

## 2010 Prefiled Bills Relating to Higher Education

January 7, 2010

The 2010 Legislative Session opens next week on January 12, 2010. This session is the second year of the two-year continuing session of the 118<sup>th</sup> South Carolina General Assembly.

Below are available summaries of new legislation that has been prefiled for the 2010 session relating to higher education or that may be of interest for higher education. The listing is not intended to be complete and additional information may be accessed as indicated below on the General Assembly's website. The summaries provided are abstracts prepared by Legislative Council and are included at the beginning of each bill. Following each bill summary is the committee to which the bill has been referred. If you would like to have a copy of the full bill or would like to discuss any particular point, please contact Julie Carullo.

As a reminder, legislation which was not passed last session continues over for consideration this session. A summary tracking report as to the status of some of the legislation followed last year will be posted shortly. Information on bills and summary reports will be posted regularly during the session. A direct link to information postings on CHE's website, see <http://www.che.sc.gov/Home/CHELegislativeUpdates/LegislativeSession2009.aspx>. This link is accessible from the Commission's home page.

For additional details and information, the General Assembly's website is [www.scstatehouse.gov](http://www.scstatehouse.gov).

### HOUSE BILLS

On November 17, December 1, and December 15, a total of 120 bills were prefiled in the House. The full listing is available at <http://www.scstatehouse.gov/html-pages/prefil09.htm>. The following relate to higher education:

[H. 4173 \(Word version\)](#) -- Rep. Limehouse: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 10-1-215 SO AS TO PROVIDE THAT AT THE REQUEST OF THE LEGISLATIVE DELEGATION OF A COUNTY IN WHICH AN HISTORIC OR ARCHITECTURALLY SIGNIFICANT BUILDING OR STRUCTURE IN NEED OF REPAIR IS LOCATED, WHICH IS OWNED BY A STATE AGENCY OR DEPARTMENT OR BY A PROGRAM OR TRUST ADMINISTERED BY THE AGENCY OR DEPARTMENT, THE AGENCY SHALL PRESENT WITHIN NINETY DAYS OF THE REQUEST A PLAN OF RENOVATION TO THE DELEGATION AND TO THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE IF ADDITIONAL FUNDING IS NEEDED TO COMPLETE THE RENOVATIONS.

Referred to Committee on Ways and Means

[H. 4176 \(Word version\)](#) -- Rep. King: A JOINT RESOLUTION TO IMPOSE A MORATORIUM ON REIMBURSEMENTS PAID IN CONNECTION WITH ALL NONESSENTIAL STATE EMPLOYEE TRAVEL AND ASSOCIATED MEALS AND LODGING THROUGH JUNE 30, 2010, AND TO PROVIDE THAT THE OFFICE OF HUMAN RESOURCES OF THE STATE BUDGET AND CONTROL BOARD SHALL PUBLISH GUIDELINES DEFINING ESSENTIAL TRAVEL QUALIFYING FOR REIMBURSEMENT.

Referred to Committee on Ways and Means

[H. 4195 \(Word version\)](#) -- Rep. H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 111, TITLE 59 TO ENACT THE "SOUTH CAROLINA RURAL PRIMARY CARE PHYSICIAN LOAN REPAYMENT PROGRAM" SO

AS TO CREATE A LOAN REPAYMENT PROGRAM FOR LICENSED PRIMARY CARE PHYSICIANS WHO PRACTICE IN RURAL AREAS WITHIN THE STATE, TO PROVIDE FOR A PROGRAM ADVISORY BOARD, TO PROVIDE CRITERIA BY WHICH PHYSICIANS MAY BE SELECTED, TO PROVIDE PENALTIES FOR NONCOMPLIANCE WITH THE PROGRAM, TO PROVIDE FOR THE APPROPRIATION OF FUNDS FOR THE PROGRAM, AND TO DEFINE CERTAIN TERMS.

Referred to Committee on Ways and Means

[H. 4197](#) ([Word](#) version) -- Rep. Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-505 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO RELEASE HIGH SCHOOL GRADUATION RATE DATA BASED ON RACE OR ETHNICITY BY SEPTEMBER FIRST OF EACH YEAR; TO AMEND SECTIONS 59-1-450, 59-1-452, AS AMENDED, 59-1-453, 59-6-10, 59-16-70, 59-18-120, AS AMENDED, 59-18-310, AS AMENDED, 59-18-320, AS AMENDED, 59-18-350, AS AMENDED, 59-18-900, AS AMENDED, 50-18-920, AS AMENDED, 59-18-950, 59-18-1500, AS AMENDED, 59-18-1510, AS AMENDED, 59-18-1530, AS AMENDED, 59-18-1540, AS AMENDED, 59-18-1570, AS AMENDED, 59-18-1590, AS AMENDED, 59-18-1700, AS AMENDED, 59-18-1930, AS AMENDED, 59-21-440, 59-21-600, 59-21-1210, 59-24-65, 59-26-20, AS AMENDED, 59-28-150, 59-28-190, 59-28-200, AS AMENDED, 59-28-210, 59-29-170, 59-29-220, 59-40-70, AS AMENDED, 59-40-230, 59-50-20, AS AMENDED, 59-59-170, 59-63-65, 59-139-10, 59-139-40, 59-139-60, AND 59-150-325, ALL RELATING TO THE EDUCATION OVERSIGHT COMMITTEE, TO CHANGE CERTAIN REFERENCES FROM THE EDUCATION OVERSIGHT COMMITTEE TO THE DEPARTMENT OF EDUCATION, THE STATE BOARD OF EDUCATION, OR THE SUPERINTENDENT OF EDUCATION, AND TO DELETE CERTAIN REFERENCES TO THE EDUCATION OVERSIGHT COMMITTEE; TO REPEAL SECTIONS 59-6-15, 59-6-16, 59-6-17, 59-6-20, 59-6-30, 59-6-100, AND 59-6-110 ALL RELATING TO THE BUSINESS EDUCATION PARTNERSHIP AND EDUCATION IMPROVEMENT PROGRAM MONITORING; TO REPEAL SECTION 59-21-1220 RELATING TO THE CAMPUS INCENTIVE PROGRAM; TO REPEAL SECTIONS 59-24-100 AND 59-24-110 BOTH RELATING TO THE SCHOOL PRINCIPAL INCENTIVE PROGRAM; TO REPEAL SECTION 59-28-220 RELATING TO RECOMMENDATIONS FOR EMPLOYER TAX CREDIT INCENTIVES; TO REPEAL SECTION 59-139-50 RELATING TO A PLAN FOR TECHNICAL ASSISTANCE; AND TO REPEAL SECTION 59-141-10 RELATING TO NATIONAL EDUCATION GOALS.

Referred to Committee on Education and Public Works

[H. 4227](#) ([Word](#) version) -- Rep. Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-104-63 SO AS TO ABOLISH THE STATE COMMISSION ON HIGHER EDUCATION AND TO DEVOLVE ITS POWERS AND DUTIES TO THE INDIVIDUAL COLLEGE BOARDS OF TRUSTEES OF THIS STATE, EXCEPT FOR ITS POWERS AND DUTIES CONCERNING SCHOLARSHIPS AND GRANTS, WHICH MUST BE DEVOLVED TO THE OFFICE OF THE STATE TREASURER.

Referred to Committee on Education and Public Works

[H. 4232](#) ([Word](#) version) -- Rep. Haley: A BILL TO ENACT THE "SOUTH CAROLINA TAXPAYER PROTECTION ACT" BY AMENDING THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-415 SO AS TO PROVIDE THAT THE LIMIT ON GENERAL FUND APPROPRIATIONS FOR A FISCAL YEAR IS THE TOTAL AMOUNT OF THE GENERAL FUND REVENUE ESTIMATE AS OF FEBRUARY FIFTEENTH FOR FISCAL YEAR 2010-2011, INCREASED ANNUALLY AND CUMULATIVELY BY A PERCENTAGE DETERMINED BY POPULATION INCREASES AND INCREASES IN THE CONSUMER PRICE INDEX, TO PROVIDE FOR THE LIMITATION TO BE SUSPENDED FOR A FISCAL YEAR FOR A SPECIFIC AMOUNT UPON A DECLARATION OF FINANCIAL EMERGENCY BY THE GOVERNOR AND UPON A SPECIAL VOTE OF THE GENERAL ASSEMBLY AND DEFINE THIS SPECIAL VOTE, TO ESTABLISH THE SPENDING LIMIT RESERVE FUND TO WHICH ALL SURPLUS GENERAL FUND REVENUES MUST BE CREDITED AND TO PROVIDE THAT ALL REVENUES IN THE

FUND MUST BE REFUNDED TO TAXPAYERS BY MEANS OF TEMPORARY TAX CUTS; BY ADDING SECTION 11-11-75 SO AS TO REQUIRE THE ANNUAL STATE BUDGET TO EMPLOY A ZERO-BASED BUDGET PROCESS IN BOTH THE PREPARATION OF THE GOVERNOR'S PROPOSED STATE BUDGET AND IN THE GENERAL ASSEMBLY'S CONSIDERATION OF THE STATE BUDGET; AND BY ADDING SECTION 2-7-125 SO AS TO REQUIRE THE MOST RECENT ITERATION OF THE ANNUAL GENERAL APPROPRIATIONS BILL TO BE AVAILABLE FOR VIEWING ON THE GENERAL ASSEMBLY'S WEBSITE AT LEAST THREE STATEWIDE LEGISLATIVE DAYS BEFORE THE LEGISLATIVE DAY THE FINAL VOTE IS TAKEN ON THE BILL.

Referred to Committee on Ways and Means

[H. 4243 \(Word version\)](#) -- Reps. Owens, Harrell, Cato, Duncan, Harrison, Sandifer, Whitmire, Allison, Skelton, E. H. Pitts, Bowen, Wylie, Rice, G. R. Smith, Limehouse and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE MUST DETERMINE APPLICATION COMPLIANCE; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-210, AS AMENDED, RELATING TO CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL, SO AS TO ALLOW A PRIVATE SCHOOL TO DISSOLVE AND IMMEDIATELY SEEK TO FORM A CHARTER SCHOOL; AND TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP.

Referred to Committee on Education and Public Works

[H. 4244 \(Word version\)](#) -- Rep. Limehouse: A BILL TO AMEND SECTION 59-130-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

Referred to Committee on Education and Public Works

[H. 4249 \(Word version\)](#) -- Rep. Gunn: A BILL TO AMEND SECTION 12-6-3385, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REFUNDABLE STATE INDIVIDUAL INCOME TAX CREDITS FOR TUITION PAYMENTS, SO AS TO INCREASE THE AMOUNT OF CREDIT FOR TUITION TO FOUR-YEAR INSTITUTIONS TO ONE THOUSAND SIX HUNDRED FIFTY DOLLARS AND TO INCREASE THE AMOUNT OF CREDIT FOR TUITION TO TWO-YEAR INSTITUTIONS TO SIX HUNDRED FIFTY DOLLARS.

Referred to Committee on Ways and Means

[H. 4250 \(Word version\)](#) -- Reps. Erickson and Hodges: A BILL TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

Referred to Committee on Education and Public Works

[H. 4283 \(Word version\)](#) -- Rep. Gunn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 14 TO CHAPTER 52, TITLE 48 SO AS TO ESTABLISH IN THE STATE ENERGY OFFICE THE SOUTH CAROLINA SMALL BUSINESS AND GREEN JOBS MICRO LOAN AND MICRO GRANT PROGRAM, TO ESTABLISH A FUND TO PROVIDE CERTAIN LOANS AND GRANTS, TO PROVIDE THE PROGRAM, LOANS, AND GRANTS BE ADMINISTERED BY THE UNIVERSITY OF SOUTH CAROLINA SMALL BUSINESS DEVELOPMENT CENTER, TO PROVIDE CERTAIN DEFINITIONS, TO CREATE AN ADVISORY COMMITTEE TO THE PROGRAM AND TO DEFINE THE COMMITTEE'S MEMBERSHIP, TO DEFINE THE PURPOSES FOR WHICH A GRANT OR LOAN MAY BE MADE BY THE PROGRAM, AND TO PROVIDE SPECIFIC DUTIES OF THE CENTER CONCERNING THE PROGRAM.

Referred to Committee on Ways and Means

## SENATE BILLS

On December 9, a total of 118 bills were prefiled in the Senate. The full listing is available at <http://www.scstatehouse.gov/html-pages/prefil09.htm>. The following relate to higher education:

[S. 897 \(Word version\)](#) -- Senators McConnell, Leatherman and Peeler: A JOINT RESOLUTION TO CREATE THE COMMISSION ON STREAMLINING GOVERNMENT AND REDUCTION OF WASTE AND PROVIDE FOR THE MEMBERSHIP, POWERS, DUTIES, AND FUNCTIONS OF THE COMMISSION; TO PROVIDE A PROCEDURE FOR THE SUBMISSION, CONSIDERATION, APPROVAL, AND IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMISSION; TO PROVIDE FOR STAFF SUPPORT AND FINANCES FOR THE COMMISSION; TO PROVIDE FOR COOPERATION WITH AND SUPPORT FOR THE COMMISSION; TO PROVIDE FOR THE APPLICABILITY OF OTHER LAWS; AND TO PROVIDE FOR ITS TERMINATION.

Prefiled and referred to the Committee on Judiciary.

[S. 898 \(Word version\)](#) -- Senators McConnell and Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-85 SO AS TO PROVIDE FOR A ZERO BASE BUDGET PROCESS BEGINNING WITH FISCAL YEAR 2010-2011.

Prefiled and referred to the Committee on Finance.

[S. 908 \(Word version\)](#) -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-53-110 SO AS TO CHANGE THE NAMES OF ALL TECHNICAL EDUCATION INSTITUTIONS UNDER THE CONTROL OF THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO "TECHNICAL AND COMMUNITY COLLEGE".

Prefiled and referred to the Committee on Education.

[S. 939 \(Word version\)](#) -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-435 SO AS TO PROVIDE A HIGH SCHOOL, CAREER CENTER, OR SCHOOL DISTRICT IN WHICH THEY ARE LOCATED AND A STATE-SUPPORTED INSTITUTION OF HIGHER LEARNING MAY ENTER INTO ARTICULATION AGREEMENTS WITHOUT THE REQUIREMENT OF PARTICIPATION IN OR ADMINISTRATION OF THE ARTICULATION AGREEMENT BY THE GOVERNING BODY OR COMMISSION OF AN INSTITUTION OF HIGHER LEARNING INCLUDING A LOCAL TECHNICAL COLLEGE OR ITS AREA COMMISSION LOCATED IN THE SAME COUNTY OR AREA WHERE THE HIGH SCHOOL OR CAREER CENTER IS LOCATED, AND TO DEFINE ARTICULATION AGREEMENTS FOR PURPOSES OF THIS PROVISION.

Prefiled and referred to the Committee on Education.

[S. 964 \(Word version\)](#) -- Senator Pinckney: A BILL TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

Prefiled and referred to the Committee on Education.

[S. 1004 \(Word version\)](#) -- Senator Rose: A BILL TO AMEND ARTICLE 1, CHAPTER 111, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOLARSHIPS, BY ADDING SECTION 59-111-90 TO AUTHORIZE THE COMMISSION ON HIGHER EDUCATION, IN CONSULTATION WITH THE SOUTH CAROLINA STUDENT LOAN CORPORATION, TO DEVELOP A LOAN REPAYMENT PROGRAM FOR TALENTED AND QUALIFIED STATE RESIDENTS WHO ATTEND STATE PUBLIC OR PRIVATE COLLEGES AND UNIVERSITIES FOR THE PURPOSE OF WORKING IN THE FIELD OF GERIATRIC NURSING, AND TO PROVIDE FOR THE PROCEDURES, CONDITIONS, AND REQUIREMENTS OF THE PROGRAM.

Prefiled and referred to the Committee on Education.

[S. 1008 \(Word version\)](#) -- Senator Rose: A BILL TO AMEND SECTION 22-1-15 OF THE 1976 CODE, RELATING TO THE EFFECT OF INCREASED EDUCATIONAL REQUIREMENTS FOR MAGISTRATES CURRENTLY SERVING, TO PROVIDE THAT THE INCREASED EDUCATION REQUIREMENTS OF AN ASSOCIATE'S AND A BACHELOR'S DEGREE NOT ONLY DO NOT APPLY TO A MAGISTRATE SERVING ON THE EFFECTIVE DATE OF THOSE INCREASED REQUIREMENTS DURING HIS TENURE IN OFFICE, BUT ALSO TO ANY SUBSEQUENT TERM OF OFFICE FOLLOWING A BREAK IN SERVICE.

Prefiled and referred to the Committee on Judiciary.