**Vol. 26 February 24, 2009 No. 06**

**CONTENTS**

**HOUSE WEEK IN REVIEW ………………………………. 02**

**HOUSE COMMITTEE ACTION ………………………… 03**

**BILLS INTRODUCED IN THE HOUSE THIS WEEK ……. 08**

***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.3352**, a joint resolution providing temporary **FUNDING FLEXIBILITY PROVISIONS FOR SCHOOL DISTRICTS** and special schools. The legislation provides that, for the 2008‑2009 and 2009‑2010 fiscal years, school districts and special schools of this State may transfer among appropriated state revenues, excluding lottery funds, as needed to ensure the delivery of academic and arts instruction to students. The legislation provides for the 2008‑2009 and 2009‑2010 fiscal years, school districts must be granted: (1) suspension from professional staffing ratios and subfund level expenditure regulations and guidelines; (2) permission to transfer funds among funding categories, including capital funds from the Children’s Education Endowment Fund and excluding funds required for debt service or bonded indebtedness; (3) permission to delay from April fifteenth to May fifteenth the date that contracts are issued to teachers. A teacher who is reemployed by written notification shall notify the board of trustees of the district in writing of his acceptance of the contract within ten days of such notification or April twenty-fifth, whichever occurs later. Failure on the part of the teacher to notify the board of acceptance within the specified time limit is conclusive evidence of the teacher’s rejection of the contract; (4) permission to negotiate salaries below the minimum salary requirements for retired teachers if specified in the contract or otherwise authorized by law. If specified in the contract or if the district is otherwise authorized by law to furlough teachers, a district may furlough teachers for up to five noninstructional days provided that district administrators are furloughed for twice the number of days. All other program regulations, guidelines, reporting, and audit requirements remain in effect. To further ensure resources are maximized, districts are encouraged to limit the number of low enrollment courses, expand virtual instruction, and, to the extent possible, develop schedules to minimize transportation costs of extracurricular and academic competitions. Prior to implementing these flexibility provisions, school districts must provide to public charter schools the per pupil allocation due to the charter schools for each categorical program. The legislation requires written certification reports from school districts implementing these funding flexibility measures. The legislation provides that, for the 2008‑2009 and 2009‑2010 fiscal years, implementation of formative assessments for grades one, two, and nine, the foreign language program assessment, the physical education assessment, and new textbook adoptions must be suspended. School districts and the State Department of Education must be granted permission to purchase the most economical type of bus fuel. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2009 to 2010 Fiscal Year only, At least sixty‑five percent of the education operational budget of the school district as determined by the State Department of Education must be used for classroom instruction including, but not limited to, instruction, institutional support such as guidance and media, transportation, and food services. No portion of the sixty-five percent may include monies received as a portion of the federal stimulus package. No portion of the sixty‑five percent may be used for bureaucratic purposes. The school district shall report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year.

The House approved and sent to the Senate **H.3333**. This bill provides that current **ADDITIONAL ASSESSMENTS IMPOSED BY GENERAL SESSIONS AND MAGISTRATES COURTS** now going to the Law Enforcement Training Council will instead go to the South Carolina Criminal Justice Academy.

The House approved and sent to the Senate **H.3551**, a bill enacting the **“SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT”** to facilitate projects to promote and enhance economic development through the location and development of high technology businesses and industries.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

The full committee met on Wednesday, February 18, 2009, and gave favorable recommendation on **H.3179**. The bill creates the **“SOUTH CAROLINA FARM TO SCHOOL PROGRAM”** within the South Carolina Department of Agriculture. The program will foster a direct relationship between South Carolina farms and schools to provide schools with fresh and minimally processed foods for student consumption. This bill also outlines the duties and responsibilities of a program director, as well as to establish a website dedicated to program initiatives.

**H.3121** received a favorable with amendment report from the full committee relating to the **REMOVAL OF CERTAIN TYPES OF TURTLES**. Under the "South Carolina Nongame and Endangered Species Conservation Act”, this bill adds that it is unlawful for a person to remove or attempt to remove from this state more than ten, either in one species or a combination of species of turtles. The types of species are outlined, as well as penalties for violations.

The full committee gave favorable with amendment report to **H.3270** regarding **UNDERGROUND STORAGE TANKS*.*** Beginning January 1, 2010, the annual renewal fee for each underground storage tank will increase to $200; and will continue to increase by $100 each year until 2013. The additional revenue generated from the increases must be deposited into the superb account, which is the account that assists with the payment of usual, customary and reasonable costs for underground storage tank site rehabilitation. When the Superb account reaches an additional thirty-six million dollars from the increase of tank fees, general appropriations, settlements, or other sources of funds, or declared insolvent, the tank registration fee shall revert to one hundred dollars for each tank beginning January 1st of the next year. No portion of the increases may be used by the department for administration of the program.

**EDUCATION AND PUBLIC WORKS**

The Education and Public Works Committee met on Tuesday, February 17, 2009.

**H.3084**, relating to **NAMING OF A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL**, received a favorable report from the full committee. This bill provides that unless a highway facility is dedicated and named in honor of either a serviceman or law enforcement officer killed in the line of duty, public funds may not be used to reimburse the Department of Transportation for the expenses it incurs to name and dedicate the highway facility.

**H.3080**, allowing for a **MODIFICATION OR WAIVER OF A RESTRICTED DRIVER'S LICENSE**, received a favorable recommendation. Under this bill the restrictions contained in a restricted driver's license issued to a minor may be modified or waived by the Department of Motor Vehicles, if the restricted licensee proves that the restriction interferes with travel between the licensee's home and religious sponsored events.

The full committee gave a favorable with amendment report to **H.3094**, pertaining to **AMBULANCES**. This bill provides that it is unlawful for a person to operate a vehicle that is upfitted as an ambulance or no longer permitted and licensed as an ambulance unless the vehicle's exterior equipment and markings that distinguish it as an ambulance are removed. The bill establishes both misdemeanor and felony offenses for violations. Exceptions are provided for: (1) eleemosynary or not-for-profit organizations that operate an ambulance that is no longer permitted and licensed and whose exterior markings have been removed for use in parades, fundraising activities, and other official functions; (2) a person operating a vehicle that is going from the place of purchase to his home or his fixed place of business; or (3) a person operating a vehicle going to a location for the purpose of removing the vehicle's exterior equipment or markings.

The Education and Public Works Committee also gave a favorable with amendment report to **H.3175**, relating to **ADMISSION TO A CHARTER SCHOOL**. This bill provides that enrollment priority may be given to a sibling of a pupil who is currently enrolled or who, within the last three years, attended the school for at least one academic year.

The committee adjourned debate on **H.3297**, relating to **SCHOOL SNACKS, FOOD AND BEVERAGES.**

**JUDICIARY**

The Judiciary Committee met on Tuesday, February 17, 2009.

**H.3305**, a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO ELECTIONS BY SECRET BALLOT AND PROTECTION OF THE RIGHT OF SUFFRAGE**, received a favorable report from the committee. This joint resolution proposes to amend the State Constitution so as to provide that the guarantee of the right to vote by secret ballot applies in required designations or authorizations for employee representation.

The Judiciary Committee gave a favorable with amendment recommendation to **H.3123**, relating to the **UNAUTHORIZED PRACTICE OF LAW.** 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.

**H.3343**, relating to **ATTORNEY ACCESS TO CLIENTS IN A JAIL OR DETENTION CENTER**, received a favorable with amendment report. This bill provides that the administrator of a jail or local detention facility shall provide an attorney access to his clients who are confined in these facilities at any time the attorney requests such access. However, the administrator of a jail or local detention facility may reasonably delay the requested access when exigent circumstances exist or when, in the normal course of business, the jail or local detention facility is in lockdown for the purpose of maintaining safe and orderly operation of the jail or local detention facility. In all circumstances, the administrator of the jail or local detention facility shall schedule visitation space and times that accommodate the attorney's schedule, as well as the facilities' needs, without unnecessary delay.

The Judiciary Committee adjourned debate on the following bills:

 [**H.3161**](http://intranet.scstatehouse.gov/cgi-bin/web_bh10.exe?bill1=3161&session=118), relating to **OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT**

 [**H.3022**](http://intranet.scstatehouse.gov/cgi-bin/web_bh10.exe?bill1=3022&session=118), providing for **NO FEE FOR THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT**

**LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce and Industry Committee met Tuesday, February 17, and reported out three bills.

The committee gave a favorable recommendation to **H.3187**, a bill providing for a **MECHANICS’ lien ON real estate to secure payment of debt due to a landscape service**. This bill provides that a person who furnishes 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 the debt due to him.

The committee gave a favorable recommendation to **H.3042**. This bill authorizes the combative sport of **MIXED MARTIAL ARTS** in South Carolina, and provides the State Athletic Commission is to supervise and regulate mixed martial arts competitions. The legislation repeals a provision relating to ultimate fighting events as being unlawful.

The committee gave a favorable recommendation to **H.3247**, a bill relating to **CHARGES FOR WATER USE IN RENTED MULTI-FAMILY DWELLINGS**. This bill allows a landlord of a multi-family dwelling to employ certain equipment or methodology to determine the quantity of water provided to each single-family residence within the dwelling, and it allows the landlord to charge a tenant for water and wastewater used by his single-family residence.

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

The full committee did not meet this week.

**WAYS AND MEANS**

The full Ways and Means Committee met during week and reported out a **STATE GOVERNMENT BUDGET** for fiscal year 2009-2010.

The proposed budget incorporates federal stimulus funds available under the American Recovery and Reinvestment Act of 2009. It is estimated that South Carolina’s share of the federal State Fiscal Stabilization Fund will total around $700 million to be used over the next two fiscal years.

In order for the state to be eligible to receive the federal stimulus dollars, 81.8% of the funds must be used to restore funding through the state’s primary and secondary education formula to 2008 or 2009 levels, whichever is greater. The remaining 18.2% may be used for other education or government services. The proposed budget utilizes federal funds to restore funding for the Education Finance Act, four-year-old kindergarten, and institutions of higher learning to required levels. Remaining federal funds are devoted to school bus fuel, education assessments needed to comply with federal No Child Left Behind requirements, items related to teacher salaries, the deficit at the Department of Juvenile Justice, and a portion of the deficit at the Department of Corrections.

As part of its economic stimulus efforts, the federal government is temporarily increasing its financial commitment within the Medicaid program that it offers in collaboration with the states. With the enhanced federal Medicaid match rates, the proposed budget allows for the restoration of Medicaid reductions made in October’s rescission bill and the avoidance of proposed reductions in Medicaid coverage that were, at one point, scheduled to take effect on February 1 of this year. Federal provisions also allow for enhanced Medicaid match rates to apply on a retroactive basis through October of 2008. The budget includes a one-time transfer of funds from the Department of Health and Human Services to allow the funds realized through the retroactively enhanced federal Medicaid match rates to be redistributed to other budget needs.

Since restoring K-12 and higher education funding levels is a condition for receiving federal stimulus money and since new federal Medicaid match provisions effectively prevent reductions in Department of Health and Human Services programs, the categories of education and health, which together comprise the vast majority of the state’s budget, are shielded from reductions. Remaining eligible to receive federal stimulus funds requires the budget cuts needed to cope with current revenue shortfalls to be concentrated in the relatively small portion of the budget that remains after the categories of education and health are removed. To avoid drastic state agency budget cuts within this remaining sector, a $122 million base reduction is authorized for the Local Government Fund and these funds are redirected to other budget needs. To allow for this redistribution, the budget legislation temporarily suspends the statutory requirement that revisions in state aid to political subdivisions be effected through separate legislation. The budget legislation also suspends the statutory requirement that guarantees the state’s counties and municipalities an annual increase of 4.5% in state aid to political subdivisions in order to accommodate growth.

The proposed budget reduces most state agencies to fiscal year 2005-2006 funding levels, if they were not already functioning at such levels.

The budget legislation closes the Teacher and Employee Retention Incentive (TERI) Program to new participants effective July 1, 2009.

The budget legislation revises the National Board Certification Incentive program for teachers by limiting the program to no more than 1,100 new participants each year. The legislation provides that the $7,500 salary supplement shall only be paid for the initial ten-year period of National Board Certification.

The budget legislation requires the University of South Carolina to complete a study on the fiscal impact of potential closing of the branch campuses and report its findings to the General Assembly by January 1, 2010.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

**H.3541 *HUNTING REVISIONS FOR GAME ZONE ONE* Rep. Hiott**
This bill revises the procedures for taking antlered deer and bear hunting in game zone one.

 **H.3552 *DHEC’S DEADLINES* *FOR PERMITS AND LICENSES* Rep. Duncan**

Under this bill, the Department of Health and Environmental Control shall promulgate regulations for reasonable deadlines for the issuance, denial, renewal, suspension or revocation of permits, licenses or other actions of the department. The bill outlines that if the department fails or refuses to reach a decision by the deadline, the department shall issue the license or permit to the applicant or render a decision in favor of the party seeking the decision without any additional conditions or requirements. The department may also suspend its consideration of the application or request for other action for good cause.

 **H.3571 *PROHIBITION AGAINST THE TAKING OR DESTROYING OF THE***

 ***NEST OR EGGS OF WILD BIRDS* Rep. Umphlett**

This bill defines “active nest” as a nest with birds or eggs present. The bill also allows the Department of Natural Resources to issue a permit for the removal of an active nest or eggs that constitute a public safety threat or when birds are causing damage to property.

 **H.3572 *SHARK CATCH LIMITS* Rep. Umphlett**

This bill repeals provisions relating to shark catch limits.

 **H.3577 *“SOUTH CAROLINA WATER WITHDRAWAL, PERMITTING, USE,***

 ***AND REPORTING ACT”* Rep. Gullick**

This bill makes comprehensive revisions with regards to water rights and usage.

**EDUCATION AND PUBLIC WORKS**

 **S.126 *HANDICAPPED SPECIAL LICENSE PLATES AND PARKING ISSUES***

**Sen. Sheheen**

Relating to the issuance of special license tags to certain handicapped persons, this bill defines the term "handicapped". The bill deletes the term "license tag" and replaces it with the term "license plate". The bill also revises the criteria for the issuance of the special license plate. Relating to free parking for handicapped persons, the bill amends the definition of the term "handicapped" to be the same as for qualification of an issuance of a handicapped special license plate. This bill revises the provisions regarding the content, issuance procedure, and display of handicapped placards. Relating to municipalities designating parking spaces for handicapped persons, this bill revises the procedures that allow a handicapped person to park in metered or timed parking places without being subject to parking fees or fines. Relating to the issuance of personalized license plates, this bill provides that a person who is qualified to receive this license plate and a handicapped license plate may be issued a personalized license plate that includes a decal that contains the international symbol of access.

 **H.3543 *MODEL DATING VIOLENCE POLICY* Rep. Brady**

This bill requires the State Department of Education to develop a model dating violence policy to assist school districts in developing their own policies for reporting and responding to dating violence. 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. School districts must inform parents and guardians of the policy and provide them with a copy of the policy upon request.

**JUDICIARY**

 **S.351 *STATE PORTS AUTHORITY* Sen. Grooms**

This comprehensive legislation makes numerous revisions with regards to the State Ports Authority. Among other things, this bill clarifies that the powers and duties of the State Ports Authority are exercised by the board of directors. The members of the board are appointed by the Governor, upon the advice and consent of the Senate, for terms of five years each and until their successors have been appointed, screened, and have qualified. A director may only serve in a holdover capacity for a period not to exceed six months. No candidate may be confirmed by the Senate or serve on the board, even in an interim capacity, until he is found qualified. Members of the board of directors may be removed by the Governor for cause. The legislation includes qualifications that board of directors must possess in order to serve. The legislation requires the board of directors to conduct an annual performance review of the executive director and submit a written report of its findings to the Governor and the General Assembly. Members of the board of directors have a duty of good faith and ordinary care when discharging their duties as a director. The legislation includes provision relating to a 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. The legislation includes provisions for certain reports and long-range plans. The legislation also provides for legislative oversight review of the authority and its operations. The legislation provides that the authority shall take all action necessary to develop a port in Jasper County, and it provides that the authority shall take all action necessary to complete construction of a container terminal in North Charleston. The legislation also establishes a committee to study public private partnerships regarding ports in South Carolina.

 **S.424 *SOUTH CAROLINA'S SOVEREIGNTY UNDER THE TENTH***

 ***AMENDMENT TO THE UNITED STATES CONSTITUTION* Sen. Bright**

This is a concurrent resolution to affirm South Carolina’s sovereignty under the Tenth Amendment to the United States Constitution over all powers not enumerated and granted to the federal government by the United States Constitution.

**H.3544 *RAFFLES BY CERTAIN NONPROFIT ORGANIZATIONS* Rep. Gullick**

Under this bill, law enforcement officials shall not charge a charitable, religious, or eleemosynary organization conducting a raffle for the benefit of the organization where all the proceeds inure to the benefit of the organization, and any individuals associated with conducting the raffle, with a violation of law but instead shall inform them in writing that the conduct of the raffle violates state law. For this section to apply, no portion of the raffle proceeds may go to pay any salaries, fees, or benefits for the individuals or entities involved. A charitable, religious, or eleemosynary organization to which this section applies may not conduct more than two such raffles a calendar year.

 **H.3545 *DUAL OFFICE HOLDING* Rep. Umphlett**

This bill provides that an officer in the militia, notary public, delegate to a constitutional convention, law enforcement officer who holds a local office, and a corrections officer who holds a local office are not considered a dual office holder under the State Constitution.

 **H.3546 *PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO DUAL***

 ***OFFICE HOLDING* Rep. Umphlett**

This joint resolution proposes to amend the State Constitution relating to dual office holding and qualification for office, so as to provide that the prohibition against holding two offices does not apply to commissioned law enforcement officers or corrections officers employed by a county and municipal police officers employed in a county in which they do not reside who hold another office.

 **H.3553 *STATUTES OF LIMITATIONS IMPOSED ON ACTIONS BROUGHT BY***

 ***THE STATE OF SOUTH CAROLINA OR ON ITS BEHALF* Rep. Sellers**

This bill provides that a statute of limitations or statute of repose may not apply to an action brought by the State or for its benefit.

 **H.3563 *POST-CONVICTION RELIEF ACTIONS* Rep. M. A. Pitts**

This bill requires the court to dismiss a post-conviction relief action that is successive or on the grounds of misuse of process; the bill defines misuse of process. The bill allows the court to penalize the applicant by reducing certain credits granted by the Department of Corrections. Relating to persons who may institute a post-conviction relief action and filing procedures, this bill eliminates the provisions allowing an action when material evidence was not previously presented or heard. Relating to court procedures for post-conviction relief applications, this bill requires the court to dismiss actions under certain circumstances. Relating to hearings on a post-conviction relief application and final judgment, this bill makes conforming changes. Relating to post-conviction relief procedures in capital cases, this bill changes and streamlines the procedures for filing a post-conviction relief action and shortens the time in which a hearing must be held.

 **H.3564 *INMATE TELEPHONE CONVERSATIONS* Rep. Rutherford**

This bill provides that it is unlawful for a jail, detention center, or correctional facility to monitor and record the telephone conversations of an inmate and his legal counsel. The bill further provides that it is unlawful for a jail, detention center, or correctional facility to release to the public a recorded telephone conversation between an inmate and another person unless the release of the conversation is essential to protect the public from potential criminal activity.

 **H.3567 *RENTAL AGREEMENTS* Rep. Herbkersman**

This bill provides that a preexisting rental agreement does not terminate upon the subsequent foreclosure of the landlord's mortgage.

 **H.3579** ***QUARTERLY ELECTION DATES FOR CONDUCTING REFERENDA OR OTHER BALLOT QUESTIONS* Rep. Jennings**

This bill provides that an entity authorized by law to conduct a referendum, ballot measure, or other election event where a person is not elected to an office shall conduct this event, at which qualified electors are allowed to cast a ballot, on one of four dates. The dates on which a referendum, ballot measure, or other election event may be held are: (1) the third Tuesday in March; (2) the third Tuesday in June; (3) the third Tuesday in September; or (4) the Tuesday after the first Monday in November. These provisions do not apply to amendments proposed to the State Constitution or the United States Constitution.

 **H.3585 *ESTABLISHMENT OF OFFENSES RELATED TO FALSE OR SECRET***

 ***COMPARTMENTS IN VEHCILES* Rep. T. R. Young**

This bill provides that it is unlawful to own or operate a vehicle with a false or secret compartment, to install a false or secret compartment in a vehicle, and to sell or trade a vehicle with a false or secret compartment. 'False or secret compartment' means an enclosure which is integrated into, or attached to, a vehicle and whose purpose is to conceal, hide, or prevent discovery by law enforcement officers of: (a) a person concealed for an unlawful purpose; (b) controlled substances possessed illegally; or (c) other contraband. The bill establishes criminal penalties for violations.

 **H.3587 *"CITIZENS PARTICIPATION IN GOVERNMENT ACT OF 2009"***

**Rep. J. E. Smith**

This legislation provides that acts in furtherance of the constitutional right to petition are immune from civil liability except when the acts are not aimed at procuring a governmental or electoral action, result, or outcome. The legislation provides expedited procedures for hearing motions in actions brought in opposition to a citizen's right to petition the government. The legislation provides for attorney's fees and costs to the prevailing party. The legislation also designates certain code sections as the "South Carolina Frivolous Civil Proceedings Sanctions Act".

 **H.3588 *UNLAWFUL TO LEAVE A CHILD UNDER THE AGE OF NINE***

 ***UNATTENDED IN A MOTOR VEHICLE FOR MORE THAN FIVE***

 ***MINUTES* Rep. J. E. Smith**

Under this bill, it is unlawful for the operator or an adult passenger of a motor vehicle to leave the motor vehicle for more than five minutes when an unattended child is inside the vehicle. For purposes of this legislation child means a person under the age of nine. Criminal penalties are established for violations. The bill provides that certain persons who observe a child left unattended in a motor vehicle may remove the child from the vehicle and are not liable in a civil action to any party for an act performed in good faith.

**LABOR, COMMERCE AND INDUSTRY**

 **S.268 *SPECIAL BUILDING INSPECTORS* Sen. McConnell**

This bill establishes a “special inspector” or “special inspection agency” to perform building inspections in one or more construction trade disciplines. The legislation provides the licensing procedure to require authorization for performing these inspections from the South Carolina Building Codes Council and the Department of Labor, Licensing and Regulation.

 **H.3550 *ENERGY STANDARD ACT* Rep. Cato**

This bill revises the Building Energy Efficiency Standard Act, redesignating it the “Energy Standard Act.” The legislation revises definitions. The legislation adopts the International Energy Conservation Code as the energy standard and provides that all new and renovated buildings must comply with this standard. The legislation provides that local building officials shall enforce the energy standard and provides for alternative enforcers in areas without a building official. Building officials are authorized to issue and revoke building permits and inspect construction of buildings issued permits. The legislation requires local jurisdictions to provide an appeals board and process for granting of certain variances. The legislation provides an exception and allows certain appeals to be heard by the South Carolina Building Codes Council. The legislation provides that a person or party may obtain injunctive relief. The legislation eliminates provisions relating to what constitutes compliance with the building envelope requirements of the energy code, free access to documents containing codes adopted by the Building Codes Council, and building permits for three story homes.

 **H.3562 *INSURANCE PROVISIONS* Rep. Brady**

This 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.

 **H.3566 *CREDIT CARD DELINQUENCY CHARGE OR LATE FEE MAY NOT***

 ***EXCEED THE TOTAL OUTSTANDING ACCOUNT BALANCE***

 **Rep. Herbkersman**

This bill provides that a delinquency charge or late fee assessed on a revolving balance consumer credit card account may not exceed the total outstanding account balance.

 **H.3573 *UNLAWFUL TRADE PRACTICE FOR A FINANCIAL INSTITUTION TO***

 ***FAIL TO RESPOND TO A SHORT SALE OFFER FOR THE PURCHASE***

 ***OF REAL ESTATE* Rep. Herbkersman**

This bill provides that it is an unlawful trade practice for a bank, building and loan association, savings and loan association, savings bank, or other financial institution doing any kind of banking business in this state to fail to respond to a short sale offer for the purchase of real estate within thirty calendar days of the offer’s receipt.

**WAYS AND MEANS**

 **S.278 *AUTHORITY FOR COUNTIES TO WAIVE OR REDUCE REAL***

 ***PROPERTY TAX LATE PAYMENT PENALTIES* Sen. Alexander**

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.

 **H.3540 *“SOUTH CAROLINA TRUTH IN SPENDING ACT”* Rep. G. R. Smith**

This bill enacts the “South Carolina Truth in Spending Act” to provide that each agency, department, and institution of state government and each local governmental entity must maintain a detailed transaction register of all funds expended each month and post that register online. The legislation provides that each agency, department, and institution of state government and each local governmental entity must post online all of its credit card statements and the statements for credit cards issued to public officials and employees for public use. The legislation provides that each local governmental entity must annually post online a listing of its full time employees grouped by class along with the number of full time positions in each class and the average salary in each class.

 **H.3549 *PATRIOTS POINT DEVELOPMENT AUTHORITY REVENUE BONDS***

 **Rep. J. E. Smith**

This bill authorizes the board of the Patriots Point Development Authority to issue revenue bonds and prescribes the manner in which, purposes for which, and procedures under which these revenue bonds may be issued.

 **H.3554 *GENERAL ASSEMBLY ACCEPTANCE OF FEDERAL STIMULUS***

 ***FUNDS* Rep. Mitchell**

This concurrent resolution provides that, pursuant to provisions of the American Recovery and Reinvestment Act of 2009, the General Assembly accepts the use of federal stimulus funds provided to this State in this act if the Governor of South Carolina, within the required forty‑five day period, fails to certify that he will request and use these funds. The legislation provides for the manner of distribution of these funds.

 **H.3558 *GENERAL RESERVE FUND REQUIREMENTS RELATING TO DEBT***

 ***SERVICE* Rep. Thompson**

This bill revises provisions relating to the General Reserve Fund, so as to make conforming amendments to reflect an increase in the amount required to be held in the General Reserve Fund pursuant to the South Carolina Constitution to reflect general obligation bond debt service and the rate of replenishment of that amount.

 **H.3559 *PROPOSED CONSTITUTIONAL AMENDMENT ON NEW GENERAL***

 ***RESERVE FUND REQUIREMENTS RELATING TO DEBT SERVICE***

 **Rep. Thompson**

This joint resolution proposes to amend provisions of the South Carolina Constitution relating to the General Reserve Fund and the Capital Reserve Fund, so as to require an additional amount equal to one quarter of one percent of state general fund revenue in the latest completed fiscal year to be held in the General Reserve Fund in succeeding fiscal years each time the General Assembly enacts legislation cumulatively raising by at least one percent the amount of general fund revenues of the preceding fiscal year that may be used to service state general obligation debt.

 **H.3565 *COUNTY COUNCILS AUTHORIZED TO MAKE IMMEDIATE***

 ***REDUCTIONS IN SALARIES OF COUNCIL MEMBERS* Rep. Clemmons**

This bill provides that an ordinance reducing the salary of a county council member is effective on third reading of the ordinance, unless provided otherwise.

 **H.3576 *GENERAL ASSEMBLY APPROVAL REQUIRED FOR THE IMPOSITION***

 ***OR INCREASE OF ADMINISTRATIVE FEES AND FINES* Rep. Erickson**

This joint resolution provides that no state agency, department, or entity by regulation or otherwise may administratively increase or implement a fee for performing a service or function, or a civil penalty or fine for failure to comply with a requirement or provision of law under its jurisdiction without the specific approval of the increased or new fee, fine, or penalty by the General Assembly by concurrent resolution. General approval by the General Assembly by joint resolution of a regulation of a state agency or department under the Administrative Procedures Act wherein a fee, fine, or penalty increase or imposition is contained does not constitute approval under the requirements of this legislation. If an increase or implementation is contained in that joint resolution, the increase or implementation is null and void. The legislation establishes certain exceptions and provides for the duration of this legislation’s requirements.

 **H.3578 *SALE OF MARINE TERMINAL PROPERTY OF THE STATE PORTS***

 ***AUTHORITY AT PORT ROYAL* Rep. Erickson**

This bill revises provisions relating to the manner in which the marine terminal operations of the State Ports Authority at Port Royal shall be terminated and the property sold, so as to extend the date that the terms of the sale of the property may not extend beyond and to eliminate a provision that no bid may be accepted which is less than the property’s fair market value as shown by the appraisal.

 **H.3581 *LOCAL GOVERNMENT FUNDING* Rep. Cooper**

This joint resolution establishes provisions relating to the functions and funding of certain local government matters for fiscal year 2009-2010.

 **H.3584 *CIGARETTE TAX INCREASE FOR: THE SMOKING PREVENTION AND***

 ***CESSATION TRUST FUND; DEPARTMENT OF AGRICULTURE***

 ***MARKETING OF STATE‑GROWN CROPS AND NATURAL DISASTER***

 ***RELIEF; THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE***

 ***TRUST FUND; AND, THE PALMETTO HEALTH CARE SAFETY NET***

 ***TRUST FUND* Rep. Harrell**

This bill imposes a surtax on each cigarette in an amount of two and one‑half cents, and provides for the crediting of the revenue from the surtax to: the Smoking Prevention and Cessation Trust Fund, the Department of Agriculture for marketing and branding state‑grown crops and to assist in relief from natural disasters affecting state-grown crops; the South Carolina Healthy Families Insurance Trust Fund; and, the Palmetto Health Care Safety Net Trust Fund. The legislation creates the South Carolina Healthy Families Insurance Plan, providing for a premium credit not to exceed three thousand dollars to an eligible individual or employer towards the purchase of a qualifying health insurance plan. The legislation establishes eligibility requirements and the certification process, defines the qualifying individually or employer‑sponsored insurance plans, and provides for administration and reporting by the Department of Insurance. The legislation creates the Palmetto Health Care Safety Net Program, establishing a self‑sustaining and financially independent portion of the premium assistance pool. The legislation provides for eligibility requirements, administration, and reporting by the Department of Insurance.

 **H.3586 *“SOUTH CAROLINA SCHOOL FACILITIES INFRASTRUCTURE ACT”***

 **Rep. J. E. Smith**

This bill enacts the “South Carolina School Facilities Infrastructure Act”, to provide for the issuance of general obligation bonds and special source bonds and notes by the South Carolina School Facilities Infrastructure Authority for the construction of school facilities. The legislation creates the South Carolina School Facilities Infrastructure Authority and provides for its powers and duties. The legislation creates the School Facilities Review Commission and provides for its powers and duties. The legislation specifies the terms by which the bonds and notes are issued. The legislation revises provisions relating to general obligation bonds, so as to provide for the addition of financing agreements between a school district and the School Facilities Infrastructure Authority.

 **H.3590 *“LOCAL OPTION TOURISM DEVELOPMENT FEE ACT”* Rep. Edge**

This bill enacts the “Local Option Tourism Development Fee Act” so as to allow a county in which at least fourteen million dollars of state accommodations tax revenues have been collected in a fiscal year and a municipality located in such a county to impose a fee not to exceed one percent of amounts subject to tax pursuant to the South Carolina Sales and Use Tax Act, for not more than ten years. The legislation provides that the county may impose the fee by ordinance in the unincorporated areas of the county and a municipality may impose the fee by ordinance in the municipality. The legislation provides for the administration of the fee and establishes uses for which the fee revenue must be applied, including tourism promotion, property tax rollback, and capital projects promoting tourism causes.

**The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (http://www.scstatehouse.gov) and click on “*Publications*," then click on “*Legislative Update*.” This will list all of the *Legislative Updates* by date. Click on the date you need*.* Also available on the website is a bill summary index, where bills referenced in one or more issues of the Legislative Update are listed in numeric order. Links to the specific text of the *Legislative* Update issue are provided in the bill summary index.**

***NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON “BILL TRACKING & REPORTS” (UNDER “LEGISLATIVE RESOURCES”).***