



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, Jr., Speaker of the House

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3170**, a bill providing for **SCHOLARSHIP ENHANCEMENTS FOR STUDENTS MAJORING IN SCIENCE OR MATHEMATICS**. This bill provides that a resident student who is at least a sophomore attending a public or private institution in this state, majoring in science or mathematics, and receiving a Palmetto Fellows Scholarship or LIFE Scholarship shall receive an additional scholarship stipend for the remainder of his undergraduate term if he continues to be eligible for the scholarship and demonstrates acceptable progress towards receiving an undergraduate degree in science or mathematics. The total increase each year is not to exceed \$3,300 for Palmetto Fellows and \$2,500 for LIFE. The legislation provides that the amount of the Palmetto Fellows Scholarship for recipients who do not receive this enhanced stipend beginning with the 2007 academic year shall be increased to an amount equal to that received by a LIFE scholarship recipient also receiving the enhanced stipend. The legislation increases from \$150 to \$300 the book allowance for HOPE Scholarship recipients and allows a science or mathematics major receiving a HOPE Scholarship in his freshman year to continue to receive the scholarship and book allowance for his sophomore year. The legislation establishes minimum course requirements that must be met during the freshman year in order for a student to be eligible for these enhancements. Credits earned through applicable high school advanced placement courses may count towards satisfying these freshman year requirements. The Commission on Higher Education shall define by regulation what constitutes a science or mathematics major but the category at minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry

The House amended, approved, and sent to the Senate **H.3295**, a bill establishing **NEW LIMITS ON STATE APPROPRIATIONS** that first apply to appropriations for fiscal year 2008-2009. The bill 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, 2007 for fiscal year 2007-2008. The Director of the Office of State Budget must certify compliance with these new limitations before the Governor may submit a proposed budget and before the annual general appropriations bill may be given third reading in the House of Representatives and Senate. 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).

H.3295 creates the **SPENDING LIMIT RESERVE FUND** as a separate and distinct fund in the State Treasury that is to receive all general fund revenues accumulated in a fiscal year in excess of the appropriations limits provided in this legislation. Revenues credited to the Spending Limit Reserve Fund in a fiscal year may be appropriated by the General

Assembly in its regular session in the year following the close of the applicable fiscal year. The Spending Limit Reserve Fund must be used to replenish the State's General Reserve Fund should that fund fall below its required minimum balance. Such amounts do not replace or supplant other required replenishments, and, to the extent that concurrent replenishments of the General Reserve Fund exceed the amount necessary for its full funding, the General Reserve Fund is deemed to require an annual minimum balance equal to this increased amount not to exceed a total balance equal to four percent of general fund revenue in the latest completed fiscal year. 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.

The House approved and sent to the Senate **H.3199**, the "**ATM SAFETY ACT**". The bill provides that it is unlawful for a person to steal money, securities for money, or property, either by force, intimidation, or threats, from a person who is using or who has just finished using a bank night depository, an automated teller machine (ATM), or another automated banking device, or in the vicinity of a bank depository, an ATM, or another automated banking device. A violator is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars and imprisoned not more than twenty years, or both. The legislation also provides that it is unlawful for a person to beg, panhandle, or solicit money from a person using or who has just finished using a bank night depository, an ATM, or another automated banking device; or in the vicinity of a bank night depository, an ATM, or another automated banking device. A violator is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. The legislation provides that separate location code, premise code, or designation for a bank night depository, an ATM, or other automated banking device offense must be added to the South Carolina Incident Based Reporting System and used by law enforcement personnel when completing incident reports for criminal activity encompassed by this legislation.

The House approved and sent to the Senate **H.3116**. This legislation establishes the **COURT APPOINTMENT DEFERRAL FUND** to be maintained by the Supreme Court. The purpose of the fund is to allow an attorney, who is not otherwise exempt from appointment pursuant to Rule 608(d), a one-year optional exemption from appointment to represent an indigent person in accordance with the requirements of Rule 608 upon the payment of a set fee established by the Supreme Court.

The House amended, approved, and sent to the Senate **H.3422**, a bill providing for numerous **TAX REVISIONS** including annual updates to statutory language and technical revisions. The legislation establishes a three-tiered reimbursement procedure for the Homestead Exemption Fund and provides for other revisions necessary for **IMPLEMENTING PROPERTY TAX REVISIONS** approved in 2006. The legislation also provides for a **SALES TAX EXEMPTION FOR AMUSEMENT PARK RIDES** and parts, machinery, and equipment used in their construction or operation for an amusement or

theme park that makes a capital investment of at least \$250 million at a single site and creates at least 250 full time jobs and 500 part-time or seasonal jobs.

The House amended, approved, and sent to the Senate **H.3471**, a joint resolution **APPROPRIATING CONTINGENCY RESERVE FUND REVENUES**. Under provisions of the general appropriations act for the 2006-2007 fiscal year, \$171.5 million in surplus general fund revenues were credited to the Contingency Reserve Fund. This joint resolution appropriates those funds as follows: \$138 million to the State Ports Authority for a port access road; \$3 million to the Department of Commerce for the Donaldson Development Commission; \$4 million to the State Budget and Control Board for the Lake Marion Water Authority; \$3.7 million to the Adjutant General's Office for Emergency Preparedness Federal Match for the 2005 ice storm; and \$22.9 million to the State Department of Education for school bus acquisition.

The House approved and sent to the Senate **H.3396**, a bill making clarifications to the Competitive Cable Services Act and other provisions regarding cable services. The legislation revises provisions to make them applicable to **VIDEO SERVICES**, which are video programming services provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology. Video services do not include any video programming provided by a commercial mobile service provider, video programming provided via a cable service, or video programming provided as part of, and via, a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.

The House approved and sent to the Senate **H.3030**, a bill authorizing a **RURAL COMMUNITY WATER DISTRICT** to provide a sewage collection system within the district.

The House approved and sent to the Senate **H.3115**, relating to **SEWER SPECIAL PURPOSE DISTRICTS' CONSTRUCTION FINANCING AUTHORITY**. This bill authorizes a special purpose district that only provides sewage collection and disposal services to utilize any method of financing the construction of sewer lateral collection lines notwithstanding other provisions of law.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The full committee did not meet this week.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce, and Industry Committee met on Tuesday, February 13, and gave a favorable report to **H.3396**, a bill making clarifications to the Competitive Cable Services Act and other provisions regarding cable services. The legislation revises provisions to make them applicable to **VIDEO SERVICES**, which are video programming services provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology. Video services do not include any video programming provided by a commercial mobile service provider, video programming provided via a cable service, or video programming provided as part of, and via, a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3510 MIGRATORY WATERFOWL Rep. Vick

For the privilege of hunting or taking migratory waterfowl in this State, this bill provides that a person must purchase a migratory waterfowl stamp for five dollars and fifty cents. Evidence of purchase must be endorsed on the hunting license. Fifty cents of the cost may be retained by the issuing sales agent, and the balance must be paid to the department. Stamps expire June thirtieth of each year.

The bill provides that State residents who are at least sixty-four and who hold a lifetime hunting and fishing license are not required to have a migratory game bird permit.

Relating to the Migratory Waterfowl Committee, this bill further defines the responsibilities and duties of the committee.

Under the bill, it unlawful to harm, disturb, or take actively nesting waterfowl or to disturb or damage a waterfowl nest box. Penalties are provided for violations.

**H.3533 WIND ENERGY PRODUCTION FARMS FEASIBILITY STUDY
COMMITTEE Rep. Talley**

This joint resolution creates a study committee to determine the feasibility of establishing wind energy production farms in South Carolina.

**H.3543 REINSTATEMENT OF A LICENSE ISSUED BY THE
ENVIRONMENTAL CERTIFICATION BOARD Rep. Funderburk**

Among other things, this bill changes the period in which a licensee may file an application to reinstate a lapsed license from 90 days to 365 days. The bill also requires that an applicant seeking reinstatement of a lapsed license meet certain continuing education requirements.

**H.3545 REVISIONS TO THE ATLANTIC INTERSTATE LOW-LEVEL
RADIOACTIVE WASTE COMPACT IMPLEMENTATION ACT
(BARNWELL LEGISLATION) Rep. Witherspoon**

Relating to volume limitations on the disposal of low-level radioactive waste, this bill establishes a total volume limit of 40,000 cubic feet including nonregional waste for fiscal year 2008 through fiscal year 2023.

Relating to voting by South Carolina commissioners or alternate commissioners to the Atlantic Compact Commission, this bill directs the commissioners and alternate commissioners to vote in a manner to authorize the importation of nonregional waste so long as importation would not cause the facility to exceed a total volume limit of 40,000 cubic feet for fiscal year 2008 through fiscal year 2023.

EDUCATION AND PUBLIC WORKS

**H.3513 ERNEST F. "FRITZ" HOLLINGS MONUMENT COMMISSION
Rep. Govan**

This joint resolution creates the Ernest F. "Fritz" Hollings Monument Commission and provides for the commission's membership, duties, and related matters.

**H.3531 CREATION OF A COMMITTEE TO STUDY HOW BEST TO ALLOW
THE STATE'S PORTION OF EDUCATIONAL FUNDING TO FLOW
DOWN TO THE SCHOOLS IN A WEIGHTED PUPIL FORMULA OR
"BACKPACKING" WITH THE CHILD Rep. Duncan**

This House resolution creates a committee to study how best to allow the state's portion of educational funding to flow down to the schools in a weighted pupil formula or "backpacking" with the child.

JUDICIARY

S.14 CHILDREN AND VOTING BOOTHS Sen. Hayes

This bill provides that minor children of a qualified elector may accompany the qualified elector in the voting booth while he is casting his ballot.

S.40 REVISIONS PERTAINING TO THE ELECTION OF JUDGES Sen. Ford

This legislation makes numerous revisions pertaining to the election of judges. Among other things, these revisions include:

- No member of the Judicial Merit Selection Commission (JMSC) is eligible to seek judicial office while serving on the commission and for one year thereafter;
- Under certain circumstances, the JMSC may make five nominations to the General Assembly;
- With regards to the election of family court judges, the bill requires that a person be a resident of the circuit for at least one year.

S.59 ABSENTEE BALLOTS Sen. Ford

This bill provides that a qualified elector meeting certain requirements must be permitted to vote by absentee ballot by mail. The bill further provides that any qualified elector must be permitted to vote by absentee ballot in any election in which he is entitled to vote for any reason, if the qualified elector appears in person to cast an absentee ballot.

S.65 RIGHT OF INGRESS AND EGRESS TO A CEMETERY, BURIAL GROUND,

OR GRAVE LOCATED ON PRIVATE PROPERTY Sen. Martin

This bill provides a right of ingress and egress to a cemetery, burial ground, or grave located on private property for family members, close friends, descendants of deceased persons, cemetery plot owners, persons participating in a lawful burial, or persons engaging in genealogy research.

S.69 RECUSAL REQUIREMENTS Sen. Rankin

This bill provides that a state, county, municipal public official, public member, and public employee, including a person serving on an agency, unit, or subunit of a governmental entity involved in a conflict of interest regarding representation of another person must comply with specified recusal requirements. A governmental entity includes, but is not limited to, a planning board or zoning commission. A person involved in a conflict of interest regarding representation of another person cannot be forced to vacate his seat or position if the specified recusal requirements have been met. Notwithstanding another provision of law, a governmental entity shall not prohibit a state, county, or municipal public official, public member, or public employee, including a person serving on an agency, unit, or subunit of a governmental entity from service in office or employment based solely on race, color, national origin, religion, sex, disability, or occupation.

S.96 ALCOHOL WITHOUT LIQUID DEVICE Sen. Sheheen

With certain exceptions, this bill makes it unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess an alcohol without liquid device. Penalties are provided for violations. 'Alcohol without liquid device' means a device, machine, apparatus, or appliance that is designed or marketed for the purpose of mixing alcohol with pure or diluted oxygen, or another gas, to produce an alcoholic vapor that an individual can inhale or snort.

S.142 STATE DNA DATABASE Sen. Malloy

This bill requires DNA samples upon lawful custodial arrest or a direct indictment for a felony offense or an offense that is punishable by a sentence of five years or more, either of which is committed in this State. Current law requires DNA samples following sentencing and at the time of intake at a jail or prison.

If appropriately trained personnel are not available to take a sample from which DNA may be obtained, the failure of the arrested person to provide a DNA sample shall not be the sole basis for refusal to release the person from custody. An arrested person who is released from custody pursuant to the provisions of this section must provide a DNA sample at a location as specified by the law enforcement agency with jurisdiction over the offense on or before the first court appearance.

The bill also requires samples to be provided before a person is released on parole, released from confinement, or released from an agency's jurisdiction. The bill provides for coordination between SLED and local law enforcement agencies to prevent collection and processing of duplicate DNA samples.

Relating to persons authorized to take DNA samples and their immunity from liability, this bill deletes requirements that the persons authorized must be certain types of health professionals. Instead, the bill requires that persons taking DNA samples be appropriately trained.

Relating to expungements and fees for DNA samples, this bill provides for expungement when charges are dismissed or nolle prossed.

The bill provides that the state will pay for the costs of collecting and processing a DNA sample. A fee of \$250 dollars must be assessed at the time of sentencing against persons convicted of, pleading guilty or nolo contendere to, or forfeiting bond for the crime for which they were arrested. Fees collected from convicted persons must be remitted to the general fund of the state and credited to the SLED.

S.144 SENTENCING GUIDELINES COMMISSION Sen. Malloy

This joint resolution creates a Sentencing Guidelines Commission to review, study, and recommend legislation for sentencing guidelines, the parole system, and alternative sentencing procedures for non-violent offenders.

H.3496 COMPREHENSIVE REVISIONS PERTAINING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS Rep. G.M. Smith

This legislation makes numerous revisions with regards to driving under the influence of alcohol or drugs.

H.3504 LABELING CERTAIN ITEMS TO INDICATE EXCESSIVE LEVELS OF LEAD Rep. Davenport

This bill requires the labeling of toys, tableware and housewares containing excessive levels of lead. There are civil penalties for violations.

H.3506 ADMINISTRATIVE LAW JUDGES Rep. W.D. Smith

This bill applies the rules for discipline and sanctions in the Code of Judicial Conduct to administrative law judges. The bill allows an administrative law judge and the judge's spouse to attend a judicial or bar-related function or participate in an activity devoted to the improvement of the legal process.

H.3511 DUAL OFFICE HOLDING Rep. Umphlett

The State Constitution prohibits a person from holding two offices of honor or profit at the same time. This bill provides that an officer in the militia, a notary public, a delegate to a constitutional convention, a law enforcement officer who holds a local office and a corrections officer who holds a local office are not considered a dual officeholder for the purposes of the State Constitution.

**H.3514 REVISIONS TO THE CONSOLIDATED PROCUREMENT CODE
Rep. Harrell**

This bill deletes the definition of the term "office" for purposes of the Consolidated Procurement Code. Relating to vendor preferences, this bill provides for preferences for end products from South Carolina and from the United States and for contractors and subcontractors who employ individuals domiciled in South Carolina. The bill includes definitions for certain terms and exceptions for the preferences. The bill outlines eligibility requirements for the preferences. Application must be made for the preferences, and penalties are provided for false application.

**H.3524 PROHIBITION ON THE USE OF CERTAIN SCAN-BACK OR
SCAN-DOWN REBATES TO RETAILERS OF BEER, WINE, OR
ALCOHOLIC LIQUORS Rep. Harrison**

This bill prohibits the use of certain scan-back or scan-down rebates to retailers of beer, wine, or alcoholic liquors. Penalties are provided for violations. A 'scan-back' or 'scan-down' means a rebate paid to a retailer by a brewer, vintner, manufacturer, distiller, wholesaler, or importer, directly or indirectly, or through a clearinghouse for sales that are recorded by a scanner at the time the consumer purchases certain products of that brewer, vintner, manufacturer, distiller, wholesaler, or importer or to a clearinghouse for payment of the rebate.

**H.3525 SPECIAL ROUTE-RESTRICTED DRIVER'S LICENSE Rep.
Bedingfield**

This bill provides that a person who has been released from the custody of the Department of Corrections and whose driver's license has been revoked for failure to comply with an order for support may obtain a special route-restricted driver's license from the Department of Motor Vehicles. The special route-restricted driver's license allows the person to only operate a motor vehicle as transportation between his home and work, or to a college or university in which he is enrolled.

**H.3527 ELECTRONIC MONITORING OF CERTAIN SEX OFFENDERS
Rep. Crawford**

This bill revises the definition of "active electronic monitoring device."

H.3528 CONCEALABLE WEAPONS PERMITS Rep. M.A. Pitts

The State Law Enforcement Division (SLED) maintains a list of all concealable weapon permit holders and the current status of each permit. This bill provides that SLED may release the list of permit holders or verify an individual's permit status only if the request is made by a law enforcement agency to aid in an official investigation.

**H.3529 REQUIREMENTS FOR PERMITS FOR THE SALE OF BEER OR WINE,
AND REQUIREMENTS FOR LICENSES FOR THE SALE OF
ALCOHOLIC LIQUORS Rep. F.N. Smith**

Relating to both the requirements for permits for the sale of beer or wine and the requirements for licenses for the sale of alcoholic liquors, this bill requires applicants to verify insurance liability coverage.

H.3538 ANNEXATION Rep. Herbkersman

This bill authorizes the governing body of a municipality to annex an area by ordinance, if the area is completely surrounded by the municipality. Relating to the definition of contiguous property for purposes of annexation of property by a municipality, this bill deletes certain geographical factors that can be used to establish contiguity to property annexed by a municipality.

H.3539 ABSENTEE BALLOTS Rep. Scott

This bill provides that a qualified elector meeting certain requirements must be permitted to vote by absentee ballot by mail. The bill further provides that any qualified elector must be permitted to vote by absentee ballot in any election in which he is entitled to vote for any reason, if the qualified elector appears in person to cast an absentee ballot.

H.3540 ABSENTEE BALLOTS Rep. Scott

Relating to casting a ballot by means of an absentee ballot, this bill deletes the requirement that the signature or mark of an absentee applicant be witnessed.

H.3541 GENERAL ELECTION DAY Rep. Scott

This bill establishes general election day as a State holiday.

**H.3546 PROPOSED CONSTITUTIONAL AMENDMENT TO AUTHORIZE A
PROCEDURE BY WHICH A CANDIDATE FOR ELECTIVE OFFICE
MAY FINANCE HIS CAMPAIGN WITH PUBLIC FUNDS Rep. J.H. Neal**

This joint resolution proposes to submit to the voters at the next general election whether or not to amend the State Constitution so as to authorize the General Assembly to establish a procedure by which a candidate for elective office may finance his campaign with public funds.

LABOR, COMMERCE AND INDUSTRY

**H.3499 "BASE LOAD REVIEW ACT" AND OTHER ELECTRIC UTILITIES
PROVISIONS Rep. Cato**

This bill revises provisions relating to electrical utility facility siting and environmental protection. The legislation enacts the "Base Load Review Act" to revise procedures for approving costs associated with the addition of base load generation plants and to protect South Carolina ratepayers by enhancing the certainty of investments in the infrastructure of electric utilities in this State. The legislation adds a definition of "corridor rights" to definitions in provisions regarding service rights of elective suppliers. The legislation revises service rights of and restrictions on electric suppliers and revises certain territorial assignments. The legislation further provides for the circumstances under which the Public Service Commission may order an electric supplier to furnish electric service in areas served by another supplier. The legislation revises provisions relating to fuel costs for producing electric power and the recovery of these costs, so as to include in the definition of "fuel cost" certain environmental costs and emissions allowance costs incurred in the production of electric power and allows the Public Service Commission by order to allow additional environmental costs to be included in the definition. The legislation revises provisions for the extension of electric facilities, so as to provide for specified circumstances when an electric supplier must obtain Public Service Commission approval for construction of electric facilities.

H.3505 DEVELOPMENT OF NEW TERMINAL FACILITIES BY THE STATE PORTS AUTHORITY Rep. Harrell

This joint resolution directs the State Ports Authority to continue and bring to its earliest conclusion the condemnation action it has begun involving approximately one thousand eight hundred acres in Jasper County needed to develop new terminal facilities. The joint resolution provides that the power and authority of Jasper County to undertake any condemnation action regarding this tract of land in Jasper County or any other condemnation action in regard to the development of terminal facilities in Jasper County is suspended for a period of three years. The joint resolution directs the State Ports Authority to continue and complete certain other actions regarding these new terminal facilities and to begin specific new undertakings within a stipulated time frame upon final conclusion including all appeals of the condemnation action.

H.3515 INSURANCE DISCOUNT FOR STORM SHUTTERS Rep. Herbkersman

This bill requires an insurer doing business in this State who issues a policy covering property to give a discount to an insured who installs and maintains operable storm shutters on the insured property.

H.3516 CRIMINAL RECORD CHECK AND COMPETENCY REVIEW FOR LICENSURE AS A REAL ESTATE BROKER, SALESPERSON, OR PROPERTY MANAGER Rep. Huggins

This bill revises the qualifications for licensure as a real estate broker, salesperson, or property manager, so as to provide for criminal record reports and satisfactory evidence that the applicant is of good moral character.

H.3517 NEW OR MODIFIED POWER LINES BURIED UNDER GROUND UPON LOCAL GOVERNMENT REQUEST Rep. Merrill

This bill provides that after July 1, 2007, all electrical utility and electric cooperative power lines constructed, installed, or modified must be buried under ground at the request of the governing body of a local government having jurisdiction of the territory in which the electrical lines are constructed, installed, or modified. The governing body may negotiate a fee with the utility to offset the cost of burying the power lines.

H.3523 *EVENT DATA RECORDERS OR SENSING AND DIAGNOSTIC MODULES ON MOTOR VEHICLES* Rep. Hart

This bill provides that a manufacturer of a new motor vehicle that is sold or leased in this state which is equipped with an event data recorder or a sensing and diagnostic module shall disclose this information in the motor vehicle's owner's manual and on its window sticker. The legislation provides that a company that rents a motor vehicle that is equipped with such a device must disclose its existence in the company's rental agreement. The legislation restricts the use of certain data obtained by a recording device and provides that if a vehicle is equipped with a recording device that is capable of recording or transmitting certain information and that capability is part of a subscription service, the fact that the information may be recorded or transmitted must be disclosed in the subscription service agreement.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3512 *VIDEO PRESENTATION ON THE DANGERS OF SHAKING INFANTS* Rep. Crawford

This bill requires a hospital to make available to the parents of a newborn baby a video presentation on the dangers of shaking infants. The Department of Health and Environmental Control (DHEC) shall make the video available to any interested person or childcare provider at cost. The Director of DHEC shall review all submitted videos and approve acceptable videos. Further the Director of DHEC shall request pediatric health care providers to review the dangers associated with shaking infants with parents and primary caregivers.

H.3530 *STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE* Rep. Hosey

Relating to institutions and transactions exempt from provisions of law pertaining to state certification of need and health facility licensure, this bill exempts a facility only for endoscopy that is located in a primary care health professional shortage area from state certificate of need requirements.

H.3532 *CONSENT REQUIREMENTS FOR INVASIVE PROCEDURES* Rep. F.N. Smith

Before any invasive procedure is performed on a patient in a health care facility, this bill requires the health care facility to obtain the informed, written consent of the patient or the patient's representative or agent. If the physician performing the procedure is an independent contractor, the bill also requires the physician to obtain the informed, written consent of the patient or the patient's representative or agent before performing the procedure.

WAYS AND MEANS

H.3493 *SOUTH CAROLINA RETIREMENT SYSTEM COST OF LIVING INCREASE* Rep. Bingham

This bill provides for an additional cost of living increase equal to 1.4 percent for South Carolina Retirement System retirement allowances effective July 1, 2007, so that the

total of increase for these allowances effective July 1, 2007, equals the increases in the Consumer Price Index. The legislation provides for an employer contribution increase not to exceed one percent to fund this cost of living increase if earning on system assets would not otherwise allow the additional increase.

H.3494 SENIOR CITIZEN PROPERTY TAX WORK-OFF PROGRAM

Rep. Bingham

This bill provides that the governing body of a county and municipality may implement by ordinance a Senior Citizen Property Tax Work-Off Program that allows a property taxpayer receiving the homestead exemption allowed for senior citizens the disabled and the legally blind to trade the taxpayer's time and skills needed for government service in exchange for compensation equal to the county or municipal portion of the total property tax paid on the taxpayer's owner-occupied personal residence.

H.3495 AGENCY HEAD SALARY COMMISSION REVIEW OF TECHNICAL COLLEGE PRESIDENTS

Rep. Kirsh

This bill includes technical college presidents in provisions requiring performance and salary recommendations to be reviewed by the Agency Head Salary Commission.

H.3503 ADDITIONAL HOPE SCHOLARSHIP AND NEED-BASED TUITION GRANT STIPENDS FOR SCIENCE AND MATH MAJORS

Rep. Govan

This bill provides that a resident student who is at least a sophomore attending a public or private institution in this state, majoring in science or mathematics, and receiving a Hope Scholarship or a need-based tuition grant shall receive an additional stipend for the remainder of his undergraduate term if he meets certain conditions including making satisfactory academic progress toward receiving an undergraduate degree in science or mathematics.

H.3509 "SOUTH CAROLINA LOCAL HOUSING TRUST FUND ENABLING ACT"

Rep. Mitchell

This bill enacts the "South Carolina Local Housing Trust Fund Enabling Act", to allow a local government to create and operate a "Local Housing Trust Fund" or a "Regional Housing Trust Fund" to enhance the availability of affordable housing.

H.3522 "COMMUNITY SCHOOLS INVESTMENT ACT"

Rep. Duncan

This bill enacts the "Community Schools Investment Act", to provide that a person is allowed an income tax credit of up to one hundred fifty dollars a year for a contribution to a public school. The legislation provides for a Community Schools Investment Committee at each public school that receives a contribution to determine how the funds are spent. The legislation provides that total tax credits claimed may not exceed five million dollars each year.

H.3526 STATE INCOME TAX CREDIT FOR EMPLOYING AN APPRENTICE

Rep. Taylor

This bill allows a state income tax credit equal to one thousand dollars in a taxable year for a taxpayer employing an apprentice in an apprenticeship program registered with the United States Department of Labor. The legislation allows unused credit to carry forward to five succeeding taxable years and provides for the administration of this credit.

H.3544 MOTOR HOMES VALUED AS MOTOR VEHICLES FOR PROPERTY TAX PURPOSES Rep. Dantzler

This bill revises provisions for property taxes on motor homes, so as to provide that the fair market value of a motor home classified for property tax purposes as a primary or second residence must be determined in the manner that motor vehicles are valued for property tax purposes.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

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