



## ***Voter ID and Raffles Dominate Debate***

In this third week of the 2011 legislative session, the House of Representatives debated Voter ID ([H.3003](#)) a majority of the day on Wednesday and gave the bill second reading after adopting the Committee amendment and two technical amendments on the floor. The bill received third reading on Thursday and was sent to the Senate.

The Senate considered measures regarding card games and dice ([S.254](#)) and raffles for nonprofits ([S.255](#)). Currently, nonprofit organizations are not legally allowed to hold raffles, but groups such as the Shriner's, an example given by Senator Ray Cleary (R – Georgetown), could use raffles to help pay for children's hospital bills. Debate on S.255 carried into the afternoon on Thursday with opinions on the bill and the issue in general varying from those Senators who do not believe there should be a law against raffles to those deeming it as one of the most important issues before the body. The Senate adjourned on Thursday with S.255 in interrupted debate status on the Senate Calendar.

## ***Provider Rates and Healthcare Provisos – S.434***

Senate Majority Leader and Chairman of the Senate Medical Affairs Committee Harvey Peeler (R – Gaffney) introduced [S.434](#) on Wednesday, which would suspend the portion of Proviso 89.87 that protects provider rates, along with three additional provisos. If passed, the bill would allow Tony Keck, the newly confirmed Director of the Department of Health and Human Services, the flexibility to immediately decrease provider reimbursement rates from their current levels. This legislation is a reaction to the over \$230 million dollar deficit the Department of Health and Human Services will request to run at the February 8<sup>th</sup> Budget and Control Board meeting and is an attempt to allow Mr. Keck to make cuts as he deems necessary to address the deficit.

The three additional provisos which would be suspended include 21.11 (Chiropractic Services), 21.15 (Prescription Reimbursement Payment Methodology) and 21.20 (Prior Authorization Exemptions) – please see below:

**21.11. (DHHS: Chiropractic Services)** *From the funds appropriated herein, the department is directed to provide coverage for medically necessary chiropractic services for Medicaid eligible recipients.*

**21.15. (DHHS: Prescription Reimbursement Payment Methodology)** *The prescription dispensing fee for the current fiscal year is not less than \$4.05 per prescription filled. Prescription reimbursements must be the lowest of: the federal upper limit of payment or South Carolina maximum allowable cost (MAC) for the drug, if any, less 10% plus the current dispensing fee; the Wholesale Acquisition Cost (WAC) plus 12.5%, or the provider's usual and customary charge to the general public for the dispensed*

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*product. By October 31, 2010, the Department of Health and Human Services shall submit a state plan amendment to the Centers for Medicare and Medicaid Services (CMS) requesting approval for the reimbursement rate referenced above. The Department shall submit a copy of the CMS State Plan Amendment to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee.*

*During the CMS review process or if the CMS denies the aforementioned state plan amendment; prescription reimbursements must be the lowest of: the federal upper limit of payment or South Carolina maximum allowable cost (MAC) for the drug, if any, less 10% plus the current dispensing fee; the Average Wholesale Price (AWP) minus 10%, or the provider's usual and customary charge to the general public for the dispensed product.*

*The Department of Health and Human Services shall adjust the dispensing fee as necessary to offset any negative change in the federal reimbursement methodology from the prior fiscal year. The department shall submit a report by January thirty-first, of the current fiscal year to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee summarizing any changes in the federal reimbursement methodology and the impact of the changes on the state prescription reimbursement payment.*

**21.20. (DHHS: Prior Authorization Exemptions)** *The Department of Health and Human Services must expend funds appropriated for pharmaceutical services without prior authorization on medications prescribed to treat major depression, schizophrenia, or bipolar disorder as defined by the most recent edition of the Diagnostics and Statistical Manual of the American Psychiatric Association or following prescribing practice guidelines established by the American Psychiatric Association, or HIV/acquired immune deficiency syndrome, or oncology related pharmaceuticals. Operational procedures necessary to insure the appropriate use and prevent the non-FDA approved use of these medications will be allowed.*

### ***House Furlough Weeks***

It was also announced the House of Representatives will take two weeks of furlough this session to include the week of March 21<sup>st</sup> - 25<sup>th</sup> and the week of April 18<sup>th</sup> - 22<sup>nd</sup> (Easter week).

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## **Budget Update**

### ***Board of Economic Advisors***

The State Board of Economic Advisors met on Thursday and reported positive news – the state collected \$365 million more in revenue than was previously projected in 2010. The money could be used to pay off the deficits of the Department of Health and Human Services, the Department of Social Services and the Department of Corrections and still have about \$100 million left to assist with the \$854 million dollar state budget shortfall for FY 2011-20102. The Budget and Control Board will make the decision on how the money will be spent, as soon as its scheduled February 8<sup>th</sup> meeting.

**Bill Updates**

<a href="#">H.3278</a>	Beer and Wine Permitting	Joint Resolution introduced to temporarily correct the unintended consequences of a bill signed into law in 2010 which would no longer allow cities or any group other than a nonprofit or political organization to apply for temporary beer and wine permits for festivals and other events (ex. the popular St. Patrick's Day event held annually in Columbia). The House concurred in the Senate amendments on Tuesday, and the bill was ratified on Thursday. Governor Haley has five days to sign, veto or allow the bill to become law without her signature (midnight on Wednesday, February 2 <sup>nd</sup> ).
<a href="#">H.3178</a>	Beer and Wine Permitting	One of two bills ( <a href="#">S.231</a> , Senate companion) introduced to provide a permanent fix to the problem. The bill was amended and received a favorable report from the House Judiciary General Laws Subcommittee Thursday morning and will be before the full Committee next Tuesday.

**Important Dates**

First Day of the 2011 Legislative Session	January 11, 2011 (Tuesday)
H.3002 (Education Finance Act) before the Ways and Means Revenue Policy Legislative Subcommittee	Tuesday, February 1 <sup>st</sup> - Upon adjournment of the House
Ways and Means Healthcare Subcommittee to hear budget presentations from DSS, DHHS and the Commission for the Blind	Tuesday, February 1 <sup>st</sup> - 1.5 hrs after adjournment of the House
Ways and Means Public Education and Special Schools Subcommittee to accept testimony from entities	Tuesday, February 1 <sup>st</sup> - 1.5 hrs after adjournment of the House
H.3375 (SC Fairness in Civil Justice Act) before the full House Judiciary Committee	Tuesday, February 1 <sup>st</sup> - 1.5 hrs after adjournment of the House
H.3178 (Temporary Alcohol Permits) before the full House Judiciary Committee	Tuesday, February 1 <sup>st</sup> - 1.5 hrs after adjournment of the House
Ways and Means Healthcare Subcommittee to discuss Budget Provisos	Wednesday, February 2 <sup>nd</sup> - 1.5 hrs after adjournment of the House
Ways and Means Public Education and Special Schools Subcommittee to discuss	Wednesday, February 2 <sup>nd</sup> - 1.5 hrs after adjournment of the House

Budget Provisos	
Senate General Committee to consider statewide appointment – Ms. Lillian Koller, SC Dept. of Social Services	Wednesday, February 2 <sup>nd</sup> – 10:00 a.m.
Senate Constitutional and Criminal Justice Subcommittee Budget Hearings – Dept. of Public Safety and Criminal Justice Academy	Wednesday, February 2 <sup>nd</sup> – 9:00 a.m.
H.3241 (Charter School Bill) before the full House Education and Public Works	Wednesday, February 2 <sup>nd</sup> – 1.5 hrs after adjournment of the House
Budget and Control Board meeting to determine DHHS Deficit Issue	February 8 <sup>th</sup> (Time TBA)
Full Ways and Means Budget Deliberations	Week of February 21 <sup>st</sup>
House Floor Budget Deliberations	Week of March 14 <sup>th</sup>
House Furlough Week	March 21 <sup>st</sup> – 25 <sup>th</sup>
House Furlough Week	April 18 <sup>th</sup> – 22 <sup>nd</sup> (Easter week)
May 1 <sup>st</sup> Crossover for Legislation	April 28, 2011 (May 1 <sup>st</sup> falls on Sunday)
Final day of the 2011 Legislative Session	June 2, 2011 (Thursday)

**Legislation of Interest – January 25<sup>th</sup> through January 27<sup>th</sup>**

Please take a moment to review the bills listed below and let us know if there are any you would like to track and receive updates on as they move through the legislative process. Feel free to call Ted, Hobart or Tara at (803) 799-9993 or email [tboone@rplfirm.com](mailto:tboone@rplfirm.com) with questions or comments.

**Children**

**Enact “Chandler’s Law” / ATV Safety - S. 448 (Word version) -- Senators Hutto, Fair, Jackson, Cleary, Land and Rankin:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT "CHANDLER'S LAW" SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, AND TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES. **Read the first time and referred to the**

**Committee on Fish, Game and Forestry.**

**Healthcare**

**Establish the South Carolina Health Information Exchange (SCHIEX) - [H. 3413](#) (Word version) -- Reps. Sandifer and Brady:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 140 TO TITLE 44 SO AS TO ESTABLISH THE SOUTH CAROLINA HEALTH INFORMATION EXCHANGE (SCHIEX), TO ESTABLISH THE SOUTH CAROLINA HEALTH INFORMATION EXCHANGE COUNCIL AS THE GOVERNING BODY OF SCHIEX TO OVERSEE AND GOVERN THE EXCHANGE OF HEALTH-RELATED INFORMATION THROUGH SCHIEX, TO PROVIDE FOR THE COUNCIL'S POWERS AND DUTIES, AND TO FURTHER PROVIDE FOR THE ELECTRONIC MOVEMENT OF HEALTH-RELATED INFORMATION THROUGH SCHIEX; AND TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURES, SO AS TO INCLUDE THE EXECUTIVE DIRECTOR OF SCHIEX IN THESE EXEMPTIONS. **Referred to Committee on Labor, Commerce and Industry.**

**Provider Rate Proviso / Prior Authorization Provisos / Others Suspended for FY 2010-2011 - [S. 434](#) (Word version) -- Senators Peeler and Bryant:** A JOINT RESOLUTION TO SUSPEND PROVISOS 21.11, 21.15, AND 21.20 OF PART IB, ACT 291 OF 2010, THE FISCAL YEAR 2010-2011 GENERAL APPROPRIATIONS BILL, AND TO SUSPEND A PORTION OF PROVISOR 89.87 PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM REDUCING PROVIDER RATES. **Read the first time and referred to the Committee on Finance.**

**Enact the "Cancer Treatment Fairness Act of 2011" / Oral Chemotherapy - [S. 456](#) (Word version) -- Senator Hayes:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-297 SO AS TO ENACT THE "CANCER TREATMENT FAIRNESS ACT OF 2011", TO REQUIRE INDIVIDUAL AND GROUP HEALTH PLANS AND HEALTH INSURERS TO PROVIDE COVERAGE FOR PRESCRIBED, ORALLY ADMINISTERED CHEMOTHERAPY ON A BASIS NO LESS FAVORABLE THAN COVERAGE OFFERED FOR INTRAVENOUSLY ADMINISTERED OR INJECTED CHEMOTHERAPY. **Read the first time and referred to the Committee on Banking and Insurance.**

**Enact the "Medical Malpractice Expert Testimony Act of 2011" - [H. 3477](#) (Word version) -- Rep. G. R. Smith:** A BILL TO AMEND SECTION 40-47-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL EXPERT WITNESSES, SO AS TO ENACT THE "MEDICAL MALPRACTICE EXPERT TESTIMONY ACT OF 2011", TO DELETE EXISTING LANGUAGE CONCERNING THE LICENSURE OF AN EXPERT MEDICAL WITNESS AND THE ABILITY OF THE BOARD OF MEDICAL EXAMINERS TO WAIVE A RELATED FEE, AND TO PROVIDE AN INDIVIDUAL NOT LICENSED TO PRACTICE MEDICINE IN SOUTH CAROLINA WHO PROVIDES EXPERT MEDICAL WITNESS TESTIMONY IN AN

ADMINISTRATIVE, CIVIL, OR CRIMINAL PROCEEDING IN THIS STATE MUST BE SUBJECT TO THE JURISDICTION OF THE BOARD OF MEDICAL EXAMINERS AS IF FULLY LICENSED AS A MEDICAL EXPERT WITNESS. **Referred to Committee on Judiciary. Also see [H.3402](#).**

**Prohibit the Dept. of Health and Human Services from Restricting Medicaid Coverage for Organ Transplants - [H. 3493](#) ([Word](#) version) -- Reps. Gilliard, Brantley, Clyburn, Anderson, Mack, Whipper, Dillard, Hosey, Jefferson, Parks and Sabb: A JOINT RESOLUTION TO PROHIBIT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM RESTRICTING ITS CURRENT COVERAGE OF ORGAN TRANSPLANTS UNDER THE MEDICAID PROGRAM. **Referred to Committee on Medical, Military, Public and Municipal Affairs.****

### **Higher Education**

**Enact the “South Carolina Higher Education Efficiency and Administrative Policies Act of 2011” - [H. 3410](#) ([Word](#) version) -- Reps. Owens, Cooper, Harrell, Branham, Limehouse, Atwater, Bikas, Govan, Loftis, Skelton, Taylor and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011"; TO AMEND SECTIONS 2-47-30, 2-47-35, 2-47-40, AND 2-47-50, AS AMENDED, RELATING THE JOINT BOND REVIEW COMMITTEE, SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY STATE AGENCIES AND FOR THE APPROVAL OF THESE PROJECTS; BY ADDING SECTION 2-47-53 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS, TO ALLOW THE COMMITTEE TO REQUEST ASSISTANCE WITH THE REVIEW OF PROJECTS, AND TO DEFINE PERMANENT IMPROVEMENT PROJECTS WITH RESPECT TO THOSE INSTITUTIONS; BY ADDING SECTION 2-47-54 SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO GROUND LEASE AGREEMENTS WITH A PRIVATE ENTITY AND TO PROVIDE REQUIREMENTS FOR THOSE AGREEMENTS; BY ADDING SECTION 59-53-168 SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH A TIERED SYSTEM FOR CATEGORIZING TECHNICAL COLLEGES WITH RESPECT TO FINANCIAL STRENGTH AND OTHER FACTORS BY WHICH TECHNICAL COLLEGES MAY APPLY FOR CERTAIN EFFICIENCY POLICIES GRANTED BY THE BOARD AND TO REQUIRE THE BOARD TO ESTABLISH AN ADVISORY BOARD AND REPORT TO THE GENERAL ASSEMBLY; TO AMEND SECTIONS 59-53-290, 59-53-630, 59-53-740, 59-53-1784, AND 59-53-2430, ALL RELATING TO LEASE AGREEMENTS OF TECHNICAL COLLEGES, SO AS TO PROVIDE FOR THE FAVORABLE REVIEW OF THE AGREEMENT BY THE JOINT BOND REVIEW COMMITTEE AND ITS APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL**

OF REAL PROPERTY TRANSACTIONS BY THE STATE BUDGET AND CONTROL BOARD AND ACCEPTANCE OF THE TRANSFER OF TANGIBLE PERSONAL PROPERTY BY A STATE ENTITY, SO AS TO EXEMPT CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY THESE INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTIONS 59-147-42 AND 59-147-43 AND TO AMEND SECTION 59-147-30, AS AMENDED, RELATING TO THE PROCEDURES FOR THE ISSUANCE OF REVENUE BONDS UNDER THE HIGHER EDUCATION REVENUE BOND ACT, ALL SO AS TO REVISE THESE PROCEDURES AND THE PURPOSES FOR WHICH THE BONDS MAY BE USED; BY ADDING ARTICLE 7 TO CHAPTER 101, TITLE 59 SO AS TO PROVIDE FOR CERTAIN PROVISIONS APPLICABLE TO BOND ACTS FOR INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 11-35-1210, AS AMENDED, RELATING TO CERTIFICATION OF THE BUDGET AND CONTROL BOARD TO ALLOW GOVERNMENTAL BODIES TO MAKE DIRECT PROCUREMENTS, SO AS TO PROVIDE FOR APPROVAL OF PROCUREMENT AUTHORITY BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION; TO AMEND SECTION 11-35-1550, AS AMENDED, RELATING TO SMALL PURCHASES UNDER THE CONSOLIDATED PROCUREMENT CODE AND BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED SMALL PURCHASES BY PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TO AUTHORIZE THESE INSTITUTIONS TO USE PURCHASING CARDS FOR THESE PURCHASES IN THE AMOUNT AUTHORIZED; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION, ARCHITECTURAL-ENGINEERING AND LAND SURVEYING SERVICES, SO AS TO RAISE THE PERMITTED AMOUNTS OF THESE CONTRACTS; TO AMEND SECTION 11-35-4810, AS AMENDED, RELATING TO COOPERATIVE PURCHASES OF PUBLIC ENTITIES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO ESTABLISH CERTAIN EXCEPTIONS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING IN REGARD TO NOTICE AND ELIGIBLE VENDORS; TO AMEND SECTION 1-7-170, RELATING TO THE REQUIRED APPROVAL OF THE ATTORNEY GENERAL BEFORE AN AGENCY OR DEPARTMENT OF THIS STATE MAY ENGAGE AN ATTORNEY AT LAW ON A FEE BASIS AND EXCEPTIONS TO THIS REQUIREMENT, SO AS TO ESTABLISH A SPECIAL APPROVAL PROCEDURE FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-101-55 SO AS TO PROVIDE THAT STATE APPROPRIATED FUNDS MAY NOT BE USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO LIMITATIONS ON EDUCATIONAL FEE WAIVERS OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO REVISE THESE LIMITATIONS FOR CERTAIN INSTITUTIONS AND TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS TO THE COMMISSION ON HIGHER EDUCATION IN REGARD TO THESE WAIVERS; BY ADDING SECTION 59-112-115 SO AS TO PROVIDE THAT WHEN THE GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE ONLY MAY BE IMPLEMENTED BY THE INSTITUTION AFTER A PUBLICALLY RECORDED ROLL CALL

VOTE, AND A MAJORITY VOTE SHALL BE REQUIRED TO IMPLEMENT ANY CHANGE TO THE TUITION OR FEES, AND TO PROVIDE REPORTING REQUIREMENTS; AND TO AMEND SECTION 1-11-55, RELATING TO LEASING OF REAL PROPERTY FOR GOVERNMENTAL BODIES, SO AS TO ALLOW PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ENTER INTO LEASE AGREEMENTS UP TO ONE HUNDRED THOUSAND DOLLARS ANNUALLY UPON APPROVAL BY THE INSTITUTIONAL BOARDS. **Referred to Committee on Education and Public Works.**

### **K-12 Education**

**Numerous Changes to the Education Finance Act – Recommendation from the Senate Select Committee on K-12 Funding - [S. 433 \(Word version\)](#) -- Senators Hayes, Jackson, Setzler, Matthews, Rankin, Courson, Fair and Davis:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1125 SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS THAT PROVIDE A SYSTEM FOR GRANTING SCHOOL DISTRICTS EXEMPTION FROM BOARD REGULATIONS, AND TO PROVIDE WHAT THE REQUEST FOR EXEMPTION MUST INCLUDE AND WHO SHALL MAKE THE REQUEST; TO AMEND CHAPTER 20, TITLE 59, RELATING TO THE EDUCATION FINANCE ACT, SO AS TO REVISE DEFINITIONS; TO REVISE THE METHOD OF CALCULATING THE INDEX OF TAXPAYING ABILITY FOR FISCAL YEARS 2011-2012, 2012-2013, AND 2013-2014 AND BEYOND BY IMPUTING AN INDEX VALUE FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY ASSESSED AT FOUR PERCENT OF VALUE; TO REVISE PURPOSES OF THE CHAPTER; TO REVISE STUDENT CLASSIFICATION WEIGHTINGS AND TO INCLUDE A WEIGHTING FOR YOUNG ADULT EDUCATION AND ADD-ON WEIGHTINGS FOR GIFTED AND TALENTED PUPILS, ACADEMIC ASSISTANCE, POVERTY, LIMITED ENGLISH PROFICIENCY PUPILS, AND PUPILS ENROLLED IN VIRTUAL OR BRICK AND MORTAR CHARTER SCHOOLS SPONSORED BY THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT; TO PROVIDE THE CALCULATION FOR WHAT THE STATE SHALL ALLOCATE TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT; TO ALLOW SCHOOL DISTRICTS TO TRANSFER AND EXPEND CERTAIN FUNDS UPON CERTAIN CONDITIONS, TO ALLOW DISTRICTS TO CARRY FORWARD UNEXPENDED FUNDS, AND TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO REQUIRE SCHOOL DISTRICTS TO MAINTAIN TRANSACTION REGISTERS ON THEIR WEBSITES, TO PROVIDE WHAT THE REGISTER MUST INCLUDE, TO REQUIRE DISTRICTS TO POST ON THEIR WEBSITES MONTHLY STATEMENTS FOR ALL DISTRICT CREDIT CARDS, AND TO REQUIRE THE COMPTROLLER GENERAL TO POST ON ITS OWN WEBSITE DISTRICT TRANSACTION REGISTERS FOR DISTRICTS THAT DO NOT MAINTAIN THEIR OWN WEBSITES, AND TO DISTRIBUTE A METHODOLOGY FOR COMPLIANCE WITH THE TRANSACTION REGISTER PROVISION; TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH A FRAMEWORK WHEREBY A DISTRICT MAY IMPLEMENT AN INCENTIVE COMPENSATION SYSTEM FOR TEACHERS; TO REVISE THE DATE BY WHICH SCHOOL IMPROVEMENT COUNCIL REPORTS MUST BE PROVIDED AND

ADVERTISED; AND TO DELETE OBSOLETE REFERENCES; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES TO CHARTER SCHOOLS, SO AS TO PROVIDE THAT STATE FUNDS MUST BE DISTRIBUTED TO CHARTER SCHOOLS BASED ON THE TOTAL WEIGHTED PUPIL UNITS DERIVED FROM STUDENTS ENROLLED IN THAT SCHOOL; AND TO REPEAL SECTIONS 59-18-1110 AND 59-18-1120 BOTH RELATING TO FLEXIBILITY OF EXEMPTION FROM REGULATIONS AND STATUTES. **Read the first time and referred to the Committee on Education. Also see [H.3013](#).**

**Snacks Sold for Student Consumption in Schools / Nutrition - [S. 452](#) (Word version) -- Senators Jackson, Fair, Hutto and Ford:** A BILL TO AMEND SECTION 59-10-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SNACKS SOLD FOR STUDENT CONSUMPTION IN SCHOOLS, SO AS TO PROVIDE FOR FAT, CALORIE, AND SUGAR CONTENT STANDARDS THAT SNACK FOOD AND BEVERAGES MUST MEET IN ORDER TO BE SOLD IN SCHOOLS, DEFINE THE TERM "REGULAR SCHOOL DAY", AND TO ALLOW A SCHOOL DISTRICT TO SET STRICTER STANDARDS; BY ADDING SECTION 59-10-345 SO AS TO PROVIDE NUTRITIONAL REQUIREMENTS THAT ELEMENTARY, MIDDLE, AND HIGH SCHOOLS MUST FOLLOW FOR FULL MEALS FOR STUDENT CONSUMPTION AND TO REGULATE PORTION SIZE FOR A LA CARTE ITEM SALES; AND TO AMEND SECTION 59-10-380, RELATING TO FOOD OR BEVERAGE ITEMS SOLD AS A FUNDRAISER, SO AS TO SPECIFICALLY EXCLUDE FUNDRAISERS FROM THE NUTRITIONAL REQUIREMENTS. **Read the first time and referred to the Committee on Education. Also see [S.227](#) and [H.3214](#).**

**Enact the "South Carolina Classroom Priority Act" - [H. 3484](#) (Word version) -- Rep. Stavrinakis:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CLASSROOM PRIORITY ACT" BY ADDING SECTION 59-17-160 SO AS TO PROVIDE THAT AT LEAST SIXTY-FIVE PERCENT OF THE EDUCATION OPERATIONAL EXPENDITURES OF EACH SCHOOL DISTRICT MUST BE USED FOR CLASSROOM INSTRUCTIONAL EXPENDITURES, TO PROVIDE THAT EACH SCHOOL DISTRICT SHALL SUBMIT ITS PROPOSED BUDGET TO THE STATE SUPERINTENDENT OF EDUCATION WITH THE ACTUAL PERCENTAGE OF ITS EDUCATION OPERATIONAL EXPENDITURES USED FOR CLASSROOM INSTRUCTION, TO PROVIDE FOR A WAIVER, TO PROVIDE THAT THE GOVERNING BODY IN A COUNTY MAY AMEND THE FISCAL YEAR BUDGET OF A SCHOOL DISTRICT WITHIN THE COUNTY UPON A FINDING BY THE STATE SUPERINTENDENT OF EDUCATION THAT A SCHOOL DISTRICT HAS DEMONSTRATED BLATANT DISREGARD FOR THESE REQUIREMENTS, TO PROVIDE THAT THE SUPERINTENDENT OF EDUCATION SHALL DEVELOP MODEL PLANS AND THE STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS TO AID IN THE IMPLEMENTATION OF THESE REQUIREMENTS, AND TO DEFINE CERTAIN TERMS. **Referred to Committee on Ways and Means.**

### Local Government

**Special Purpose Districts – Include Provision of Emergency Medical and Rescue Response Services as an Authorized Purpose for Establishment - [H. 3417](#) (Word version) -- Rep. Funderburk:** A BILL TO AMEND SECTION 6-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY TO ESTABLISH SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICTS, SO AS TO INCLUDE THE PROVISION OF EMERGENCY MEDICAL AND RESCUE RESPONSE SERVICES AS AN AUTHORIZED PURPOSE FOR WHICH A SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT MAY BE ESTABLISHED. **Referred to Committee on Judiciary.**

**Require Local Governments, etc. to file Periodic Expenditure Reports - [S. 435](#) (Word version) -- Senator Elliott:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO REQUIRE LOCAL GOVERNMENTAL ENTITIES, AGENCIES, ORGANIZATIONS, OR INDIVIDUALS THAT RECEIVE, COLLECT, OR SPEND PUBLIC FUNDS DERIVED FROM STATE OR LOCAL TAX REVENUE TO FILE PERIODIC EXPENDITURE REPORTS WITH THE STATE OR LOCAL GOVERNMENTAL ENTITY OR AGENCY THAT PROVIDED, COLLECTED OR SPENT THE PUBLIC FUNDS. **Read the first time and referred to the Committee on Finance.**

**Business License Tax Assessment – Appeal Process / SC Revenue Procedures Act is Intended to Resolve Disputes - [H. 3472](#) (Word version) -- Rep. Sandifer:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 14, TO CHAPTER 60, TITLE 12 SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THE PROCESS BY WHICH A TAXPAYER MAY OBJECT TO A BUSINESS LICENSE TAX ASSESSMENT, TO PROVIDE THE PROCESS BY WHICH THE ASSESSMENT MAY BE APPEALED, AND TO PROVIDE THE PROCESS BY WHICH AN ASSESSMENT MAY BE REFUNDED; AND TO AMEND SECTION 12-60-20, AS AMENDED, RELATING TO THE INTENT OF THE SOUTH CAROLINA REVENUE PROCEDURES ACT, SO AS TO PROVIDE THAT THE SOUTH CAROLINA REVENUE PROCEDURES ACT ALSO IS INTENDED TO RESOLVE DISPUTES CONCERNING BUSINESS LICENSE TAX ASSESSMENTS. **Referred to Committee on Ways and Means.**

### State Government

**Other Funds Oversight Committee - [S. 419](#) (Word version) -- Senators Setzler, Thomas, Fair and Bryant:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-240 SO AS TO CREATE THE OTHER FUNDS OVERSIGHT COMMITTEE TO REVIEW AND EXAMINE THE SOURCE OF OTHER FUNDS IN THIS STATE AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY, TO PROVIDE FOR ITS MEMBERSHIP, TO PROVIDE THAT ALL AGENCIES MUST

COOPERATE WITH THE COMMITTEE, AND TO REQUIRE THE STATE BUDGET OFFICE TO NOTIFY THE COMMITTEE OF ANY REQUEST FOR AN INCREASE IN INTERIM BUDGET AUTHORIZATION. **Read the first time and referred to the Committee on Finance. Also see [H.3456](#).**

**Establish the Dept. of Alcohol and Other Drug Abuse Services under the Dept. of Mental Health - [H. 3421](#) ([Word](#) version) -- Rep. White:** A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEPARTMENTS OF EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF MENTAL HEALTH, SO AS TO ESTABLISH WITHIN THAT DEPARTMENT THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE FUNCTIONS OF THE FORMER DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO RECONSTITUTE THAT DEPARTMENT AS A DIVISION OF THE DEPARTMENT OF MENTAL HEALTH UNDER THE ADMINISTRATION OF THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH; TO REPEAL SECTION 1-30-20 RELATING TO THE FUNCTIONS TRANSFERRED TO THE FORMER DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO PROVIDE THAT THE PROVISIONS OF THIS ACT TAKE EFFECT JULY 1, 2011, AND TO PROVIDE TRANSACTION PROVISIONS. **Referred to Committee on Judiciary.**

**Organize the Educational Television Commission under the Dept. of Education - [H. 3437](#) ([Word](#) version) -- Rep. Crawford:** A BILL TO AMEND CHAPTER 7, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATIONAL TELEVISION COMMISSION, SO AS TO DISSOLVE THE BOARD OF THE SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION, ORGANIZE THE COMMISSION AS A DIVISION OF THE DEPARTMENT OF EDUCATION, AND MAKE CONFORMING CHANGES. **Referred to Committee on Education and Public Works.**

**Establish the Self-Directed Semi-Independent Agency Pilot Project - [H. 3442](#) ([Word](#) version) -- Reprs. Erickson, Patrick, Loftis and Long:** A JOINT RESOLUTION TO ESTABLISH THE SELF-DIRECTED SEMI-INDEPENDENT AGENCY PILOT PROJECT SO AS TO CREATE CERTAIN PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS AS SEPARATE AND DISTINCT INDIVIDUAL STATE AGENCIES TO THE EXTENT PROVIDED FOR IN THIS JOINT RESOLUTION AS OF JUNE 30, 2011, TO PROVIDE FOR THEIR POWERS AND DUTIES WITH REGARD TO THEIR FISCAL, REGULATORY, AND OPERATIONAL RESPONSIBILITIES, AND TO PROVIDE THAT THIS JOINT RESOLUTION IS REPEALED SEPTEMBER 1, 2015, UNLESS EXTENDED BY THE GENERAL ASSEMBLY. **Referred to Committee on Labor, Commerce and Industry.**

**Require Recycling of Alcoholic Beverage Containers / Permits Allowing On-Premises Consumption of Alcohol - [S. 461](#) ([Word](#) version) -- Senators Cleary and Sheheen:** A

BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-2-85, SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON-PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO AMEND SECTION 61-2-90, RELATING TO REQUIRING AN APPROVED RECYCLING PLAN TO BE INCLUDED IN A PERMIT APPLICATION FOR ON-PREMISES CONSUMPTION; AND TO AMEND SECTION 6-4-20, RELATING TO THE USE OF ACCOMMODATIONS TAXES, SO AS TO PROVIDE FOR FUNDING FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MODEL RECYCLING PROGRAM. **Read the first time and referred to the Committee on Judiciary.**

### **Taxation**

**Applicant for 4% Assessment Ratio / Legal Residence - [S. 424 \(Word version\)](#) -- Senators Hayes, Hutto, Grooms, Land and O'Dell:** A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO REQUIRE AN APPLICANT FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ALLOWED ON OWNER-OCCUPIED RESIDENTIAL PROPERTY TO PROVIDE THE SOCIAL SECURITY NUMBERS OF THE OWNERS AND MEMBERS OF THEIR HOUSEHOLD, TO CLARIFY THE LEGAL RESIDENT CERTIFICATION REQUIRED IN THAT APPLICATION, TO DEFINE "LEGALLY SEPARATED" FOR PURPOSES OF THAT CERTIFICATE, TO PROVIDE THAT THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY APPLIES TO THE VALUE REPRESENTING THE TAXPAYER'S OWNERSHIP INTEREST IN THE RESIDENCE WHEN THAT INTEREST WAS ACQUIRED BY DEED AND PROVIDE EXCEPTIONS FOR MARRIED PERSONS AND PERSONS LEGALLY SEPARATED, TO PROVIDE THAT THE HOMESTEAD EXEMPTION FROM PROPERTY TAX MILLAGE IMPOSED FOR SCHOOL OPERATIONS ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY APPLIES ONLY TO THE VALUE ATTRIBUTABLE TO THE TAXPAYER'S OWNERSHIP INTEREST SUBJECT TO THE EXCEPTION FOR MARRIED PEOPLE AND SURVIVING SPOUSES, AND TO ALLOW A COUNTY ASSESSOR TO REQUIRE TAXPAYERS OWNING RESIDENTIAL PROPERTY RECEIVING THE SPECIAL FOUR PERCENT ASSESSMENT RATIO TO REQUALIFY THE PROPERTY PERIODICALLY, BUT NOT MORE THAN ONCE IN THREE YEARS. **Read the first time and referred to the Committee on Finance.**

**Imposition of an "Equivalent Millage" for Municipal Property in Multiple Counties - [S. 428 \(Word version\)](#) -- Senators Hayes, Hutto, Grooms, Land and O'Dell:** A BILL TO AMEND SECTION 12-37-251, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CALCULATION OF ROLLBACK MILLAGE USED IN THE YEAR OF

IMPLEMENTATION OF A COUNTYWIDE REASSESSMENT PROGRAM, SO AS TO REVISE THE METHOD OF CALCULATING ROLLBACK MILLAGE AND TO PROVIDE FOR THE IMPOSITION OF AN "EQUIVALENT MILLAGE" FOR MUNICIPAL PROPERTY TAX WHEN MUNICIPAL BOUNDARIES EXTEND INTO MULTIPLE COUNTIES ON DIFFERENT REASSESSMENT SCHEDULES. **Read the first time and referred to the Committee on Finance.**

**Enact the "Taxpayer Fairness Act" / Dept. of Revenue Interpretation of Statutes - [H. 3419](#) (Word version) -- Reps. Merrill and Bingham:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "TAXPAYER FAIRNESS ACT" BY ADDING SECTION 12-4-397 SO AS TO PROVIDE THE MANNER IN WHICH THE SOUTH CAROLINA DEPARTMENT OF REVENUE MUST INTERPRET TAX STATUTES OF THIS STATE, TO PROVIDE THAT TERMS IN THE TAX STATUTES OF THIS STATE MAY NOT BE GIVEN BROADER MEANING THAN INTENDED BY POLICY DOCUMENTS AND REGULATIONS OF THE DEPARTMENT OF REVENUE, TO PROVIDE THAT AMBIGUITY IN TAX STATUTES MUST BE RESOLVED IN FAVOR OF THE TAXPAYER, TO REQUIRE THE DEPARTMENT TO REPORT AMBIGUITIES TO CERTAIN MEMBERS OF THE GENERAL ASSEMBLY, AND TO DEFINE "TAX STATUTES OF THIS STATE". **Referred to Committee on Ways and Means. Also see [S.11](#).**

**Enact the "South Carolina Angel Investment Act of 2011" - [S. 460](#) (Word version) -- Senator Thomas:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE "SOUTH CAROLINA ANGEL INVESTMENT ACT OF 2011" BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS ALLOCATED BY THE DEPARTMENT OF COMMERCE FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, AND TO MAKE THE CREDIT TRANSFERABLE. **Read the first time and referred to the Committee on Finance. Also see [H.3044](#) and [H.3270](#).**

**Delete Phase-In Requirement for DME Sales Tax Exemption - [H. 3488](#) (Word version) -- Reps. Bingham and Harrell:** A BILL TO AMEND ACT 99 OF 2007, RELATING TO THE ADDITION OF A SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND THE PHASE IN OF THAT EXEMPTION, SO AS TO DELETE THE PHASE IN REQUIREMENTS; AND TO AMEND SECTIONS 12-36-90, 12-36-910, 12-36-1310, AND 12-36-2120, ALL AS AMENDED, RELATING TO THE IMPOSITION OF AND EXEMPTIONS FROM THE SALES AND USE TAX, SO AS TO PROVIDE FURTHER FOR THOSE INSTANCES WHERE SALES AND USE TAX APPLIES IN CONNECTION WITH WARRANTIES AND SERVICE MAINTENANCE CONTRACTS SOLD IN CONNECTION WITH THE SALE OF

TANGIBLE PERSONAL PROPERTY. Referred to Committee on Ways and Means.

**Tobacco**

**Unlawful to Smoke in a Vehicle with a Child - H. 3427 (Word version) -- Reps. Clyburn, Brantley, Jefferson, Hosey, Whipper, Parker, Gilliard, Allen, Anderson, G. A. Brown and R. L. Brown:** A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3910 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OR OCCUPANT OF A MOTOR VEHICLE TO SMOKE A TOBACCO PRODUCT WHILE A CHILD OF PRESCHOOL AGE IS ALSO AN OCCUPANT OF THE MOTOR VEHICLE, AND TO PROVIDE A PENALTY. Referred to Committee on Judiciary.

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