF JOB VACANCIES** before the vacancy is filled.

The House returned **S.12** to the Senate with amendments. This bill establishes the **SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION** to conduct a comprehensive study of the state’s tax system. The Senate subsequently nonconcurred in the House amendments and appointed members to a conference committee on the bill.

The House nonconcurred in Senate amendments to **S.126**, legislation that revises **HANDICAPPED PARKING** provisions.

The House approved and sent to the Senate **H.3845**, a bill that revises provisions relating to the time for a **MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT**, so as to increase the time period in which a motion for a new trial may be made from five to ten days.

The House amended, approved, and sent to the Senate **H.3718**, a bill **PROHIBITING THE RESALE OF FRESH MEAT THAT HAS BEEN RETURNED BY A CONSUMER**.

The House approved and sent to the Senate **H.3794**, a bill relating to additional prohibited activities on **WILDLIFE MANAGEMENT AREAS (WMA)**,Heritage Trust areas and other Department of Natural Resources owned lands. Among other things, this bill creates a misdemeanor criminal offense for entering or remaining on a closed area contrary to the instructions of a law enforcement officer, manager, or department custodial personnel. The legislation shall not interfere with the use and management of lands by a state agency charged with the management of those lands as part of the functions of the agency authorized by law or with the management and use by a landowner of his lands with the WMA program. In addition the legislation will not alter in any way the rights of owners of easements and rights of way within the boundaries of those lands.

The House amended, approved and sent to the Senate **H.3541**, pertaining to **HUNTING REVISIONS FOR GAME ZONE ONE**, was given a favorable report by the full committee. This bill revises open season for antlered deer in the Upstate, Game Zone 1, as well as the equipment that may be used during certain periods. The bill also provides provisions for the hunting and taking of bear. It is unlawful to take or attempt to take bear of less than one hundred pounds. The open season for hunting and taking bear in Game Zone 1 for still gun hunts October 17 through October 23 and December 15 through December 20; for party dog hunts October 24 through October 30. In all other game zones, the Department of Natural Resources may declare an open season by regulation. The bill further provides it is unlawful to possess an untagged bear; to attempt to hunt or take bear by use or aid of bait; or to take bear on or over a baited area. The bill provides definitions for “bait” and “baited area”. This bill requires a resident to purchase a bear tag for twenty-five dollars and a nonresident to purchase a bear tag for one hundred dollars. In Game Zone 1, a registered dog hunt party may take up to five bear per season per party with conditions.

The House approved and sent to the Senate **H.3678**. This legislation makes a technical change regarding the **MAXIMUM GROSS VEHICLE WEIGHT FOR SPECIAL USE VEHICLES**.

The House approved and sent to the Senate **H.3467**. This bill authorizes a **STATE EMPLOYEE PAYROLL DEDUCTION FOR DUES OF THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE**.

The House approved and sent to the Senate **H.3944**. Relating to the issuance of **NASCAR SPECIAL LICENSE** plates by the Department of Motor Vehicles, this bill provides that a portion of the fees collected from the sale of these license plates must be distributed to the South Carolina Association of Children's Homes and Family Services replacing the organization’s former name, the South Carolina Children’s Emergency Shelter Foundation.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

The full committee met on Thursday, May 14, 2009, and gave a favorable with amendment report to **H.3603** relating to the **POLLUTION CONTROL ACT*.*** This bill adds that any publicly owned or privately owned treatment works treating domestic sewage which is responsible for a spill greater than one thousand gallons, as soon as practicable within twelve hours, shall give public notice of the location and extent of the spill. The Department of Health and Environmental Control shall develop a procedure for this public notice. A violation is a misdemeanor with a fine not more than two hundred dollars for each day’s violation or imprisoned not more than thirty days or both.

**EDUCATION AND PUBLIC WORKS**

The Education and Public Works Committee did not meet this week.

**JUDICIARY**

The Judiciary Committee did not meet this week.

**LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce and Industry Committee met on Thursday, May 14, and reported out four bills.

The committee gave a favorable report on **S.390**, the **“MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2009”**. The legislation revises state statutory requirements for issuers of group health insurance under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), by including the treatment of substance use disorders within mental health parity provisions which require insurance plan benefits and treatment limitations to be no more restrictive for the treatment of mental health conditions than for the treatment of physical conditions.

The committee gave a favorable report on **S.323**. This bill revises numerous provisions governing the licensure and regulation of **CAPTIVE INSURANCE COMPANIES**, which are companies that insure only the risks of their parent companies and affiliated businesses.

The committee gave a report of favorable with amendments on **S.636**, the **“LIFE SETTLEMENTS ACT”**. The legislation establishes new provisions regulating a life settlement contract, which is a written agreement entered into between a provider and an insurance policy owner establishing the terms under which compensation may be paid, which is less than the expected death benefit of the insurance policy or certificate, in return for the owner’s assignment, transfer, sale, devise or bequest of the death benefit, or a portion of an insurance policy or certificate of insurance for compensation. The minimum value for a life settlement contract must be greater than a cash surrender value or accelerated death benefit available at the time of an application for a life settlement contract. The legislation establishes requirements for the licensure and regulation of life settlement contract providers and brokers by the Department of Insurance. The legislation establishes prohibited activities that constitute fraudulent life settlement contracts. Penalties are established for violations. The legislation establishes provisions for the review of contracts and investigation of consumer complaints.

The committee gave a report of favorable with amendments on **S.673**, the **“SOUTH CAROLINA MORTGAGE LENDING ACT,”** which brings the state into compliance with new federal requirements for mortgage lenders imposed under the Secure and Fair Enforcement for Mortgage Licensing (S.A.F.E.) Act of 2008. Should a state fail to enact statutes that comply with the requirements of the federal legislation by July 1, 2009, the United States Department of Housing and Urban Development (H.U.D.) is authorized to impose regulations. The legislation establishes new requirements for mortgage lenders and loan originators relating to: licensure, background checks, continuing education, record keeping, maintenance of surety bonds, reporting and filing, limitations on advertising and other business activities, penalties for violations, and participation in the Nationwide Mortgage Licensing System and Registry.

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

The Medical, Military, Public and Municipal Affairs Committee did not meet this week.

**WAYS AND MEANS**

The Ways and Means Committee did not meet this week.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

**S.446 *CERTAIN NONRESIDENTS MAY OBTAIN A LIFETIME COMBINATION***

***HUNTING AND FISHING LICENSES* Sen. Land**

The legislation states that a nonresident may obtain a lifetime combination license under the following conditions:

 the applicant was born in this State

 the applicant has held a fee simple title to real property located within this State for at least five years immediately preceding the date of application

 the applicant, having attained the age of sixteen or older, complies with all hunter education requirements

 the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

The license is available for purchase from July 1, 2009 through September 30, 2009. The fee is seven hundred dollars.

**S.495 *FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL***

***RESOURCES* Sen. Massey**

This bill adds that a participant in any field trial permitted by the department is not required to obtain a hunting license or a wildlife management area permit if the participant is not carrying a weapon typically used for hunting and no game is taken. The bill further outlines that no field trials shall be conducted on wildlife management areas outside of the regular season, except as permitted by the department.

**S.671 *CREEL AND SIZE LIMITS FOR CRAPPIE* Sen. Knotts**

It is unlawful to take or possess crappie less than eight inches in total length in Lake Murray; and it is also unlawful to take or possess more than twenty crappie per day.

**H.4015 *SHAD, HERRING, STURGEON NET PLACEMENTS* Rep. Barfield**

Along the Little Pee Dee River, no net may be set within seventy-five feet of a gill net previously set; drifted within seventy-five feet of another drifting net; or placed or set within seventy-five feet of the confluence of a tributary.

**H.4027 *LABORATORY TESTING FOR* *PACKAGED ICE* Rep. Gullick**

The bill requires all packaged ice producers, including ice vending machines, to submit a monthly sample of each type of finished product to an approved laboratory for microbiological analysis. The monthly laboratory analysis must include testing for fecal and total coliform organisms and Heterotrophic Plate Count (HPC). These records shall be maintained for a period of not fewer than two years and must be made available to the Department of Health and Environmental Control upon request. The bill further states that packaged ice must not have any fecal coliform-positive samples. If finished product samples fail to meet the acceptable standards, the packaged ice producer shall submit samples to an approved laboratory on a weekly basis until two consecutive acceptable samples are obtained. Copies of the weekly sample analyses must be submitted to the Department of Health and Environmental Control.

**H.4028 *PACKAGED ICE SOLD DIRECTLY TO CUSTOMERS* Rep. Gullick**

This bill requires producers of packaged ice who sell directly to customers to submit monthly samples to an approved laboratory for microbiological analysis.

**H.4029 *MANUFACTURING, DISTRIBUTION AND SALE OF PACKAGED ICE***

**Rep. Gullick**

This bill provides new regulations for manufactured packaged ice sold for human consumption in this state. Ice is defined as food intended for human consumption that is formed from drinking water by freezing to solid state; and ice vending machine means self service machine that acts as a stand-alone package ice plant and packaged ice dealer. Among many things, the bill outlines that each person or public body that establishes maintains, or operates a packaged ice plant shall obtain an annual packaged ice plant operating/food permit from the Department of Health and Environmental Control. Each packaged ice plant location must have a permit. Dealers and operators are required to pay annual permit fees. The bill outlines requirements for monthly sample testing of source water and finished product; requirements for packaging and labeling; as well as requirements for public notification if a maximum contaminant level has been exceeded. The bill includes provisions that preclude contamination. Packaged ice plants producing product that is not to be sold for human consumption shall designate 'NOT FOR HUMAN CONSUMPTION' on the package. This designation must be clearly visible to the consumer. These provisions also apply to ice transported into the state and packaged either before or after importation.

**H.4047 *“SOUTH CAROLINA EQUINE PROMOTION ACT”* Rep. Funderburk**

Under this bill, an Equine Promotion Board is established. The Board is created under the Department of Agriculture and must be composed of fifteen members who have a direct association with the equine industry in this State. One member shall be appointed by the Commissioner of Agriculture; the Senate and House Agriculture and Natural Resources Committees; the South Carolina Horsemen’s Council; and the South Carolina Farm Bureau Equine Advisory Committee; and the equine industry may appoint ten statewide members. No one equine breed, discipline or special interest group shall have more than two representatives. Promotion of the equine industry in this State includes, but is not limited to:

 development and production of an original and reoccurring equine census as determined by the Equine Promotion Board essential to the promotion and marketing of South Carolina equine interests;

 informational and educational materials and programs;

 encouraging development and growth of the equine industry, and encouraging expansion of new and existing equine-related agribusiness;

 encouraging research that would help the development of the equine industry;

 improving interaction with state and local government agencies and any national agencies considered necessary for the improvement of South Carolina equine;

 enhancing the general public's image and knowledge of South Carolina equine; and

 development of programs to improve disaster preparedness for health and bio-hazard evacuations in the State of South Carolina for equine.

Persons selling custom equine blends or required to register a commercial feed must pay an assessment fee of two dollars per ton on all commercial feed and custom blends labeled for equine use sold in this state. The revenues of the assessment must be credited to the 'Equine Promotion Fund' which must be used by the board for the sole purpose of promoting the equine industry, including administrative expenses The board shall develop the forms necessary for reporting and paying this assessment. The bill requires periodic audits of the Equine Promotion Fund.

**EDUCATION AND PUBLIC WORKS**

**S.249 *DUTIES OF SCHOOL DISTRICT WITH REGARDS TO LOCAL***

***PLANNING COMMISSION* Sen. Rose**

This legislation requires a local planning commission to provide all applications and accompanying materials for land development projects of a certain size that include residential housing to the superintendent of the school district in which the project is located. The planning commission shall provide the information at no charge to the superintendent within fifteen days of receiving the application. Among other things, the legislation requires the superintendent to review the project and report the results to the board of trustees of the district. The superintendent and the board of trustees both will determine whether the additional anticipated increase in student population resulting from the land development project will have a substantial impact on the district's ability to provide services to the additional student population. If either determination is positive, the superintendent and the board shall prepare a report that describes the impact and details the need for additional facilities, teachers, and other resources necessary to service the additional student population. In determining whether a particular project results in a substantial impact, the superintendent and the board shall consider not only the impact of the particular project, but also the aggregate impact of the project with other projects pending at the time the superintendent conducts his review. The report must be provided within thirty days of the district's receipt of the application to the governing body and to the local planning commission of the applicable county or municipality. However, upon request by the school district to the local planning commission, a fifteen day extension of time to submit the report shall be granted. Failure of the school district to provide the requested report to the local planning commission within any time period prescribed by these provisions shall not delay or otherwise affect any time limits that the local planning commission is required by other existing law to follow***.*** The report must be maintained as part of the land development application and made available to the public promptly and, if possible, before any public hearing on the application.

**S.319"*INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR***

***MILITARY CHILDREN*" Sen. Leventis**

This legislation enacts the "Interstate Compact on Educational Opportunity for Military Children." The legislation authorizes the Governor to execute the compact with other compact states as well as provides that the State Superintendent of Education is the compact commissioner of this state. Among other things, this legislation establishes a council on educational opportunity for military children, provides for the council's membership, appointments, terms, quorum, leadership, filling of vacancies, and powers and duties, as well as provides the terms of the compact.

**S.481 *SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION***

**Sen. Lourie**

This joint resolution establishes the South Carolina Certified Athletic Trainers Foundation. This foundation shall encourage and assist local public school districts and public schools in ensuring that a certified athletic trainer is on staff at each high school and middle school. Among other things, the legislation provides for membership of the foundation and that members of the foundation serve without mileage, per diem and subsistence. The foundation is authorized to solicit and accept private and public donations and grants. Funds received by the foundation shall be distributed to public middle and high schools throughout South Carolina as grants; the foundation must create guidelines to govern the selection of public schools to receive grants and the distribution of grant funds.

**S.775 *MOTORCYCLE THREE-WHEEL VEHICLE LICENSES* Sen. Grooms**

Under this bill, an operator of a motorcycle three-wheel vehicle, excluding a motorcycle with a detachable side car, is only required to have a basic driver’s license. The bill also provides that classified license shall authorize the licensee to operate a motorcycle, motorcycle three-wheel vehicle, including a motorcycle with a detachable car.

**H.4013 *NOTIFICATION OF MANDATORY SAFETY BELT MEDICAL***

***EXCEPTION* Rep. Clemmons**

This bill requires the Department of Motor Vehicles to place a notice on its website and in its driver's manual that states a driver or occupant of a motor vehicle who possesses a written verification from a physician that he is unable to wear a safety belt for certain reasons is not subject to the provisions that require a person to wear a safety belt.

**H.4021 *SPECIAL NEEDS SCHOLARSHIP PROGRAM* Rep. Rice**

This legislation establishes the Special Needs Scholarship Program which provides special needs students with the option to attend a public or nonpublic school of their choice.

**H.4062 *REGISTRING AND LICENSING OF VEHICLES* Rep. Nanney**

Relating to the registering and licensing of vehicles by the Department of Motor Vehicles, this legislation provides that the application to register and license a vehicle shall require the vehicle's owner to present to the department a valid driver's license or state-issued identification card in addition to any other information that the department may require.

**JUDICIARY**

**S.23 *PROHIBITION ON SMOKING IN A VEHICLE WHEN MINORS TEN YEARS***

***OF AGE OR YOUNGER ARE OCCUPANTS* Sen. Jackson**

Among other things, this legislation provides that it is unlawful for a driver or occupant of a fully enclosed private or public passenger motor vehicle to smoke a tobacco product while a child ten years of age or younger is in the vehicle. A person who violates these provisions, upon conviction, must be fined not more than $150 dollars.

**S.144 *RATIFICATION OF CONSTITUTIONAL AMENDMENT RELATING TO***

***AGE OF CONSENT OF AN UNMARRIED WOMAN UNDER THE AGE***

***OF FOURTEEN* Sen. Campsen**

This bill ratifies an amendment to the State Constitution relating to the provision providing that no unmarried woman under the age of fourteen years old may legally consent to sexual intercourse, so as to delete that provision.

**S.248 *CREATION OF THE OFFENSES OF UNLAWFULLY PROVIDING BEER***

***OR WINE OR ALCOHOLIC LIQUORS TO MINORS WHICH IS THE***

***PROXIMATE CAUSE OF GREAT BODILY INJURY OR DEATH TO THE***

***MINOR* Sen. L. Martin**

This legislation creates the offenses of unlawfully providing beer, wine or alcoholic liquors to a minor which is the proximate cause of great bodily injury or death to the minor. The legislation provides criminal penalties for violations. Violations by adults are felony offenses, and violations by minors can either be a misdemeanor or felony offense. The legislation includes specified exceptions.

**S.282 *ARREST WARRANTS* Sen. McConnell**

Among other things, this legislation provides that no arrest warrant shall 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. This provision does not apply to a business seeking an arrest warrant for any offense against the business, a person seeking an arrest warrant for a fraudulent check, if the fraudulent check is presented to the magistrate at the time the warrant is sought, or offenses involving criminal domestic violence, harassment, or assault and battery of a high and aggravated nature. If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court may 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.

**S.372 *ELECTIVE SHARE OF A SPOUSE* Sen. Hayes**

Relating to the determination of an elective share of a spouse, this bill clarifies that an interest as a beneficiary in a testamentary trust or in property passing to an inter vivos trust through the decedent's will is a beneficial interest chargeable to the elective share. Relating to creation of a trust, this bill further provides for the inclusion of a surviving spouse's beneficial interests in trust property in calculating the elective share.

**S.382 *JOINT TENANCY WITH RIGHT OF SURVIVORSHIP* Sen. Hayes**

This legislation provides a presumption that a decedent and the decedent’s spouse held tangible personal property in a joint tenancy with right of survivorship. The legislation includes exceptions to the presumption and provides a standard of proof to overcome the presumption.

**S.553 *SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE*** **Sen. Hutto**

This legislation creates the South Carolina Summer Camp Study Committee to study the summer camps and to recommend legislation, if appropriate, related to the licensing and regulation of summer camps. Members serve without compensation, and staffing for the committee must be provided by the Department of Social Services. The study committee must complete and render a written public report detailing its findings and recommendations, to include any recommended legislation, to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives by no later than January 31, 2010, at which time the study committee must be dissolved.

**S.554 *DUTIES OF THE STATE CHILD FATALITY COMMITTEE* Sen. Hutto**

This bill authorizes the State Child Fatality Committee to request, once a child fatality is reviewed and upon findings of the committee that a risk of harm still exists due to reasons including, but not limited to criminal domestic violence, drug abuse, abuse or neglect in the home of the fatality where young children continue to live, that a case be initiated by the Department of Social Services (DSS). The findings of the committee must be treated as a suspected report of abuse or neglect as the committee considers necessary, and a request by the committee must not be screened out. DSS has 60 days after the request is made to investigate and furnish the committee with a report.

**H.4022 *"SOUTH CAROLINA FIREARMS FREEDOM ACT"* Rep. E. H. Pitts**

This bill enacts the "South Carolina Firearms Freedom Act" so as to provide that a firearm, firearm accessory, or ammunition manufactured and retained in South Carolina is exempt from federal regulation under the Commerce Clause of the United States Constitution.

**H.4037 *APPEALS FROM A TOURISM EXPENDITURE REVIEW COMMITTEE***

**Rep. Owens**

This bill provides that appeals from the Tourism Expenditure Review Committee go to the appropriate county legislative delegation instead of the administrative law court.

**H.4049 *SATISFACTIONOF MORTGAGE* Rep. Nanney**

Relating to entering a satisfaction of mortgage in the public record, this legislation includes a probate and acknowledgement form in the satisfaction affidavit.

**LABOR, COMMERCE AND INDUSTRY**

**S.168 *MEDICAL MALPRACTICE INSURANCE* Sen. Cleary**

This bill revises medical malpractice insurance provisions so as to provide that a licensed health care provider who renders medical services voluntarily and without compensation, and seeks no reimbursement from charitable and governmental sources, and provides notice to the patient or patient’s provider in a non‑emergency, is not liable for any civil damages for any act or omission unless the act or omission was the result of the health care provider’s gross negligence or willful misconduct.

**S.416 *“HEALTH CARE ACCESSIBILITY FOR YOUNG AMERICANS ACT”***

**Sen. Lourie**

This bill enacts the “Health Care Accessibility for Young Americans Act,” to establish conditions under which health insurance coverage under a parent’s policy must be provided for an unmarried child under the age of twenty‑five years who is primarily dependent for financial support from his parent and an unmarried child under the age of thirty who meets active duty military service requirements.

**S.484 *PROFESSIONAL EMPLOYER ORGANIZATIONS* Sen. Sheheen**

This bill establishes the conditions under which a de minimis operations license may be issued to a nonresident professional employer organization or professional employer organization group for limited operation within this State and provides for other revisions relating to the licensure and regulation of professional employer organizations.

**S.791 *WIND AND SEISMIC REQUIREMENTS OF THE SOUTH CAROLINA***

***RESIDENTIAL BUILDING CODE* Sen. L. Martin**

This bill directs the South Carolina Building Codes Council to request a review of the impact of modifications to the wind and seismic requirements of the South Carolina Residential Building Code and establishes the conditions under which the council is to modify the requirements in light of the review. The legislation provides that a county or municipality may adopt, by reference or otherwise, the provisions in the latest edition of the International Residential Code (IRC), including the wind and seismic provisions, necessary to prevent the community’s rating for purposes of premium credits from being retrograded to a lower class through one of the following: (1) the Community Rating System community classification developed by the National Flood Insurance Program; or (2) the Building Code Effectiveness Grading Schedule classification developed by the Insurance Services Office. This exclusion also includes class improvements or new enrollments for the Community Rating System

**H.4039 *“SOUTH CAROLINA FAIR CREDIT REPORTING ACT”* Rep. Bowers**

This bill enacts the “South Carolina Fair Credit Reporting Act” to provide that unfair methods of reporting credit history and unfair or deceptive acts in the conduct of credit reporting are unlawful. The legislation provides that the Federal Fair Credit Reporting Act as interpreted by the Federal Trade Commission and federal courts shall furnish guidance in construing this legislation. The legislation establishes penalties for wilful and negligent noncompliance. The legislation provides for the jurisdiction of the state courts to hear actions brought under this legislation, and provides, with exceptions, a two‑year statute of limitations to seek relief under this legislation.

**H.4041 *TELEPHONE UTILITIES REQUIRED TO PROVIDE INTERNET SERVICE***

***IN EVERY EXCHANGE AREA* Rep. Bowers**

This bill requires all telephone utilities doing business in this State to provide Internet service in every exchange area. If a telephone utility refuses or is unable to provide Internet service to an exchange area, it shall cede service in the affected area to a telephone utility that agrees to provide Internet service. A telephone utility failing to comply with the provisions of this section after January 1, 2010, is subject to a fine in the amount of one thousand dollars per day per one thousand telephone accounts in the affected area.

**WAYS AND MEANS**

**S.405 *TAXATION OF BOATS* Sen. Cleary**

This bill revises property tax exemption provisions, to clarify that a watercraft and its motor may not receive a forty-two and 75/100 percent exemption if the boat or watercraft is classified as a primary or secondary residence for property tax purposes. The legislation revises provisions relating to boats with a tax situs in this state, to provide that, upon an ordinance passed by the local governing body, a county may subject a boat, including its motor if the motor is separately taxed, to property tax if it is within this state for ninety days in the aggregate, regardless of the number of consecutive days.

**H.4024 *PROPERTY TAX EXEMPTION ON RESIDENTIAL PROPERTY***

***CONSISTING OF THREE OR FEWER UNITS* Rep. Bowers**

This bill provides for an exemption from the property tax on residential property consisting of three or fewer units in amounts of fair market value sufficient to equal an assessment ratio of four percent on the property.

**H.4025 *APPLICATION OF ACCOMMODATIONS TAX TO VACATION TIME***

***SHARING PLANS* Rep. Bowers**

This bill revises accommodations tax provisions to include accommodations provided to occupants, other than owner occupants, under a vacation time sharing plan.

**H.4038 *LEASE OF LANDS UNDER DEPARTMENT OF PARKS, RECREATION***

***AND TOURISM JURISDICTION TO A PRIVATE CITIZEN, ENTITY, OR***

***BUSINESS* Rep. Bowers**

This bill requires the Department of Parks, Recreation and Tourism to obtain the approval of the local county legislative delegation before executing a lease for real property under its jurisdiction to a private citizen, entity, or business. The legislation provides that a private citizen, entity, or business leasing lands under the department’s jurisdiction is liable for local county and municipal taxes in the same manner as if the lands were privately owned. The legislation provides that the lease of lands under the department’s jurisdiction to a private citizen, entity, or business having a past due local county or municipal tax obligation is deemed void.

**H.4046 *OUT‑OF‑STATE USE OF LIFE, HOPE, OR PALMETTO FELLOWS***

***SCHOLARSHIPS FOR PRE‑VETERINARY MEDICINE MAJOR***

**Rep. Clyburn**

This bill provides that a South Carolina resident who otherwise qualifies for the LIFE, HOPE, or Palmetto Fellows Scholarship, but who has applied to and been accepted by a school in another state because no public college or university offers his chosen pre‑veterinary medicine major, shall receive the scholarship for which he qualifies to be used for payment of tuition at the out‑of‑state institution.

**H.4060 *UNEMPLOYMENT COMPENSATION REVISIONS* Rep. Jennings**

This bill revises the definition of “unemployed” for purposes of the South Carolina Employment Security Law and the reduction of unemployment benefits to reflect pension and other payments attributable to work, so as to eliminate employer‑filed claims. The legislation revises the definition of “wages”, so as to increase the taxable wage base beginning December 31, 2008. The legislation revises provisions relating to the disclosure of certain information to ensure that a claimant, or his legal representative, be supplied with records in order to make a claim, so as to add a provision to provide unemployment information necessary for workforce improvement and program evaluation to the agency administering the Workforce Investment Act. The legislation restructures the computation of employer contribution rates for certain employers. The legislation revises provisions relating to the statewide reserve ratio, so as to adjust the rates of contribution for certain employers. The legislation revises provisions relating to the maximum potential benefits of an insured worker, so as to change the formula for calculating the benefit. The legislation revises provisions relating to disqualification of benefits, so as to add a provision providing for “gross misconduct” and conforms the term “most recent bona fide employer” to another statutory definition. The legislation requires the deduction of severance pay from unemployment compensation payments.

**H.4061 *STATEWIDE PROPERTY TAX MILLAGE TO RAISE REVENUE FOR***

***PUBLIC SCHOOL OPERATIONS* Rep. Bowers**

This bill provides that the General Assembly annually by joint resolution shall impose a statewide millage on all real and personal property subject to property tax in this state for the purpose of raising revenue for public school operations. The joint resolution imposing the tax shall provide the plan of distributing the revenue for the applicable fiscal year to the school districts of the state. The legislation exempts one hundred percent of the fair market value of all real and personal property subject to property tax in this state from property tax millage imposed by a school district for school operations.

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