



The Republican Caucus

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Summary of Major Issues Approved During the 2007 Legislative Session

DRAFT through 6.21.07. A final copy will be completed on 6.28.07.

PART I: ITEMS APPROVED BY BOTH CHAMBERS

1. S. 355 (H. 3575): DOT REFORM

STATUS: Ratified. Sent to Governor (6/21)

This bill is a comprehensive restructuring of the Department of Transportation to enhance accountability. This bill includes the following changes:

- the Secretary of Transportation will be appointed by the Governor.
- the Governor has control of the top three levels of DOT.
- the DOT Commission will have new qualifications criteria, terms of office, and compensation limits.
- requires the commission to approve nearly all major activities of the DOT, including: the sale of surplus property, the adding to and deletion of roads from the State Highway System, the execution of nearly all contracts and the DOT's annual budget.
- requires the DOT to establish a priority list of projects. The DOT will use the following criteria: financial viability, public safety, economic development, traffic volume, pavement quality and environmental impact.
- creates an Internal Audit Division.

2. S. 332 – WORKERS' COMP REFORM

STATUS: Ratified. Sent to Governor (6/20)

Like DOT, this is a comprehensive bill that overhauls the state's workers' compensation system. The legislation:

- includes provisions for combating workers' compensation fraud, including hiring a forensic accountant for the Attorney General.
- permits communications between the employee's physicians and the employer regarding a workplace injury. The bill strengthens requirements for expert medical testimony and provides more stringent standards for: determining occupational disease cases; determining the award of future medicals, and obtaining an award based on a change of condition.
- revises the provisions for pre-existing conditions, adding the loss of the shoulder and/or hip to the schedule of injuries.
- eliminates the presumption of disability upon the loss of use of 50% or more of the back.
- includes new criteria for repetitive trauma so an injury is considered repetitive trauma only when medical evidence establishes a direct relationship between the injury and repetitive activities from employment.
- revises the Second Injury Fund by eliminating most items in the list of covered preexisting conditions. The Fund is to be dissolved if paid claims of the fund are \$8 million or more during the 2011-2012 fiscal year.

H. 3620 – TAX RELIEF / STATE BUDGET

STATUS: Ratified. Sent to Governor (6/21)

- \$7.3 billion total amount.
- \$220 million in income and grocery tax cuts.
- \$81 million for state income tax relief.
- \$20 million for tourism promotion.
- full funding of the Education Finance Act's Base Student Cost.
- full funding of the school bus fleet rotation.
- an increase in the amount provided to teachers for purchasing classroom supplies from \$250 to \$275.
- funding for access to LightRail, a broadband, high-speed optical research network that will link all major research universities with their hospital partners.
- \$4.5 million for treatment of autism
- \$9 million for new law enforcement officers at the Department of Public Safety.
- \$5 million for law enforcement officer vehicle fleet rotation.

S. 656 – GROCERIES SALES TAX PHASE-OUT / INCOME TAX RELIEF

STATUS: Ratified. Sent to Governor. (6/20)

This bill eliminates the sales tax on unprepared food and groceries.

H. 3170 – PALMETTO FELLOWS AND LIFE SCHOLARSHIP ENHANCEMENT

STATUS: Amended to S. 656.

This bill increases scholarships for students majoring in science or mathematics. A student must be at least a sophomore, in a public or private institution in this state, majoring in science or mathematics, and receiving a Palmetto Fellows or LIFE Scholarship. The increase each year is \$3,300 for the Palmetto Fellows and \$2,500 for the LIFE scholarship. The Palmetto Fellows Scholarship is increased so all qualifying students will receive at least the maximum new LIFE Scholarship. A "science or mathematics" major shall include majors in those disciplines, computer science, engineering, science education, math education, and health care and related disciplines including medicine and dentistry

H. 3505 – JASPER COUNTY PORT FACILITY

STATUS: Signed by Governor (5/1)

This directs the State Ports Authority to bring to its earliest conclusion the condemnation action on 1,800 acres in Jasper County needed for a new port terminal. The resolution establishes a timeline for completion of several actions needed to begin construction of the port. The joint resolution also establishes the Savannah River Maritime Commission to negotiate with Georgia, the Army Corps of Engineers, and others regarding the use of the Savannah River.

H. 3569 – WIRELESS TECHNOLOGY AND COMMUNICATIONS COMMISSION

STATUS: Signed by Governor (6/14)

A joint resolution creating the South Carolina Wireless Technology and Communications Commission for the purpose of implementing a statewide wireless broadband network.

H. 3097 – VIRTUAL SCHOOLS

STATUS: Signed by the Governor (5/15)

This bill establishes the South Carolina Virtual School Program to make use of technology to expand educational opportunities. The program is designed to offer instruction through the Internet in order to: offer a more flexible pace of instruction, provide alternatives for meeting graduation requirements, and allow students to take courses that may not be offered at their schools.

S. 141 – CRIMINAL GANG PREVENTION ACT

STATUS: Signed by Governor (6/12)

This legislation adds criminal gang activities under the jurisdiction of the State Grand Jury. The stated intent of this bill is to eradicate the terror created by criminal gangs by providing enhanced penalties and by eliminating the patterns, profits, proceeds, instrumentalities, and property facilitating criminal gang activity, including criminal gang recruitment.

H. 3124 – PUBLIC SCHOOL CHOICE*STATUS: Sent to Governor. (6/20)*

This bill provides limited public school choice programs. During a three-year implementation, the bill requires:

- the Department of Education to establish the Office of School Choice and Innovation to conduct an inventory of the choice options parents would like to have, establish choice and open enrollment pilot programs, and provide information and recommendations to districts regarding problems experienced in pilot programs.
- In 2009, districts will begin implementing school choice plans, providing at a minimum a choice option for elementary, middle, and high school students.
- In 2010, a parent may enroll his child in a public school in any district without paying tuition, and all districts must participate. Assignment of students is based on capacity of receiving school.

Efforts to expand this program to private school choice were defeated on the House and Senate floors.

H. 3820 – COASTAL PROPERTY INSURANCE*STATUS: Signed by Governor (6/11)*

The legislation addresses problems with finding affordable property insurance for homes along the coast. The bill includes:

- State tax-deductible catastrophe savings accounts to cover deductibles or damage.
- A state income tax credit for insurance premium costs paid on the taxpayer's residence in excess of 5% of his adjusted gross income. The tax credit may not exceed \$1,250.
- The legislation establishes an income tax credit for costs incurred by an individual to retrofit his legal residence to make it more resistant to loss due to hurricane. The credit for any taxable year may not exceed 25% of the cost incurred or \$1,000, whichever is less. The maximum credit allowed is \$1,500.
- Plans for premium discounts or credits for items such as the use of storm shutters and roof tie downs.
- Requirements insurance companies to disclose the availability of premium discounts for retrofitting and techniques for reducing windstorm losses.
- Insurance policies and rates: The legislation extends from 30 to 60 days the required notification period for cancellation or non-renewal of insurance policies.

Revises the approval process for insurance rate changes

H. 3355 – ABORTION ULTRASOUND BILL*STATUS: Conference Committee*

This bill requires that the physician who is to perform an abortion must verify the gestational age of the embryo or fetus by using an ultrasound. The images used to verify the gestational age must be reviewed by the woman seeking the abortion.

S. 431 – “BASE LOAD REVIEW ACT”*STATUS: Became law without Governor's signature (5/3)*

The legislation enacts the “Base Load Review Act” which establishes a procedure allowing investor-owned electric utilities to recover from ratepayers the costs associated with constructing a new large generating facility prior to the completion of the project. A base load plant is defined as a new coal or nuclear fueled electrical generating facility that is designed to be operated, at a capacity factor exceeding seventy percent annually, has a gross initial generation capacity of at least three hundred fifty megawatts, and is intended in whole or in part to serve retail customers of a utility in South Carolina. The legislation also establishes provisions for ‘corridor rights’ to determine which electric supplier has the right to provide service in a given area.

H. 3034 – NEW GREEN BUILDING STANDARDS FOR STATE BUILDINGS*STATUS: Veto overridden by House and Senate (6/20)*

This bill establishes new “green building” energy efficiency standards for new state buildings with construction budgets exceeding \$15 million.

S. 243 (H. 3146) – HYDROGEN INFRASTRUCTURE DEVELOPMENT ACT*STATUS: Veto overridden by House and Senate (6/20)*

The legislation establishes the South Carolina Hydrogen Infrastructure Development Fund, which will be used for the purpose of promoting the development and deployment of hydrogen production, storage, distribution, and dispensing infrastructure and related products and services that enable the growth of hydrogen and fuel cell technologies in the State. The legislation also requires state agencies to consider purchasing equipment and machinery operated by hydrogen fuel cells.

S. 213 – PREVENTION OF UNDERAGE DRINKING*STATUS: Signed by Governor (6/15)*

This legislation addresses underage drinking and access to alcohol. The legislation requires the registration of kegs, creates the offense of illegal purchase of alcoholic liquors for another's consumption, requires that criminal charges be brought against the seller and purchaser after the illegal sale of alcoholic beverages to minors, and requires completion of certain alcohol prevention education or intervention programs under certain circumstances.

S. 449 (H. 3989) – “REAL ID”*STATUS: Signed by Governor (6/13)*

This bill is a concurrent resolution ordering Congress to repeal or South Carolina will not implement the "REAL ID Act of 2005." The bill also opposes the creation of a federal national identification card. South Carolina will not participate in REAL ID until: (1) Homeland Security takes all practical steps to ensure that Act will not compromise the privacy of any citizen of South Carolina; (2) the federal government provides 100 percent of the funding for the REAL ID Act; and (3) the federal government adopts the changes to the REAL ID Act as outlined in a report from the National Conference of State Legislatures, the National Governor's Association and the American Association of Motor Vehicle Administrators.

H. 3828 – OFFSHORE NATURAL GAS FEASIBILITY STUDY*STATUS: Became law without Governor's signature (6/15)*

This bill creates a committee to examine the feasibility of natural gas exploration in the Atlantic coastal waters. The committee shall consider implications relating to energy, economic development, tourism, fishing, the environment, agriculture, manufacturing, public safety, national security, employment, and the impact on state and local economies. The committee shall submit a report to the General Assembly before January 8, 2008.

H. 3466 – “RIVERSHACKS BILL”*STATUS: Became law without Governor's signature (5/24)*

The intent of this bill is to protect the waters of the State by authorizing the removal of nuisance structures from the public waters. The bill allows the owners of structures to apply for a permit from the DNR authorizing the owner to maintain his structure in its permitted location for five years. Permits are not allowed if the structure presents a hazard to navigation or encroaches upon private property. The permit may be revoked by DNR under certain circumstances. An unpermitted structure is declared to be a public nuisance.

H. 3161 – SCHOOL BUS REPLACEMENT CYCLE*STATUS: Veto overridden (6/7)*

This bill has numerous provisions, including:

- that a student may not ride a school bus for more than 90 minutes.
- the number of students assigned to a school bus must not be greater than the seating capacity; the bill does provide for limited exceptions.
- the Dept. of Education is required to implement a school bus replacement cycle to replace approximately one-fifteenth of the fleet each year and shall utilize biodiesel fuel when possible.

S. 20 – AUTISM HEALTH INSURANCE COVERAGE*STATUS: Veto overridden (6/7)*

This bill requires health insurers to provide coverage for treatment of Autism spectrum disorder, which includes Autistic Disorder, Asperger's Syndrome, and other Pervasive Developmental Disorders. Benefits and coverage must be provided to any eligible person under sixteen years of age.

H. 3476 – TEACHER CERTIFICATION*STATUS: Signed by Governor (6/13)*

This bill creates an alternative teacher certification method. It allows districts to hire individuals that have received a Passport certificate issued by a national board in the content areas of biology, chemistry, English, math, physics or science. Additional areas may be approved by the Department of Education. To obtain the certificate a person must have the Passport certificate and a bachelor's degree.

S. 348 – “CHANDLER’S LAW”*STATUS: Senate sustained veto (5/29)*

The legislation provides that it is unlawful for a parent or legal guardian to permit his child six years of age or younger to operate an ATV. A person fifteen years old or younger may not operate an ATV unless the person possesses a safety certificate indicating successful completion of an ATV safety course. The legislation also provides that it is unlawful to operate an ATV while under the influence of alcohol or any controlled substance, in a negligent or reckless manner, or in a manner that damages flora or fauna, roads, trails, firebreaks, signs, gates, guardrails, bridges, fencing, or other public property. It also exempts ATVs from personal property taxes.

PART II: CRITICAL BILLS STRANDED IN THE SENATE**H. 3149, 3032 and 3025 – ILLEGAL IMMIGRATION***STATUS: In Senate Committees*

H. 3032 creates a committee to study enforcement of federal and state laws relating to illegal aliens and to recommend legislative changes as appropriate. **H. 3149** provides that a person may not receive food stamps unless he proves he is legally in South Carolina. **H. 3025** limits immigration assistance a non-lawyer may provide and restricts the activities of these non-lawyers providing immigration assistance for compensation.

H. 3295 – STATE SPENDING LIMIT*STATUS: In Senate Finance Committee*

This bill provides that state spending may not exceed the lesser of: 106% of the Board of Economic Advisors' base-year estimate or the base-year estimate plus population growth and inflation. The bill includes provisions for suspension of the limit under emergency declarations or by a 2/3 vote of the General Assembly. Funds above the limit will go toward (in order): reserve funds, tax reductions, infrastructure improvements, school buildings, school buses, and expenses incurred as a result of disasters declared by the President.

H. 3390 – TAX CREDIT FOR SOLAR PANELS AND FUEL CELLS*STATUS: In Senate Finance Committee*

This bill provides for a state income tax credit equal to twenty percent of the qualified expenditures of photovoltaic, solar, and fuel cell property credits allowed against a taxpayer's federal income tax liability.

H. 3496 – DEFINITION OF A PERSON IN A CIVIL ACTION*STATUS: In Senate Judiciary Committee*

For purposes of a civil cause of action, this bill provides that the term "person" includes an unborn child. The term "unborn child" means a child in utero with certain exceptions.

H. 3024 – SUNSET REVIEW OF STATE GOVERNMENT*STATUS: In Senate Judiciary Committee*

This year, the House AGAIN sent to the Senate a bill that creates a commission providing for a "sunset review" of state government programs.

H. 3024 – COMMON LAW MARRIAGE*STATUS: Senate Subcommittee*

Common law marriage will not be recognized after Jan. 1, 2008. Existing common law marriages are exempted.

H. 3572 – TRAFFIC EDUCATION PROGRAM ACT*STATUS: Stranded on Senate Calendar (6/6)*

This bill provides that each solicitor has the authority to establish a traffic education program for persons who commit traffic-related offenses that are punishable only by a fine and loss of four points or less. The program must include both a community service and an educational component. A person may be considered for a traffic education program only if he has no prior traffic-related offenses on his record, and a person may not participate in a traffic education program more than once. When a person completes a traffic education program, there must be no record maintained of the traffic-related offense.

H. 3649 – BIOMASS FUEL DEVELOPMENT*STATUS: In Senate Finance Committee*

This bill establishes incentives to encourage biomass fuel development and utilization including a sales tax rebate of three hundred dollars for an in-state purchase or lease of a Flex-Fuel Vehicle, hydrogen-fueled vehicle, hybrid vehicle, electric vehicle, or high fuel-economy vehicle (over 30 MPG in the city). The legislation also provides for a sales tax rebate of up to \$500 for the conversion of a hybrid electric vehicle to a plug-in hybrid electric vehicle or for the in-state purchase of equipment for conversion of conventional vehicles to operate on propane, natural gas, hydrogen, or E85.

H. 3390 – ATM SAFETY ACT*STATUS: In Senate Finance Committee*

This bill provides that it is unlawful for a person to steal money, securities for money, or property, either by force or intimidation, from a person using or who has just finished using a bank night depository or ATM, or is in the vicinity thereof. A violator is guilty of a felony and faces up to a \$10,000 fine and imprisonment of up to 20 years. The legislation also provides makes it unlawful for a person to panhandle or solicit money from a person using or who has just finished using a bank night depository or an ATM. A violator is guilty of a misdemeanor and can be fined up to \$500 or and face 30 days in prison.

H. 3212 – OUT-OF-STATE CONCEALED WEAPONS RECIPROCITY*STATUS: In Senate Judiciary Committee*

This bill requires out-of-state permits to carry concealable weapons held by a resident of another state be honored by South Carolina. The legislation eliminates the current provision that South Carolina honors only out-of-state permits issued by a state with which South Carolina has reciprocity.

H. 3496 – DUI REVISIONS*STATUS: In Senate Judiciary Committee*

This bill makes comprehensive changes to our state's DUI laws. Highlights of the legislation include:

- creating various tiered punishments for: "driving while impaired," "driving with an unlawful alcohol concentration," "operating a motor vehicle with an unlawful and high concentration," and "operating a motor vehicle with an unlawful and gross concentration."
- Changing "probable cause" to only needing "reasonable suspicion" to order alcohol testing on a person under 21. It also increases penalties for people under 21 who may be driving under the influence.
- eliminating the need to videotape a suspect twenty minutes prior to testing and the person must be given a written copy and informed of his right not to take the breath test and the consequences for such. The bill provides that only a Miranda warning at the time of arrest must now be video recorded.
- amending the law to make appropriate changes regarding the definition of a driver and clarifying the definition of felony driving while impaired – a person who is convicted of felony DUI involving death is to have his license suspended for his incarceration plus 5 years. Furthermore, a person convicted of felony DUI involving great bodily injury is to have his license suspended for incarceration plus 3 years.
- amending the law to add that the standard of proof in a case is "preponderance of the evidence."
- The bill also says the court must order subsequent offenders' vehicles be equipped with an ignition interlock device. The cost of the device must be borne by the offender.
- A court may order the use of an alcohol-monitoring device for a person who has been convicted of a second or subsequent offense and for a person who has been convicted of a felony DUI or a DUI involving great bodily injury.