



Fact Sheet

South Carolina Policy Council

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Legislation Passed Without a Roll Call Vote in the Senate

In 2009 and 2010 the Senate recorded only [20 percent of its votes](#) on measures with the force of law – far less than the House. Combined, the two chambers recorded only [25 percent of votes](#). This [lack of transparency](#) should be contrasted with other states – 45 of which require a recorded vote on every bill that becomes law.

This week the Senate unanimously passed a rule change ([S 9](#)) requiring more on the record voting. The change applies only to the Senate and lacks the permanence a statutory reform would bring.

[See here](#) for a detailed analysis of this bill and other roll call voting proposals.

In the meantime, the House has passed both a rule change (H 3001) and a statutory reform (H 3004) requiring on-the-record voting.

While the results of the Senate's procedural revision remain to be seen, the message is that roll call voting is not important enough to merit a statutory change, or even a constitutional amendment. But if knowing how lawmakers vote is fundamental to good government, this right should be articulated and defended in law. To do otherwise is to abuse the basic code of trust upon which democratic government depends.

As the list of statutes below indicates, this trust has been sorely abused. Significant laws that didn't receive a recorded vote in the Senate range from multimillion dollar economic incentives deals to the creation of new state agencies to the imposition of new fees and regulatory burdens. Meanwhile, South Carolina suffers from one of the highest unemployment rates in the nation, virtually no [economic growth over the past 10 years](#), and an educational system that is failing our children.

You be the judge as to whether these laws were important enough to receive a roll call vote.

Legislation from 118th Session (2009-2010) Passed Without a Senate Roll Call Vote

Economic Incentives Deals/Tax Exemptions

H 3130: Boeing Economic Incentives Deal

This law appropriates some [\\$500 million in economic incentives](#) to airline manufacturer Boeing to expand its operations in Charleston. The law contains [few clawback protections](#) should Boeing fail to meet its job creation targets. Moreover, Boeing later acknowledged it likely would have expanded [without the corporate welfare](#) package – in order to take advantage of South Carolina's favorable right-to-work laws.

S 1131: FILOT for Nuclear Plants

This law extends fee-in-lieu of property tax (FILOT) breaks to qualifying nuclear facilities that require a minimum investment of \$1 billion. Investors have 15 years to meet the threshold.

S 700: USC Innovista Construction

This joint resolution authorizes the University of South Carolina to build a new business school facility in the Innovista district. Current buildings at Innovista are only partially full, and the facility includes no private business tenants, despite tens of millions of taxpayer dollars invested in the project. Construction will be funded via bond revenue – thanks to the passage of separate legislation (H 3664) lifting certain restrictions on higher-ed revenue bond financing.

H 3482: Targeted Property Tax Exemption

This legislation exempts air carriers operating a hub terminal facility in South Carolina from paying the property tax on personal property, including aircraft. The measure applies to property tax years after 2006. (Only the amended version of this bill received a roll call vote in the Senate.)

H 4511: Rural Infrastructure Act

This law creates the S.C. Rural Infrastructure Authority to distribute grants and loans to subsidize infrastructure projects in rural areas with the aim of promoting economic development. (Only veto override received a roll call vote in both chambers.)

S 915: Community Economic Development Act

This law reauthorizes the S.C. Community Economic Development Act (CEDA) for another five years, until June 30, 2015. (Only the amended version of this bill received a roll call vote in the House.)

H 3018: Property Tax Exemption

This measure provides a property tax exemption for a newly constructed detached single family home. (Only veto override received a roll call vote in both chambers.)

S 278: Tax Penalty Waiver

This joint resolution permits counties to waive or reduce tax penalties related to the payment of real property taxes for tax years 2008 and 2009 if full payment is made by April 15 of the applicable tax year.

*Restructuring***H 3442: Department of Workforce**

This law creates an executive-level agency, the Department of Workforce, to take over the functions of the Employment Security Commission (ESC). Previously, the ESC operated under the oversight of three former legislators elected to the commission by the General Assembly. (This law received a roll call vote in the House.)

*New Fines/Fees and Regulatory Burdens***H 3452: Regulation of Micro-Distilleries**

This law enacts additional regulations on the manufacture of alcoholic liquors, including micro-distilleries. In particular, the law increases biennial license fees for manufacturers from \$1,000 to \$50,000; and also introduces a new biennial license fee of \$5,000 for micro-distilleries. (Only the amended version of this bill received a roll call vote in the House.)

S 1340: Fishing Fees and Water Regulations

This law establishes regulations, licensing and fees pertaining to fishing – in particular, commercial fishing; it also provides for regulations regarding bodies of water.

S 166: Billboard Removal and Fee Increase

This joint resolution authorizes the Department of Transportation (DOT) to develop an outdoor advertising control pilot project aimed at eliminating what the Federal Highway Administration describes as nonconforming billboards. The resolution permits the DOT to charge application, annual, or other reasonable fees necessary to defray the administrative costs of implementing the program.

S 630: Motor Vehicle Manufacturer/Franchise Regulations

This legislation regulates dealings between motor vehicle manufacturers and their dealers. Among other things, the measure makes it illegal to require a franchise to change location without demonstrating the change is reasonable; the law also makes it illegal to force dealers to refrain from selling other makes or lines of motor vehicles and sets terms for compensation upon termination of a franchise. This law did not receive a recorded vote in either the House or the Senate; however, Senator Glen McConnell (R-Charleston) asked to be recorded as voting against the measure.

H 3550: Building Code Restrictions

This legislation requires all new buildings and additions to adhere to the 2006 International Energy Conservation Code (IECC), the most recent version of which includes several expensive energy-saving requirements – for example, that 50 percent of all permanent light fixtures be high-efficacy lamps. The change was apparently prompted by a new federal mandate (§ 410) passed as part of the American Recovery and Reinvestment Act.

S 673: S.C. Mortgage Lending Act

As required by Title V of the Housing and Economic Recovery Act of 2008, this law requires that mortgage lenders be licensed by the state and registered as part of the Nationwide Mortgage Licensing System and Registry. Licensing fees range from a filing fee of \$1,000 for a mortgage lender to \$50 for a loan originator. The legislation also regulates various practices related to the home lending market. (This law received a roll call vote in the House.)

S 453: Livestock and Poultry Regulations

This measure clarifies that local governments may not enact regulations pertaining to the care and handling of livestock and poultry. The law also stipulates that only property owners and residents within a two-mile radius of a permitted livestock or poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of Health and Environmental Control pertaining to the facility. (This law received a roll call vote in the House; only veto override received a roll call vote in both chambers.)

H 3794: Regulations Pertaining to Wildlife Management Areas

This law includes Heritage Trust areas as part of the lands under management by the S.C. Department of Natural Resources. The measure also greatly expands the department's regulatory authority over activities (swimming, camping, hunting, etc.) that may occur within wildlife management areas and increases penalties for violating these regulations. (Only the amended version of this bill received a roll call vote in the House.)

H 3919: Establish Housing Commission

This legislation establishes the S.C. Housing Commission to provide recommendations to the governor and the General Assembly on an annual basis to ensure and foster the availability of safe, sound, and affordable housing and workforce housing for every South Carolinian. The members of

the commission are to be entirely selected by the Legislature. (Only veto override received a roll call vote in both chambers.)

H 3022: Uniform Expungement of Criminal Records

This law provides for the expungement of criminal records under certain conditions and requires that a \$250 application fee be charged to defray costs of the process.

H 3615: Increased Fines for Funeral Contract Fraud

Among other things, this legislation increases the criminal fine for violations related to preneed funeral contracts from an original baseline of \$500-\$1,000 to \$1,000-\$5,000.

H 3013: Increase Fine for Removal of Livestock Enclosure

This law increases the fine for removing or leaving open a livestock enclosure from \$30 to \$1,000 and increases potential jail time for such an offense to 30 days. (Only the amended version of this bill received a roll call vote in the House.)

H 3042: Mixed Martial Arts

This law makes the combative sport of mixed martial arts legal in South Carolina and regulates it accordingly. (This law received a roll call vote in the House.)

*Health Care***H 4446: Immunization Registry**

This law authorizes the Department of Health & Environmental Control to establish a statewide immunization registry.

S 168: Good Samaritan Law

This law broadens the Good Samaritan Law to encourage physicians to volunteer their services without fear of being sued unless there is an act of gross negligence or willful misconduct.

S 390: Mental Health Parity Coverage Mandate

In response to federal legislation requiring mental health parity for large employer group plans, this law requires insurance plans that offer mental health or substance abuse benefits to provide those benefits at levels equivalent to medical and surgical benefits. The law caps increased costs arising from such coverage at 2 percent the first year and 1 percent thereafter. That being said, this legislation unintentionally provides an incentive for group health plans to drop mental health coverage altogether.

H 4405: Allow FQHC to Dispense Drugs

This law allows “federally qualified health centers” (FQHC) to dispense drugs and operate a retail pharmacy. A state licensed pharmacist would serve as a consultant in the process. (Only the amended version of this bill received a roll call vote in the House.)

*Debt***H 3664: Higher-ed Bonds**

This legislation repeals limitations on the ability of higher educational institutions to issue certain types of revenue bonds. The law also allows universities to use revenue bonds to fund any type of academic facility, subject to approval by the General Assembly. In short, this measure facilitates the financing of the new USC business school at the Innovista Campus.

H 3148: Qualified School Construction Bonds

Owing to changes in federal law made as part of the American Recovery and Reinvestment Act, this legislation permits local school districts to issue a new type of bond designated as a Qualified School Construction Bond (QSCB). The interest rate of the bond will be at or near zero, but the bond will provide its holder with a federal income tax credit. In other words, this legislation allocates federal dollars (approximately \$131 million for South Carolina) for local school construction. For constitutional purposes (X, 15), however, the bond obligations will be treated as state general obligation debt. (Only the amended version of this bill received a roll call vote in the House.)

Other

S 155: Military Parent Equal Protection

This legislation pertains to child custodial and visitation rights and provides various protections for parents absent owing to military service.

H 3311: Responsible Father Registry

This law streamlines the adoption process by creating a responsible father registry through which unmarried biological fathers may file a paternity claim. Failure to register constitutes a waiver of the father's right to notice of proceedings regarding the termination of parental rights. (This law received a roll call vote in the House.)

S 364: Volunteer Firefighter Funding

This law creates the Volunteer Strategic Assistance and Fire Equipment Program to provide grants to volunteer and combination-volunteer fire departments, with 2 percent of total funding going to the S.C. State Firefighters' Association. Funding for the program is contingent upon separate approval by the General Assembly. (Only veto override received a roll call vote in both chambers.)

H 3087: Sex Offender Restrictions

This measure prohibits local governments from passing any ordinance that expands or contracts the boundaries of an area where a convicted sex offender may reside. (Only veto override received a roll call vote in both chambers.)

For real-time updates on legislative issues, visit us at sccapitolvotes.org

*Nothing in the foregoing should be construed as an attempt to aid or hinder passage of any legislation.
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