

COMMITTEE REPORT

May 29, 2013

H. 3099

Introduced by Reps. Nanney and Long

S. Printed 5/29/13--S.

Read the first time April 10, 2013.

THE COMMITTEE ON JUDICIARY

To whom was referred a Bill (H. 3099) to amend Section 63-17-2310, Code of Laws of South Carolina, 1976, relating to entities required to provide information to the Department of Social Services for, etc., respectfully

REPORT:

That they have duly and carefully considered the same and recommend that the same do pass:

LARRY A. MARTIN for Committee.

STATEMENT OF ESTIMATED FISCAL IMPACT

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

\$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND
EXPENDITURES:

\$0 (No additional expenditures or savings are expected)

EXPLANATION OF IMPACT:

The Department of Social Services estimates that this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

LOCAL GOVERNMENT IMPACT:

Pursuant to Section 2-7-76 of the Code of Laws of South Carolina, 1976, the State Budget Division has surveyed members of the FIST Network. The responses will be forwarded upon receipt.

Approved By:

Brenda Hart

Office of State Budget

A BILL

TO AMEND SECTION 63-17-2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES REQUIRED TO PROVIDE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSE OF ESTABLISHING, MODIFYING, AND ENFORCING CHILD SUPPORT OBLIGATIONS, SO AS TO ALSO REQUIRE THESE ENTITIES TO PROVIDE THIS INFORMATION TO CLERKS OF COURT FOR THE SAME PURPOSE IN CASES NOT BEING ADMINISTERED PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT BY THE DEPARTMENT OF SOCIAL SERVICES; AND TO MAKE TECHNICAL CORRECTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63-17-2310 of the 1976 Code is amended to read:

"Section 63-17-2310. (A) The Department of Social Services shall attempt to locate individuals for the purposes of establishing paternity ~~or~~ and establishing, modifying, ~~or~~ and enforcing a child support ~~obligation~~obligations. In all cases not being administered pursuant to Title IV-D of the Social Security Act by the department, the clerk of court may attempt to locate individuals for the purpose of enforcing child support obligations. Notwithstanding any other provision of law making this information confidential, ~~the following~~ these entities in ~~the~~ this State promptly shall provide ~~promptly~~ to the department, its designee, or a federally approved child support agency of another state, ~~the following~~ or to the clerk of court, information; upon request ~~by~~ of the department or ~~other~~ another agency for the purpose of establishing paternity or establishing, modifying, or enforcing a support obligation or the clerk of court for the purpose of enforcing child support obligations:

(1) All entities in the State including, but not limited to, for-profit, nonprofit and governmental employers, and labor organizations shall provide the full name,

social security number; or the alien identification number assigned to a resident alien who does not have a social security number, date of birth, home address, wages or salary, existing or available medical, hospital, and dental insurance coverage, and number of dependents listed for tax purposes on all employees, contractors, and members of labor organizations.

(2) All utility companies, including wire and nonwire telecommunication companies, cable television companies, and financial institutions, shall provide the full name, social security number; or the alien identification number assigned to a resident alien who does not have a social security number, date of birth, home address, telephone number, account numbers, and other identifying data, including information on assets and liabilities, on all persons who maintain an account with that entity. For purposes of this item, a financial institution is defined as a federal, state, commercial, or savings bank, savings and loan association, cooperative bank, federal, or state chartered credit union, benefit association, insurance company, safe deposit company, money market mutual fund, or investment company doing business in this State.

(3) ~~A~~ The appropriate state or local agency of this State shall provide access to information contained in these records:

- (a) vital statistics;
- (b) state and local tax and revenue records;
- (c) records concerning real and titled property;
- (d) records of occupational and professional licenses;
- (e) records concerning the ownership and control of corporations, partnerships, and other business entities;
- (f) employment security records;
- (g) records of motor vehicle departments; and
- (h) corrections records.

A state or local agency, board, or commission ~~which~~ that provides ~~this~~ information pursuant to this subsection to the department, or to the clerk of court in non-Title IV-D cases, may not charge the department or the clerk of court a fee for providing the information; however,

a commission that receives federal grants, the ~~use~~ uses of which are restricted, may charge a fee for providing the information.

(B) An entity that provides information pursuant to this section in good faith reliance upon certification by the department, or to the clerk of court in non-Title IV-D cases, that the information is needed to establish paternity or to establish, modify, or enforce a support obligation is not liable for damages resulting from the disclosure.

(C) An entity that fails to provide the requested information within thirty days of the request may be subject to a civil penalty of one hundred dollars for each occurrence. Fines imposed pursuant to this subsection must be enforced as provided for in Section ~~63-3-530(43)~~ 63-3-530(A)(43) and distributed according to Section 63-17-520."

SECTION 2. This act takes effect upon approval by the Governor.