



The Republican Caucus

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S.C. House Republican Caucus 2010 End of Session Report

CAUCUS AGENDA ITEMS / UNFINISHED BUSINESS

[H. 3442](#) – Department of Workforce/ESC

Signed by Governor (3/30)

This legislation creates the Department of Workforce as a cabinet level agency to perform workforce development functions and replace the Employment Security Commission in the administration of unemployment compensation. The legislation also transfers to the Department of Workforce the Workforce Investment Act program that had been assigned to the Department of Commerce through executive order. The Legislation provides that an insured worker is ineligible for unemployment compensation benefits if he has been discharged from work for gross misconduct. Gross misconduct includes such activities as: assault or battery on a fellow employee or customer; abuse of a patient or child under professional care; willful or reckless damage to employer property in excess of fifty dollars; theft of items valued in excess of fifty dollars; failure to comply with applicable state or federal drug and alcohol testing and use regulations; consumption of alcohol or drunkenness on the job in violation of a written workplace policy; insubordination; and willful neglect of duty.

The legislation creates the Workforce Initiative/Economic Development Research Committee to review and make recommendations regarding steps that should be taken to improve the economy of this State, the employment of South Carolinians, and to restore a substantially greater sense of financial security to the citizens of this State.

[S. 391](#) – ESC Reform

Signed by Governor (6/3)

The legislation provides solvency targets for the state's Unemployment Insurance Trust Fund used to provide unemployment compensation benefits and establishes new requirements for the contributions that the state's employers make to the fund. The legislation establishes requirements for the Department of Workforce to calculate an annual contribution rate for each qualified employer that is based upon a ranking system which divides the state's employers into twenty benefit ratio classes. In any calendar year in which the UITFund is insolvent, the state shall impose surcharges on all employers to pay interest on the outstanding debt. The estimated amount of interest to be paid in the upcoming year will be divided by the estimated taxable payroll for the calendar year.

– MORE –

H. 3418 – Voter ID

House Approved Conference Report (6/15). SENATE DID NOT VOTE ON THE CONFERENCE REPORT.

This legislation provides for early voting centers. Each county board of registration and elections is required to establish one early voting center which must be supervised by election commission employees serving as poll managers where a qualified elector may cast no more than one ballot, without excuse, during an early voting period for all elections. The early voting period begins on the Thursday before a statewide primary or general election and ends the following Saturday. The legislation establishes a photo id requirement for voting. Under the legislation, when a person presents himself to vote, he shall produce a valid South Carolina driver's license, other form of identification containing a photograph issued by the Department of Motor Vehicles (DMV), a passport, a military photo identification issued by the federal government, or a South Carolina voter registration card containing a photograph. If the elector cannot produce a valid South Carolina driver's license or other approved form of identification, the elector may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the board of voter registration prior to certification. The legislation provides an alternate process of affirming identity through completing an affidavit under penalty of perjury at the polling place and casting a provisional ballot in situations where an elector has a religious objection to being photographed or suffers from a reasonable impediment that prevents the elector from obtaining photograph identification. The legislation provides that the DMV shall issue a special identification card to a person who is at least seventeen years old at no charge. The State Elections Commission is required to implement a system for issuing voter registration cards with a photograph of the elector and establish an aggressive voter education program concerning the new provisions.

(THIS DESCRIPTION IS BASED ON THE HOUSE LEGISLATION AND DOES NOT REFLECT THE CONFLICT BETWEEN THE HOUSE AND SENATE VERSIONS.)

H. 3489 – Tort Reform

Died in Senate.

H. 3066 – Campaign Disclosure

Signed by Governor (5/28)

This legislation provides that electronic filing of campaign disclosure and reports provisions are applicable to all persons subject to the state's Ethics and lobbying laws, including candidates for local government offices, lobbyists, and lobbyist principals.

H. 3882 – Small Business Red Tape Reduction Bill

Passed House (4/23). House non-concurred in Senate amendments (5/21)

This bill includes proposals drawn from the testimony of small business leaders who were invited to relate their frustrations with bureaucracy and identify regulations that are placing unnecessary burdens on their efforts. The legislation includes provisions to ease a renewal deadline requirement for limited liability partnerships, expedite the Department of Health and Environmental Control's certification of consistency with the coastal zone management plan for property development in the coastal region, and implement an online answer desk and centralized clearinghouse concerning all state agency licensing, permitting, and regulation of economic activity.

H. 3395 & 3396 – General Reserve Fund Increased to 5%

Veto overridden (5/6). Constitutional Amendment Ratified – No Signature Needed (4/20)

This joint resolution proposes to amend the South Carolina Constitution to provide for the amount required to be held in the General Reserve Fund to be increased gradually from three percent to five percent of state general fund revenue in the latest completed fiscal year.

H. 4478 – Economic Development Competitiveness Act

Signed by Governor (6/23)

The legislation implements numerous private sector recommendations for fostering an economic development climate in the state. The legislation provides that a corporation establishing a national corporate headquarters in this State or expanding or adding to an existing national corporate headquarters, which adds at least fifty new full-time jobs performing corporate headquarters related functions and services is exempt from paying state corporate income taxes for a period of ten years. The legislation also revises provisions for fee in lieu of property taxes agreements. The legislation allows a small business that has at least five employees at the time a revitalization agreement is initiated to be eligible for a job development credit upon the creation of at least one full-time job within five years. The legislation expands incentives for life sciences facilities so that they also apply to renewable energy manufacturing facilities involved in the production of solar energy technology, wind turbines, or advanced lithium and ion, or other batteries for alternative energy motor vehicles. The legislation enacts the ‘South Carolina Renewable Energy Tax Incentive Program’ to provide tax incentives to companies in the solar, wind, geothermal, and other renewable energy industries that are expanding or locating in South Carolina. The South Carolina State Ports Authority board is authorized to award annually up to one million dollars of the eight million dollars of job tax credits to a new warehouse or distribution facility which commits to expending at least forty million dollars at a single site and creating one hundred new full-time jobs.

H. 4243 – Charter Schools

Died in Senate.

H. 3352 – School District Flexibility Bill

Signed by Governor (4/7)

S. 1 & 2 – Spending Limitations

S. 1 Died in Senate. S. 2 Passed House (5/26) and returned to Senate with amendments

The House-approved version of the legislation provides that, in addition to all other applicable constitutional and statutory limitations on general fund appropriations, total general fund appropriations for the fiscal year may not exceed the lesser of: (a) one hundred six percent of the adjusted base-year estimate made by the Board of Economic Advisors; or (b) the adjusted base-year estimate increased by a percentage equal to the state’s growth in population and a percentage equal to any increase in the consumer price index. The adjusted base-year estimate is the recurring and nonrecurring general fund estimate made by the Board of Economic Advisors on February 15, 2011 for fiscal year 2011-2012. Under the legislation, the General Assembly is authorized to declare a financial emergency and suspend these limitations on appropriations for any one fiscal year for a specific amount by a special vote (an affirmative recorded roll-call vote in each branch of the General Assembly by two-thirds of the members present and voting but not less than three-fifths of the total membership in each branch).

The legislation creates the Spending Limit Reserve Fund as a separate fund to receive all revenue accumulated in excess of the appropriations limits. The Reserve Fund must first be used to replenish the State’s General Reserve Fund. After this priority is met, revenues that remain in the Spending Limit Reserve Fund may be utilized only for the following purposes: (1) temporary tax reductions; (2) infrastructure improvements including fixed transportation facilities such as highway, rail, water and air, and basic facilities, services, and installations needed for the functioning of government such as water, sewer, and public sector communications; (3) school buildings; (4) school buses; and (5) expenses incurred by the State as a result of natural or other disasters declared by the President of the United States. Funding for a capital project must be appropriated from the fund in one installment and all appropriations must be made by means of a joint resolution originating in the House of Representatives.

H. 3305 – Secret Ballot in Union Elections

Ratified. No signature required (3/25)

This joint resolution proposes to amend the South Carolina Constitution to provide that the fundamental right of an individual to vote by secret ballot is guaranteed for a designation, a selection, or an authorization for employee representation by a labor organization. This proposed constitutional amendment will be submitted to the voters at the next general election.

S. 901 – Orderly Secession

Conference Report rejected by House.

Whenever the Governor leaves the State, this legislation requires that he notify the Lieutenant Governor, whether or not the power of the Governor's Office is transferred to the Lieutenant Governor. The legislation defines certain terms relating to powers of the Lieutenant Governor during the absence of the Governor; defined terms include: emergency, full authority and temporary absence. The legislation clarifies when a Lieutenant Governor has the full authority to act in an emergency in the event of the temporary absence of the Governor from the State.

H. 3509/S. 424 10th Amendment Bill and State's Rights

Adopted by House on (3/9)

The resolution provides that the General Assembly claims for the State of South Carolina sovereignty under the Tenth Amendment to the Constitution over all powers not otherwise enumerated and granted to the federal government. The resolution provides that it is the policy of the state that: no law shall interfere with the right of a person to be treated by or receive services from a health care provider of that person's choice; restrict a person's freedom of choice of private health care systems or private health care plans of any type; interfere with a person's or an entity's right to pay directly for lawful medical services; and impose a tax, penalty, or fine, of any type, for choosing a health care provider, to obtain or decline health care coverage or for participation in any particular health care system or plan. The resolution claims freedom from all laws and mandates that violate the rights granted under the Second, Ninth, and Tenth Amendments to the United States Constitution and serves as notice and demand to the federal government, as South Carolina's agent, to cease and desist immediately all mandates that are beyond the scope of the federal government's constitutionally delegated powers.

S. 191 – Warrantless Searches

Veto overridden (4/28).

In order to reduce recidivism rates and protect potential victims from criminal enterprises, the legislation authorizes law enforcement officers to conduct warrantless searches and seizures on those who are on probation or parole. The legislation provides that, before an individual may be placed on probation, supervised furlough, or parole, he must agree in writing to be subject to a search or seizure, without a search warrant, based on reasonable suspicions, of his person, any vehicle he owns or is driving, and any of his possessions by any probation agent employed by the Department of Probation, Parole and Pardon Services or any other law enforcement officer. The legislation also includes provisions that make written agreement to such warrantless searches and seizures a condition for the release from custody of juveniles and youthful offenders. Officers are required to make reports of all warrantless searches or seizures to their law enforcement agencies that include the name, address, age, gender, and race or ethnicity of the person that is the subject of the search or seizure. Law enforcement agencies must submit the reported information at the end of each month to the Department of Probation, Parole and Pardon Services for review of abuse.

APPROVED BY BOTH CHAMBERS

H. 4511 – SC Rural Infrastructure Act

Veto overridden (5/26)

This legislation provides a mechanism for alternative methods of financing infrastructure projects in rural areas that are needed for economic development. The legislation creates a South Carolina Rural Infrastructure Authority to assist municipalities, counties, special purpose districts, public service districts, and public works commissions in constructing and improving rural infrastructure by providing loans and other financial assistance. A distinct Rural Infrastructure Fund is established.

H. 3746 – Nomination of Candidate by Petition

Veto Sustained by House (6/15)

H. 3835 – Hydrogen Permitting Act

Became Law Without Governor's Signature (6/14)

H. 4299 – Help School Districts Handle Budget Reductions

Signed by Governor (5/11)

This joint resolution authorizes certain teacher contract and salary provisions effective for the upcoming school year. The legislation provides that the boards of trustees of the several school districts shall decide and provide the required written notification to the teachers in their employ concerning their employment for the 2010-2011 school year by May 15, 2010. Any teacher who is reemployed by this written notification shall notify the board of trustees in writing of his acceptance of the contract for the 2010-2011 school year no later than ten days following receipt of written notification. Failure on the part of the teacher to notify the board of acceptance within the specified time limit shall be conclusive evidence of the teacher's rejection of the contract. The legislation also provides that school districts may uniformly negotiate salaries below the school district salary schedule for the 2010-2011 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive Program.

H. 3245 – Ultrasound Bill

Signed by Governor (6/24)

As passed by the House of Representatives, this legislation provides if an ultrasound is performed, an abortion must not be performed sooner than 24 hours, rather than 60 minutes, following the completion of the ultrasound. The legislation provides that a woman also must be informed by the physician who is to perform the abortion or by an allied health professional working in conjunction with the physician of the procedure to be involved and by the physician who is to perform the abortion of the probable gestational age of the embryo or fetus, verified by an obstetric ultrasound, if performed, at least twenty-four hours before an abortion is performed. The legislation further provides that an abortion may not be performed sooner than 24 hours, rather than one hour, after the woman receives certain written materials. (DESCRIPTION WRITTEN BASED ON HOUSE BILL – NOT THE CONFERENCE COMMITTEE.)

H. 4352 – Microenterprises Study Committee

Signed by Governor (6/19)

This legislation establishes a microenterprises study committee to review and make recommendations concerning the need to foster the development of microenterprises and microbusinesses, which are sole proprietorships, partnerships, or corporations that have fewer than five employees and generally lack access to conventional loans, equity, or other banking services.

H. 3584 – Cigarette Tax

Veto overridden (5/13)

The cigarette tax legislation increases the state's current seven-cents-per-pack cigarette tax, devoting the majority of the revenue generated by the increase to a newly-created Medicaid Reserve Fund and authorizing funding for cancer research, smoking prevention and cessation, and state agricultural assistance. Effective July 1, 2010, the legislation imposes a tax totaling 57 cents per pack of cigarettes. The legislation provides for the distribution of the additional revenue generated by: crediting five million dollars annually to the Medical University of South Carolina Hollings Cancer Center to be used for tobacco-related cancer research; devoting five million dollars annually to a newly-created trust fund that the Department of Health and Environmental Control is to use in administering a statewide smoking prevention and cessation program; and, depositing the remaining annual revenue in a newly-created South Carolina Medicaid Reserve Fund. The Medicaid Reserve Fund may only be used for the restoration and maintenance of effort of the Medicaid program as it is currently structured. The fund must not be used to expand any component of the existing Medicaid program.

H. 3411/S.319 – Interstate Compact for Educational Opportunity for Military Children

Signed by Governor (6/11)

This legislation authorizes South Carolina to join the Interstate Compact on Educational Opportunity for Military Children. The purpose of the compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by enhancing the transfer of education records and improving coordination among member states so that varying attendance requirements and methods of scheduling, sequencing, grading, course content and assessment will not place children of military families at a disadvantage when they must relocate.

S. 1154 – Omnibus Crime Reduction Act

Signed by Governor (6/4)

The stated purpose of this comprehensive legislation is to reduce recidivism, provide fair and effective sentencing options, employ evidence-based practices for smarter use of correctional funding, and improve public safety. Part I of the legislation makes numerous and various revisions to criminal offenses. Many of the changes add levels to the various degrees of an offense, increase maximum penalties, or allow discretion to judges with regards to probation and parole for offenses. Part II of the legislation focuses on evidence-based practices in order to use proven methods that can make smarter use of the Department of Probation, Parole and Pardon Services. Among numerous other things, the legislation provides incentives to persons under supervision to comply with conditions. Part III provides oversight revisions to fiscal impact statements and also a committee to continue oversight of the implementations of the Sentencing Reform Commission recommendations.

S. 452 – S.C. WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT

Signed by Governor (6/11)

This bill makes comprehensive revisions regarding permitting to Surface Water Withdrawals and Reporting Act. The bill provides for new definitions; and provides that all surface water withdrawals, with certain exceptions, must be permitted. A permit may not be issued to a new applicant unless the Department of Health and Environmental Control determines that the applicant's proposed use is reasonable to the regulations. An existing registered surface water withdrawer already reporting its withdrawals to the department as of January 1, 2011, may maintain its withdrawals at its highest reported level or at the design capacity of the intake structure which will be permanent as of January 2, 1011, and is deemed to be registered with the department. The legislation provides for exemptions for emergencies, farm pond, mining, evaporation, hydropower, wildlife management, and special purpose districts. Registration continues for agricultural operations. Permitting is required for existing users, new users, and inter-basin transfers. The term of permit for a new user is 20 to 40 years and the term of permit for existing users is 30 to 40 years. The bill outlines that public water systems' term of permit is up to 50 years based on debt recovery. The bill addresses minimum flow based on mean annual daily flows. The bill provides for nonconsumptive surface water withdrawal and its permitting. Among many other things, the bill provides for an application procedure for surface water withdrawers that own and operate a licensed impoundment or new surface water withdrawers that withdraw water from a licensed impoundment.

DIED IN SENATE**H. 3748 – Index of Taxpaying Ability Study Committee**

Died in Senate. Resurrected as a proviso in the budget.

H. 3192 – Sunset Commission

Died in Senate.

H. 3841 – Technical College Administrative Efficiencies Act

Died in Senate.

H. 3067 – Ballot Fusion

Died in Senate.

H. 3231 – Joint Election of Governor and Lieutenant Governor

Died in Senate.

This joint resolution proposes to amend the State Constitution so as to provide for the joint election of the Governor and Lieutenant Governor beginning with the general election of 2014.

H. 3272 – Point of Sale

Died in Senate.

The legislation eliminates point-of-sale reassessment by postponing reassessment for a parcel of real property that is sold or undergoes another assessable transfer of interest until the property tax year of implementation of the next countywide assessment. Under the legislation, reassessment is not postponed when improvements are made to the property, and limits on increases in value must be calculated separately on land and improvements.

H. 3645 – School Attendance/Drivers License

Died in Senate.

This legislation would have suspended drivers licenses for students who drop out of school. Exceptions were granted for hardship, work, and care for family members.

H. 3147 – Dept. of Administration Restructuring

Died in Senate.

H. 3047 – Spending Accountability Act

Died in Senate.

H. 4033 – Transportation Infrastructure Funding Flexibility Act

Died in Senate.

H. 4585 – TRAC Extension

Died in Senate. TRAC received its extension as an amendment in a different bill.

H. 3365 – Higher Education Efficiency Act

Died in Senate.

– END –