



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.3584**, a bill that increases the state's **CIGARETTE TAX** and devotes the revenue generated by the increase to initiatives that encourage health insurance coverage, state agricultural assistance, and smoking prevention and cessation programs. Effective July 1, 2009, the legislation imposes an additional surtax of two and one-half cents on each cigarette, which amounts to an additional fifty cents for each pack. Each year, five million dollars of the revenue generated by the surtax is to be credited to the Smoking Prevention and Cessation Trust Fund and the revenue of five hundredths of a cent of the surtax on each cigarette must go to the Department of Agriculture for the marketing and branding of South Carolina-grown produce and for relief from natural disasters affecting state-grown crops. The remaining annual revenue generated by the increase is to be credited to the newly-created South Carolina Healthy Families Insurance Trust Fund and the Palmetto Health Care Safety Net Trust Fund. The legislation creates the South Carolina Healthy Families Insurance Plan to provide premium credits that assist eligible individuals to purchase health insurance and small businesses in providing health insurance coverage for their employees. Under the program, an individual who has a family or household income that is less than two hundred percent of the federal poverty level but is not eligible for public assistance, may receive a premium credit of seventy-five percent of the actual cost of a qualifying health insurance plan, not to exceed three thousand dollars a year. A small employer may receive a premium credit of sixty-seven percent of the actual cost of a qualifying health plan, not to exceed three thousand dollars a year. Annually after that, the Department of Insurance may adjust the amount of the premium credits, except that these amounts must not be less than fifty percent of the actual cost of coverage. The legislation creates the Palmetto Health Care Safety Net Program, to establish a self-sustaining and financially independent portion of the premium assistance pool to serve high-risk individuals, such as those with preexisting health conditions, who do not qualify for public assistance and cannot readily secure health insurance coverage in the private market. A program participant is eligible to receive an annual premium that ranges in amount from one thousand dollars to four thousand dollars based upon how the annual family or household income compares to the federal poverty level. Benefits in both the South Carolina Healthy Families Insurance Plan and the Palmetto Health Care Safety Net Program are limited according to the funds that are available.

The House approved and sent to the Senate **H.3396**, a **PROPOSED CONSTITUTIONAL AMENDMENT TO INCREASE THE HOLDINGS REQUIREMENT OF THE GENERAL RESERVE FUND**. This joint resolution proposes to amend the South Carolina Constitution by increasing from three percent to five percent the amount of state general fund revenue in the latest completed fiscal year required to be held in the General Reserve Fund.

The House approved and sent to the Senate **H.3395**, a bill to provide for the **ENHANCEMENT OF THE GENERAL RESERVE FUND**. The bill revises statutory provisions for the General Reserve Fund to conform them to any amendments to the South Carolina Constitution that change the amount required to be held in the General Reserve Fund and the rate of replenishment of that amount.

The House amended and gave second reading approval to **H.3272**, a bill revising the provision of the South Carolina Real Property Valuation Reform Act of 2006 which

requires the assessed value of real property to be determined at the time it is sold. In the years since the passage of the comprehensive changes to the taxation of real property, there have been consistent reports that the legislation's requirement for the point-of-sale reassessment of a property's value has proven disconcerting for potential buyers and has been hampering sales of both residential and commercial property in this state. The legislation eliminates **POINT-OF-SALE REASSESSMENT UNDER REAL PROPERTY VALUATION REFORM ACT** requirements by postponing reassessment for a parcel of real property that is sold or undergoes another assessable transfer of interest until the property tax year of implementation of the next countywide assessment. Under the legislation, reassessment is not postponed when improvements are made to the property, and limits on increases in value must be calculated separately on land and improvements.

The House amended, approved, and sent to the Senate **H.3018**, a bill **REVISING REAL PROPERTY TAX PROVISIONS FOR NEWLY-CONSTRUCTED HOMES**. Currently, once a certificate of occupation is issued for a newly-constructed home it becomes subject to a higher tax rate applicable to residential property even if that home sits empty and unsold for months or years. Under the legislation, a newly-constructed detached single family home would remain eligible for the lower tax rate allowed for unimproved property until it is occupied by being sold or rented, or for up to three years, whichever comes first.

The House amended, approved, and sent to the Senate **H.3147**, the "**SOUTH CAROLINA RESTRUCTURING ACT**." This legislation establishes the Department of Administration under the executive branch of state government. The Department of Administration is headed by a director appointed by the Governor with the advice and consent of the General Assembly.

The following offices, divisions or components of the State Budget and Control Board, Office of Governor, or other agencies are transferred to and incorporated into the Department of Administration:

- Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;
- Office of Human Resources;
- Office of Executive Policy and Programs, except for the State Ombudsman and Children's Services programs which are contained within this office;
- Office of Economic Opportunity;
- Developmental Disabilities Council;
- Continuum of Care;
- Children's Foster Care;
- Veterans Affairs;
- Commission on Women;
- Victims Assistance;
- Small and Minority Business;
- Procurement Services Division of the State Budget and Control Board;
- State Energy Office; and
- Division of State Chief Information Officer of the State Budget and Control Board.

The Budget and Control Board remains responsible for the operations and management of the State House, Blatt Office Building, Gressette Office Building, Supreme Court Building, Calhoun Office Building, and Capitol Complex grounds. Also whenever the Budget and Control Board maintains any responsibility related to a program

administered by the Department of Administration, the board is authorized to receive and expend revenues generated by the programs to support the board's responsibilities related to the programs. During the year 2015, the Legislative Audit Council shall conduct a performance review of the provisions of this legislation to determine its effectiveness and achievements. The legislation includes a sunset provision.

H.3147 was also amended to include provisions for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS**. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation includes provisions for the assignment of agencies to standing committees; there are also provisions for joint investigating committees. Each standing committee must conduct oversight studies and investigations at least once every five years on all agencies within its jurisdiction. Also a standing committee may by a one third vote initiate a study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action. The legislation includes criminal penalties for anyone who appears before a committee or subcommittee and willfully gives false, misleading, or incomplete testimony under oath.

The House concurred in Senate amendments to **H.3352**, a joint resolution providing temporary **FUNDING FLEXIBILITY PROVISIONS FOR SCHOOL DISTRICTS** and special schools, and enrolled the legislation for ratification. For the 2008-2009 and 2009-2010 fiscal years, school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. A school district may not, however, transfer funds required for debt service or bonded indebtedness. For the 2008-2009 and 2009-2010 fiscal years, school districts may: (1) suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year-old programs; (2) delay from April fifteenth to May fifteenth the date that contracts are issued to teachers. A teacher who is reemployed by written notification shall notify the board of trustees of the district in writing of his acceptance of the contract within ten days of such notification or May twenty-fifth, whichever occurs later. Failure on the part of the teacher to notify the board

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of acceptance within the specified time limit is conclusive evidence of the teacher's rejection of the contract; (3) uniformly negotiate salaries below the school district salary schedule for the 2009-2010 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive Program; and (4) if not prohibited by an applicable employment contract, furlough teachers for up to five noninstructional days, provided that district administrators are furloughed for twice the number of days. To further ensure resources are maximized, school districts are encouraged to reduce expenditures by such means as: (1) limiting the number of low enrollment courses; (2) reducing travel for the staff and the school district's board; (3) reducing and limiting activities requiring dues and memberships; (4) reducing transportation costs for extracurricular and academic competitions; and (5) expanding virtual instruction. Education related entities that require dues from school districts are encouraged to consider cost-saving measures for school districts including, but not limited to, coordination and reductions in dues, workshops, and professional training initiatives. Prior to implementing these flexibility provisions, school districts must provide to public charter schools the per pupil allocation due to the charter schools for each categorical program. The legislation requires written certification reports from school districts implementing these funding flexibility measures. For the 2008-2009 and 2009-2010 fiscal years, implementation of formative assessments for grades one, two, and nine, the foreign language program assessment and the physical education assessment, must be suspended. New textbook adoptions may be suspended. School districts and the State Department of Education must be granted permission to purchase the most economical type of bus fuel. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2009-2010 fiscal year only, at least sixty-five percent of the school district's per pupil expenditures must be utilized within the categories of instruction, instructional support, and noninstruction pupil services of the "In\$ite" financial analysis model for education programs utilized by the State Department of Education. No portion of the sixty-five percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. By August 1, 2010, the school district shall report to the State Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and noninstruction pupil services for the school year ending June 30, 2010. For the 2009-2010 fiscal year, school districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source for whatever purpose. The register must be prominently posted on the district's Internet website and made available for public viewing and downloading. For Fiscal Years 2008-2009 and 2009-2010, the joint resolution suspends the statutory provision establishing the level of financial effort per pupil required of each school district.

The House approved **S.588**, relating to **TEACHER CONTRACTS**, and enrolled the joint resolution for ratification. This joint resolution extends the date by which a school district must decide whether to employ a teacher for the 2009-2010 school year from April fifteenth to May fifteenth, and provides that a teacher has ten days following receipt of written notification of an offer to accept the contract. The legislation provides that a school district may uniformly negotiate salaries below the school district salary schedule for the 2009-2010 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive (TERI) Program.

The House amended, approved, and sent to the Senate **H.3022**, the "**UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS ACT**". This legislation provides a uniform

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procedure for how applications for expungement of all criminal records must be administered by the solicitor's office in each circuit of the State. The applicant is responsible for payment to the solicitor's office of a nonrefundable, administrative fee of \$250 dollars per individual order. The solicitor's office prosecuting the case in a court of general sessions, at no cost to the accused person, shall cause an order for expungement to be issued for a person who is found not guilty or who has his charges dismissed or nolle prossed unless the: (1) accused person has other charges pending; (2) solicitor believes that the evidence in the case needs to be preserved and notifies the accused person in writing at the address listed on his bond form, or through his attorney, no later than 30 days after the person is found not guilty or his charges are dismissed or nolle prossed; or (3) accused person's charges were dismissed as a part of a plea agreement. The solicitor's office shall implement policies and procedures to ensure that the expungement process is properly conducted. The legislation includes similar provisions when criminal provisions are brought in a summary court and the accused person is found not guilty or the charges are dismissed or nolle prossed; however, the presiding judge of summary court has responsibility for the process. The legislation requires the solicitor to prove a copy of the completed expungement order to the applicant or his attorney. The State Law Enforcement Division (SLED) shall verify and document that the criminal charges in all cases are appropriate for expungement, and SLED shall receive a \$25 dollar fee for each verification request from the solicitor on behalf of the applicant. However, in the case of juvenile expungements, verification and documentation that the charge is statutorily appropriate for expungement must first be accomplished by the Department of Juvenile Justice and then SLED. The applicant is also responsible to the clerk of court for the filing fee per individual order; however, if the charge is determined to be statutorily ineligible for expungement this prepaid clerk of court filing fee must be refunded to the applicant by the solicitor. Also, a filing fee may not be charged by the clerk's office to an applicant when the charge was discharged, dismissed, nolle prossed, or the applicant was acquitted. Each expungement order may contain only one charge sought to be expunged, except in those circumstances when expungement is sought for multiple charges occurring out of a single incident. An applicant may seek relief in circuit court when a solicitor, in his discretion, does not consent to expungement. The solicitor may waive the fee when it is determined that a person has been falsely accused of a crime as a result of identity theft. Under this bill, a person who intentionally retains the arrest and booking record, files, mugshots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed is guilty of contempt of court. This bill reduces the timeframe following a first offense conviction as a youthful offender the defendant may apply for an expungement order from fifteen years from the date of conviction to five years from the date of completion of the sentence, including probation and parole. Relating to conditional discharge of certain first time drug offenses, this bill removes the current requirement that the person not be over twenty-five years of age at the time of the offense.

The House amended, approved, and sent to the Senate **H.3311**. In order to expedite the placement of adoptive children in stable and permanent homes, the bill establishes the **RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES**. The purpose of this registry is to provide notice of adoption or petition for termination of parental rights proceedings to unmarried biological fathers who affirmatively assume responsibility for children they may have fathered by registering. No unmarried biological father who fails to file a claim of paternity with the registry is entitled to notification of any adoption proceeding or any termination of parental rights proceeding concerning the unmarried biological father's child. The registry is not

available for public inspection and is not subject to disclosure under the Freedom of Information Act; however, under certain circumstances outlined in the legislation the information may be disclosed. Any unauthorized use, or attempted unauthorized use, of the registry is expressly prohibited, and any person or organization seeking, receiving, using, or publishing, or attempting to do so, of any information contained in the registry in violation of these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for not more than thirty days, or both. A person who knowingly, maliciously, or in bad faith files a false claim of paternity with the registry is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for not more than thirty days, or both. Relating to persons or entities entitled to be served with a petition for termination of parental rights, this bill further specifies the age as fourteen for serving a child and provides for service on the guardian ad litem of a child under fourteen years of age. The bill also specifies the notice provisions applicable to an unmarried biological father of a child whose parental rights are being terminated.

The House amended, approved, and sent to the Senate **H.3148**, the “**SOUTH CAROLINA RURAL INFRASTRUCTURE ACT**”. The bill establishes the South Carolina Rural Infrastructure Authority and provides for its governance, powers, and duties. The legislation authorizes the authority to: provide loans and other financial assistance to a municipality, county, special purpose or public service district, and a public works commission in order to finance rural infrastructure facilities; allow state appropriations, grants, loan repayments, and other available amounts to be credited to the fund of the authority; and, authorize lending to and borrowing by eligible entities through the authority.

The House approved **S.483**, the “**LOCAL OPTION TOURISM DEVELOPMENT FEE ACT**”, and enrolled the bill for ratification. The legislation allows a county in which at least fourteen million dollars of state accommodations tax revenues have been collected in a fiscal year and a municipality located in such a county to impose a fee not to exceed one percent of amounts subject to tax pursuant to the South Carolina Sales and Use Tax Act, for not more than ten years. The legislation provides that the fee may only be imposed by ordinance of the appropriate local governing body. The legislation establishes uses for which the fee revenue must be applied, including tourism promotion, property tax rollback, and capital projects promoting tourism causes.

The House amended, approved, and sent to the Senate on **H.3365**, the “**HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2009**”. This bill provides comprehensive regulatory flexibility for institutions of higher education in the areas of human resources, capital expenditures and procurement, finance, and administration.

The House approved and sent to the Senate **H.3730**, a joint resolution to provide that all **FUNDS RECEIVED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE CLEAN WATER STATE REVOLVING FUND AND DRINKING WATER STATE REVOLVING FUND** may be received and expended pursuant to provisions of the Recovery Act for so long as monies are available under the recovery act.

The House amended, approved, and sent to the Senate **H.3681**, “**CHANDLER’S LAW**” or the “**ALL-TERRAIN VEHICLE SAFETY ACT**”. The legislation provides that it is

unlawful for a parent or legal guardian to knowingly permit his child or ward six years of age or younger to operate an all-terrain vehicle (ATV). A person fifteen years old or younger may not operate an ATV within this State unless the person possesses a safety certificate indicating successful completion of an ATV safety course approved by the ATV Safety Institute. The legislation provides that vehicles meeting specific standards only may only be operated by persons of a certain age. The legislation further provides that a person fifteen years of age or younger must wear a safety helmet and eye protection while operating an ATV. The legislation outlines restrictions for the operation of an ATV on those lands open to the public. The legislation provides that ATVs are exempt from *ad valorem* personal property taxes beginning with calendar year 2009. Violations of this legislation, unless otherwise specified, are misdemeanors punishable by a fine of not less than \$50 dollars nor more than \$200 dollars. The legislation also provides for the titling of ATVs through the Department of Motor Vehicles. These provisions do not apply to an owner, operator, lessor or renter of a farm or ranch or that person's employees, immediate family or household members when operating an all-terrain vehicle while engaged in farming or ranching operations or a person using an all-terrain vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in those activities.

The House approved **S.26** and enrolled the legislation for ratification. This joint resolution establishes a **STROKE SYSTEMS OF CARE STUDY COMMITTEE** within the Department of Health and Environmental Control to develop recommendations for a regionally organized and statewide comprehensive plan for stroke systems of care. The study committee shall submit its report electronically to the General Assembly and the Governor no later than December 1, 2010, at which point it will dissolve.

The House approved **S.407** and enrolled the bill for ratification. This bill revises provisions relating to the donation of human bodies, parts of the human body and human tissue, so as to conform South Carolina's laws to provisions of the **REVISED UNIFORM ANATOMICAL GIFT ACT** model legislation that has been adopted by multiple states.

The House amended, approved, and sent to the Senate **H.3579**, a bill relating to **TIMES FOR CONDUCTING REFERENDA OR OTHER BALLOT QUESTIONS**. The legislation provides that local governments and any other entity authorized by law to conduct a referendum, ballot measure, or other election event where a person is not elected to an office shall conduct this event, at which qualified electors are allowed to cast a ballot, the Tuesday after the first Monday in November. These provisions do not apply to amendments proposed to the Constitution of this State or the United States Constitution.

The House amended, approved, and sent to the Senate **H.3464**, pertaining to **POLL MANAGERS**. Currently all managers of election for the various polling places in the State must be residents and registered of the respective counties in which they are appointed to work or in an adjoining county. Under this bill, all mangers of election for the various polling places in the State must be registered electors of a county in South Carolina and may be appointed to work in another county.

The House amended, approved, and sent to the Senate **H.3013**, which makes **REVISIONS TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS OR UNCULTIVATED LANDS**. Under this bill a person, other than the owner or a person acting under the authority of the owner, who wilfully and knowingly removes, destroys, or leaves down

any portion of a fence in this State intended to enclose animals of any kind or crops or uncultivated lands or who wilfully and knowingly leaves open or removes a gate or leaves down bars or other structure intended for the same purpose is guilty of a misdemeanor and must be punished as follows: (1) for a first offense, by a fine of \$1,000 dollars or imprisonment for 30 days, or both; (2) for a second offense, by a fine of \$5,000 dollars, or imprisonment for six months, or both; (3) for a third or subsequent offense, by a fine of \$10,000 dollars or imprisonment for one year, or both. Only those offenses occurring within ten years of the last offense constitute prior offenses. The magistrates court is vested with jurisdiction to hear and dispose of these cases. These provisions do not affect an easement holder's right and ability to maintain such easement and rights-of-way consistent with the provisions of the document granting such easement.

The House approved and sent to the Senate **H.3721**, this year's legislation **CONFORMING STATE TAX PROVISIONS TO THE FEDERAL INTERNAL REVENUE CODE.**

The House amended, approved, and sent to the Senate **H.3722**, this year's legislation **REVISING AND UPDATING VARIOUS STATE TAX PROVISIONS.**

The House approved and sent to the Senate **H.3268**, a bill revising provisions relating to the construction of **TOLL ROADS**. The legislation revises the method of disbursement of funds derived from tolls, defines the term "qualified toll project," provides for the disbursement of funds derived from qualified toll projects, and provides when tolls collected from qualified toll projects shall cease. The legislation revises provisions relating to the Department of Transportation's authority to enter into agreements to finance, construct, and maintain highways, roads, streets, and bridges, so as to provide guidelines for the department's expenditure of funds on qualified toll projects and the setting of tolls along transportation facilities.

The House approved and sent to the Senate **H.3203**, a bill revising provisions governing the operation of the **DRYCLEANING FACILITY RESTORATION TRUST FUND**. The legislation further specifies that wholesale drycleaning facilities are subject to the provisions of the article and are eligible to seek restoration assistance. The legislation authorizes the Department of Health and Environmental Control to use funds, other than funds from the Drycleaning Facility Restoration Trust Fund, if an emergency exists and funds are not available from the trust fund and to further provide that these funds must be repaid from the trust fund. The legislation provides exemptions from the environmental surcharge imposed on the gross proceeds of sales of retail drycleaning facilities, including an exemption for wholesale sales of drycleaning services. The legislation further provides for eligibility requirements and determinations and procedures for requesting and issuing restoration assistance, including obtaining secondary assessments and the amount of deductibles. The legislation provides for initial and annual registration fees for drycleaning facilities established after October 1, 1995. The legislation authorizes the property owner to register a facility if the owner or operator of the facility does not. The legislation provides for the issuance of certificates of registration and requires presentation of such certificates in order to purchase drycleaning solvents. The legislation prohibits a supply facility, or other drycleaning facility, from selling drycleaning solvent to a drycleaning facility if the facility does not possess a certificate. The legislation provides civil penalties, specifies requirements for a drycleaning facility exemption certificate, and revises the membership of the Drycleaning Advisory Council.

The House approved and sent to the Senate **H.3835**, the “**SOUTH CAROLINA HYDROGEN PERMITTING ACT.**” The legislation establishes a program for permitting hydrogen facilities in this state.

The House approved and sent to the Senate **H.3856**, a bill that excludes public infrastructure projects from the **LIMITATIONS ON DISPOSITION OF HERITAGE TRUST PROPERTY.**

The House approved and sent to the Senate **H.3615**, a bill relating to **PRENEED FUNERAL CONTRACTS.** The legislation transfers administrative duties relating to preneed funeral contracts from the State Board of Financial Institutions to the Department of Consumer Affairs. The legislation increases the amounts of fines imposed for violations. The legislation also provides that, before the suspension, revocation, or other action by the department involving a license to sell preneed funeral contracts becomes final, the department shall offer the licensee the opportunity for a contested case hearing before the Administrative Law Court.

The House approved and sent to the Senate **H.3762**, a bill authorizing the Department of Motor Vehicles to issue “**OUR FARMS-OUR FUTURE**” **SPECIAL LICENSE PLATES.**

The House approved and sent to the Senate **H.3635**, a bill that revises the state’s **SALTWATER FISHING LICENSE** provisions to bring them into compliance with federal law.

The House amended, approved, and sent to the Senate **H.3131**, a bill to provide that the **WOOD DUCK IS THE OFFICIAL STATE DUCK.** The legislation designates the ‘wood duck’ (*Aix sponsa*) also known as the summer duck and the Carolina duck as South Carolina’s official state duck.

The House committed **H.3748**, a bill relating to the calculation of the **INDEX OF TAXPAYING ABILITY**, to the Ways and Means Committee.

The House committed **H.3777**, the “**EMERGENCY LOCAL ECONOMIC DEVELOPMENT ACT**”, to the Judiciary Committee.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Wednesday, April 1, 2009, and gave a favorable report to **H.3635 SALTWATER FISHING LICENSES.** In an effort to bring South Carolina into compliance with the Federal law, this bill establishes applicable fees for resident and nonresident recreational saltwater fishing licenses, saltwater public fishing pier licenses, and charter fishing vessels licenses. The bill also outlines exemptions from purchasing

recreational saltwater fishing licenses. Among many things, this bill provides guidelines for how the sale of stamps and saltwater fishing licenses revenue should be distributed, and repeals a number of statutes in order to conform to these provisions.

H.3572 received a favorable recommendation from the full committee to repeal provisions relating to **SHARK CATCH LIMITS**, which allows South Carolina to be in compliance with Federal regulations.

The full committee gave a favorable report to **H.3571** relating to the **PROHIBITION AGAINST THE TAKING OR DESTROYING OF THE NEST OF EGGS OF WILD BIRDS**. This bill defines "active nest" as a nest with birds or eggs present. The bill allows the Department of Natural Resources to issue a permit for the removal of an active nest or eggs that constitute a public safety threat or when birds are causing damage to property.

H.3541, pertaining to **HUNTING REVISIONS FOR GAME ZONE ONE**, was given a favorable report by the full committee. This bill revises open season for antlered deer in the Upstate, Game Zone 1, as well as the equipment that may be used during certain periods. The bill also provides provisions for the hunting and taking of bear. It is unlawful to take or attempt to take bear of less than one hundred pounds. The open season for hunting and taking bear in Game Zone 1 for still gun hunts October 17 through October 23 and December 15 through December 20; for party dog hunts October 24 through October 30. In all other game zones, the Department of Natural Resources may declare an open season by regulation.

The bill further provides it is unlawful to possess an untagged bear; to attempt to hunt or take bear by use or aid of bait; or to take bear on or over a baited area. The bill provides definitions for "bait" and "baited area". This bill requires a resident to purchase a bear tag for twenty-five dollars and a nonresident to purchase a bear tag for one hundred dollars. In Game Zone 1, a registered dog hunt party may take up to five bear per season per party with conditions.

The full committee adjourned debate on **H.3522**, a bill that repeals the provisions for the **COASTAL ZONE MANAGEMENT APPELLATE PANEL**.

H.3483, a **PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO HUNTING, TRAPPING, AND FISHING**, received a favorable with amendment recommendation from the committee. This joint resolution proposes to amend the State Constitution so as to provide that hunting, trapping, and fishing and the taking of wild animals, birds, and fish are a valued part of our heritage and shall be forever preserved for the people. Fish and wildlife shall be managed by laws and regulations that provide persons with the continued opportunity to take, by traditional means and methods, species traditionally pursued by hunters, anglers, and trappers. Fish and wildlife management, including taking, shall be consistent with the state's duty to protect this heritage and its duty to conserve wild animals, birds, and fish. Hunting, fishing, or trapping by sportsmen shall always be a preferred and available means of controlling all invasive or overpopulated species. Any person who is licensed to hunt, fish, or trap and who is adversely affected by a failure to comply with this provision shall have a private cause of action to enforce this provision. The right of the people to hunt, fish, trap, and harvest game shall be subject only to such regulations and restrictions as the General

Assembly may prescribe by general law. This joint resolution would be submitted to the voters at the next general election.

The full committee adjourned debate on H.3433, regarding the **FURBEARING TRAPPER LICENSE**.

H.3681 "ALL-TERRAIN VEHICLE SAFETY ACT" - "CHANDLER'S LAW" received a favorable with amendment report from the full committee. The legislation provides that it is unlawful for a parent or legal guardian to knowingly permit his child or ward six years of age or younger to operate an all-terrain vehicle (ATV). A person fifteen years old or younger may not operate an ATV within this State unless the person possesses a safety certificate indicating successful completion of an ATV safety course approved by the ATV Safety Institute. The legislation provides that vehicles meeting specific standards only may only be operated by persons of a certain age. The legislation further provides that a person fifteen years of age or younger must wear a safety helmet and eye protection while operating an ATV. The legislation outlines restrictions for the operation of an ATV on those lands open to the public. The legislation provides that ATVs are exempt from *ad valorem* personal property taxes beginning with calendar year 2009. Violations of this legislation, unless otherwise specified, are misdemeanors punishable by a fine of not less than \$50 dollars nor more than \$200 dollars. The legislation also provides for the titling of ATVs through the Department of Motor Vehicles. These provisions do not apply to an owner, operator, lessor or renter of a farm or ranch or that person's employees, immediate family or household members when operating an all-terrain vehicle while engaged in farming or ranching operations or a person using an all-terrain vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in those activities.

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 Labor, Commerce and Industry Committee met on Thursday, April 2, and reported out three bills.

The committee approved H.3882 as a committee bill. This legislation provides for the first round of **SMALL BUSINESS "RED TAPE" REDUCTION** proposals drawn from the testimony of small business leaders who were invited to relate their frustrations with bureaucracy and identify regulations that are placing unnecessary burdens on their efforts. The legislation includes proposals to ease a renewal deadline requirement for limited liability partnerships, expedite the Department of Health and Environmental

Control's certification of consistency with the coastal zone management plan for property development in the coastal region, and implement an online answer desk and centralized clearinghouse concerning all state agency licensing, permitting, and regulation of economic activity.

The committee gave a report of favorable with amendment on **S.268** which revises provisions for Building Code Inspection Officers to authorize the certification of **SPECIAL BUILDING INSPECTORS**. The revisions are offered to allow for the use of inspectors who are equipped with specialized knowledge in particular construction trade disciplines, such as plumbing, electrical, mechanical, and fuel gas and energy conservation, rather than general construction trade knowledge.

The committee gave a report of favorable with amendment on **H.3371**. This bill establishes new requirements for the **CONTINUATION OF CARE FOR A SERIOUS MEDICAL CONDITION WHEN A PROVIDER BECOMES OUT-OF-NETWORK FOR A HEALTH INSURANCE PLAN** during the course of treatment. The legislation provides new requirements for health insurers covering such situations that allow the insured to receive continuity of care for ninety days or until the termination of the benefit period, whichever is greater.

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

S. 232 RENEWABLE ENERGY RESOURCES Sen. Ryberg

This bill provides the meaning of “renewable energy resources” as energy conservation and efficiency, solar photovoltaic energy, solar thermal energy, wind power, hydroelectric power, geothermal energy, tidal energy, wave energy, recycling, hydrogen fuel derived from renewable resources, biomass energy, energy derived from municipal and other solid waste, energy derived from waste oil, energy derived from waste tires, and landfill gas. The bill also states that the Public Utility Review Committee shall submit to the General Assembly, on an annual basis, a review of the state energy action plan of the State Energy Office.

S.324 LANDFILLS Sen. Malloy

This joint resolution imposes a moratorium on the consideration of permit applications, requests to expand or replace existing landfills, and the issuance of permits for the construction of new landfills in the state until December 31, 2010. The legislation outlines circumstances for which the moratorium does not apply.

S.470 SALTWATER FISHING LICENSES Sen. Cromer

Among many things, this bill outlines exemptions from purchasing recreational saltwater fishing licenses. This bill provides guidelines for how the sale of stamps and saltwater fishing licenses revenue should be distributed. As a result, numerous statutes are repealed to conform to these provisions.

H.3881 WILD TURKEY SEASON Rep. T. R. Young

This bill establishes a uniform statewide wild turkey season which is March 15 through May 1 inclusive. The bill also establishes a season limit of five turkeys per season per person.

H.3889 HEALTH CERTIFICATION REQUIREMENTS FOR A HORSE TO ENTER

THE STATE Rep. Bales

In addition to a horse being tested for equine infectious diseases, this bill adds that a horse must be tested for equine strangles before entering the state. This bill requires a veterinary certificate of good health be issued not more than thirty days before entry. Horses which are permanently maintained at a public stable or other public facility must be tested for equine infectious anemia each twenty-four months. As a result, the bill outlines increased penalties for violations of these provisions.

EDUCATION AND PUBLIC WORKS

S.120 GOLD STAR FAMILY SPECIAL LICENSE PLATES Sen. Knotts

This bill allows the Department of Motor Vehicles to issue 'Gold Star Family' special license plates to owners of private passenger motor vehicles registered in their names who are immediate family members of members of the armed forces killed in action. The bill further provides that there is no fee for this special license plate as well as exempts the plate from certain production and distribution requirements.

S.255 PURPLE HEART LICENSE PLATES AND KOREAN WAR VETERANS PLATES Sen. L. Martin

The bill allows the Department of Motor Vehicles to issue no more than four permanent special motor vehicle license plates to a recipient of the Purple Heart for use on his private passenger motor vehicles or motorcycles. The bill further provides that there is no fee for the issuance of up to four Purple Heart license plates. With regards to the Korean War Veterans license plates, this bill allows the plates to be issued to veterans who served on active duty during the period of the Korean War. The bill also provides that it is not unlawful to place a decal or frame on a license plate if it does not obscure any letters or numbers.

H.3812 NATIONAL BOARD CERTIFICATION SALARY SUPPLEMENTS Rep. E. H. Pitts

This bill provides that teachers who are certified by the National Board for Professional Teaching Standards shall receive a one-time \$7,500 dollar salary supplement, beginning on July first of the year following the year they achieved certification for the initial ten-year certification period. The salary supplement must be adjusted on a pro rata basis for the teacher's FTE (full time equivalent). Teachers of certain special schools are eligible to receive the supplement. The bill allows up to 1,100 national board certification loan applications to be processed annually. The bill includes provisions relating to the appropriation of funds for the loan program as well as provisions for loan repayment for teachers who fail to obtain national board certification.

H.3814 HIGHWAY BEAUTIFICATION PILOT PROJECT Rep. Allison

This joint resolution authorizes the Department of Transportation to design and implement a highway beautification pilot project to reduce the number of nonconforming billboards throughout the State.

H.3820 GOLD STAR FAMILY SPECIAL LICENSE PLATES Rep. Vick

This bill reduces the fee for this special license plate. Under this bill, the fee for this special license plate is the regular motor vehicle license fee.

H.3828 "COMMUNITY SCHOOLS INVESTMENT ACT" Rep. Duncan

This bill allows each school district to create a 501(c)(3) nonprofit foundation to accept money, property, and other gifts donated to the district and to raise funds and acquire real and personal property on behalf of the district. The bill includes provisions as to the composition of the foundation; the bill provides that contributions and funds raised on behalf of the district may be used only for nonoperational purposes. The bill provides for the naming of buildings and other special projects undertaken with funds provided by the foundation after benefactors of the foundation upon certain conditions. Contributions received by the foundation are tax deductible charitable or benevolent contributions for income tax purposes.

H.3837 LSV-C ELECTRIC VEHICLES Rep. Limehouse

This bill defines the term "LSV-C electric vehicle" and provides for the regulation of LSV-C electric vehicles along the State's highways.

H.3841 "TECHNICAL COLLEGE ADMINISTRATIVE EFFICIENCIES ACT OF 2009" Rep. Owens

This legislation requires the State Board for Technical and Comprehensive Education (State Board) to establish a tiered system for categorizing technical colleges with respect to their financial strength and ability to manage day-to-day operations and a review system for certain human resources, facilities and capital improvement, procurement, and grants management requests by technical colleges. This bill allows technical colleges to enter into one or more lease agreements upon certain conditions and subject to approval by the State Board and review by the Joint Bond Review Committee and the State Budget and Control Board. The legislation allows technical colleges to be a part of certain contracts made by counties, municipalities, or school districts. Among other things, the legislation provides greater flexibility to the technical colleges and streamlines procedures while maintaining oversight through the State Board.

H.3843 VETERAN'S DAY RECOGNIZED AS A LEGAL HOLIDAY BY SCHOOLS Rep. Viers

This bill provides that Veteran's Day must be recognized as a legal holiday for all local school districts and public colleges and universities.

H.3857 PSYCHOLOGICAL SCREENINGS BY A SCHOOL DISTRICT Rep. Crawford

This bill provides that a notice of rights pertaining to psychological screenings must be sent by a school district to parents at the beginning of the school year. The bill further provides that a parent or guardian is not required to take any medical action and that psychological screening of a student may not be required in the absence of a signed, written consent by a student's parent or guardian.

H.3866 "SOUTH CAROLINA HIGH SCHOOL DROPOUT PREVENTION ACT OF 2009" Rep. J. H. Neal

This bill requires any high school student during a school year who has cumulatively failed to pass at least two units of instruction required for a high school diploma in the student's program of study or who has scored in the 25 percentile or lower on applicable end-of-year assessment tests to meet with his high school guidance counselor and his parents or legal guardian before the start of the next school year. The purpose of the meeting is to review the student's individualized education plan and his academic progress to determine if modifications in the plan or changes in the student's program of study are required in order to allow the student to achieve greater educational benefits and also to prevent the student from dropping out of school. Relating to notification to parents or legal guardian of a pupil who has been suspended from a class or school and conferences in regard to the suspension with the student's parents or legal guardian which are available with school administrators, at these conferences this bill requires the administrator to advise the parents or legal guardian of what measures are available to help the pupil keep up his academic work with the goal of preventing the pupil from later dropping out of school. This bill requires mandatory school attendance until the age of nineteen rather than seventeen for a student who has not graduated from high school.

H.3873 VIRTUAL HEAD START COMMITTEE/WIRELESS CLOUD OVER ALL PUBLIC SCHOOL FACILITIES Rep. Rice

This legislation creates a Virtual Head Start Committee under the administration of the State Department of Education whose purpose it is to establish an Internet library of interactive lessons designed to give caregivers of children aged zero to six an opportunity to practice daily teaching methods intended to focus and improve early childhood education and development. The legislation includes provisions as to membership and duties of the committee. The committee's website must be funded by private grants and advertising. The legislation also requires the State Budget and Control Board and the Educational Television Network to provide a wireless cloud over all public school facilities and over a ten-mile radius surrounding the facilities using existing infrastructure.

JUDICIARY

S.107 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE REVISIONS (STUDENT/SCHOOL EMPLOYEE SEXUAL CONTACT PROHIBITONS)

Sen. Ryberg

This legislation provides if a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is sixteen or seventeen years of age, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is eighteen years of age or older, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for 30 days, or both. If a person affiliated with a public or private secondary school in an official capacity has direct supervisory authority over a student enrolled in the school who is eighteen years of age or older, and the person affiliated with the public or private secondary school in an official capacity engages in sexual battery with the student, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. An exception is provided for a person affiliated with a public or private secondary school who is lawfully married to the student enrolled in the school at the time of the act.

S.217 COMPREHENSIVE REVISIONS PERTAINING TO INMATES AND THE DEPARTMENT OF CORRECTIONS

Sen. Fair

This comprehensive legislation makes revisions pertaining to inmates and the Department of Corrections.

S.486 DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS REVISIONS

Sen. Peeler

This bill makes various revisions relating to the Department of Disabilities and Special Needs (DDSN). With regards to the promulgation of regulations by the Commission on Disabilities and Special Needs, this bill deletes the provision requiring the Commission to consult with the advisory committee of the division to which the regulations shall apply. The legislation removes the authority of the director to appoint and remove employees of

the department. The legislation deletes the provision transferring the responsibility for autistic services from the Department of Mental Health to DDSN. The legislation requires DDSN to establish charges for services in regulation. The legislation requires certain community-based housing and day programs operated by or contracted for operation by DDSN to be licensed. The legislation also makes revisions pertaining to criminal records checks of direct care staff.

S.654 LANCASTER COUNTY Sen. Mulvaney

This bill provides that Lancaster County shall have a separate clerk of court and register of deeds. Under this bill, the governing body of Lancaster County shall appoint the register of deeds for Lancaster County. The legislation also repeals Act 454 of 2000 relating to the transfer of the duties of the register of deeds in Lancaster County to the records management director of Lancaster County.

H.3816 COUNTIES AND MUNICIPALITIES ARE AUTHORIZED TO ISSUE TRAFFIC WARNING CITATIONS Rep. Herbkersman

This bill authorizes counties and municipalities to issue traffic warning citations that carry a fine of not more than \$80 dollars; the bill further provides that 90 percent of the fine may be retained by the county or municipality.

H.3817 MISSING PERSONS/SILVER ALERT SYSTEM Rep. Dillard

This bill allows any person responsible for a missing person to submit a missing person report to the Missing Person Information Center (MPIC) or to a law enforcement agency. The bill requires any person responsible for a missing person who submits a report to MPIC or law enforcement to immediately notify MPIC and the law enforcement agency of any individual whose location has been determined. This legislation also establishes within the MPIC the Silver Alert System. The purpose of the Silver Alert System is to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or other cognitive impairment.

H.3829 DRUG TESTING AS A CONDITION OF RECEIVING PUBLIC ASSISTANCE Rep. Rice

Except as otherwise prohibited by law, this bill provides that a person: (1) seeking or receiving public assistance shall submit to random drug testing administered by the agency from which the person is seeking or receiving public assistance; and (2) who twice fails a drug test may not receive additional public assistance benefits, and the agency that administered the drug test immediately shall terminate public assistance benefits it provides to him.

H.3831 "RESIDENTIAL LANDLORD-TENANT ACT" REVISIONS Rep. Rutherford

This bill pertains to deposits paid under the "Residential Landlord-Tenant Act." This bill allows a landlord to be exempt from certain written notice requirements if a tenant is evicted for failing to pay rent or incurring damage exceeding the amount of the security deposit.

**H.3833 PROPOSED CONSTITUTIONAL AMENDMENT FOR RECALLING
AND
REMOVING A PERSON HOLDING A STATEWIDE ELECTED
CONSTITUTIONAL OFFICE Rep. H. B. Brown**

This joint resolution proposes to amend the State Constitution by providing procedures for recalling and removing a person holding a statewide-elected constitutional office.

H.3834 RESTRICTIONS ON LOCAL GOVERNMENTS DECLARING A BUSINESS A PUBLIC NUISANCE Rep. Rutherford

This bill prohibits a municipality or county from declaring a business a public nuisance if that municipality or county does not authorize the use of its off-duty law enforcement officers to be hired by private entities to provide security services.

H.3844 PROBATE JUDGES Rep. Viers

Relating to the requirement that the governing body of each county provide the judge of probate with the necessary office equipment, books, office space, and personnel for the operation of the court, this bill provides that these judges have absolute control over these matters, including use of budgeted funds, employee classifications, compensation, and promotions.

H.3845 TIME PERIOD FOR A MOTION FOR A NEW TRIAL IN MAGISTRATES COURT Rep. T. R. Young

This bill increases the time period in which a motion for a new trial in magistrates court may be made from five to ten days.

H.3846 MANUFACTURED HOUSING Rep. Sellers

This bill outlines manufactured housing loan default and repossession procedures.

H.3847 FINANCIAL RESPONSIBILITY OF A TENANT FOR A UTILITY BILL Rep. Sellers

The bill allows a tenant to pay an outstanding utility bill owed by the landlord in certain circumstances. The bill further provides that this payment may be deducted from the tenant's next due rent payment, and this payment of a utility bill must be considered a rent payment.

H.3848 SOUTH CAROLINA FORECLOSURE DATABASE Rep. Sellers

This bill creates the South Carolina Foreclosure Database in the office of the Secretary of State by December 31, 2009. Among other things, this bill outlines information that must be contained in the database and reporting requirements for the information. The bill further provides that liability may not accrue to the party foreclosing the mortgage or its attorney for certain errors in the provision of information to the database. The omission of information required by this legislation does not invalidate a foreclosure. The Secretary of State may promulgate rules and regulations necessary to implement the database.

H.3853 "MIDDLE COURT PROCESSES ACT" Rep. Hart

The stated purpose of a statewide middle court process is to promote the rehabilitation and reentry of certain nonviolent offenders into society and reserve the state's prisons for those dangerous offenders and others for whom prison is the best alternative in the criminal justice system.

H.3858 "RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT" Rep. Loftis

The legislation prohibits a school district from discriminating against a student based on religious viewpoint. The legislation allows a student to express his religious viewpoint, express his religious beliefs in homework and classroom assignments, and organize and

participate in religious student gatherings to the same extent as secular noncurricular groups.

**H.3859 "AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT
BY
NATIONAL POPULAR VOTE" Rep. J. H. Neal**

This legislation adopts the "Agreement Among the States to Elect the President by National Popular Vote." The legislation also repeals statutes relating to presidential electors.

H.3864 "INNOCENCE PROTECTION ACT" Rep. J. H. Neal
This bill allows a person in custody after conviction to apply to the court for certain forensic DNA testing. The bill outlines the duties and responsibilities of a court upon receipt of an application for DNA testing, and it further provides for preservation of biological material secured in connection with a criminal case for as long as the material may have probative value as evidence.

**H.3876 PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR
INCREASED TERMS OF OFFICE FOR MEMBERS OF THE GENERAL
ASSEMBLY Rep. Scott**
This joint resolution proposes to amend the State Constitution so as to increase terms of office for members of the General Assembly. The legislation proposes that beginning in 2012, members of the House of Representatives must be chosen every fourth instead of every second year. The legislation also proposes that members of the Senate be elected every sixth instead of every fourth year.

**H.3877 INCREASED TERMS OF OFFICE FOR MEMBERS OF THE GENERAL
ASSEMBLY/ TERM LIMITS Rep. Scott**
The bill increases the term of office for a member of the House of Representatives from two to four years. The bill further provides that a person is not eligible for election to the House if that person has served four terms in the same body, regardless of the district represented. It also increases the term of office for a member of the Senate from four to six years. The bill further provides that a person is not eligible for election to the Senate if that person has served three terms in the same body, regardless of the district represented. The legislation includes grandfather provisions.

**H.3884 VIDEO RECORDING OF STATEMENTS MADE DURING A
CUSTODIAL INTERROGATION Rep. Rutherford**
Under this bill, all statements relating to a crime and statements regarding rights contained in the United States Constitution and the South Carolina Constitution or the waiver of these rights made during a custodial interrogation at a place of detention must be video recorded. The bill requires a court to instruct a jury that it may draw an adverse inference for a law enforcement officer who fails to video record a statement relating to a crime. The bill outlines circumstances in which a person's statement may be used for impeachment purposes. The bill includes provisions for when a statement obtained in another state or by the federal government is admissible in this state and when an inaudible portion of a video recording does not render it inadmissible in a judicial proceeding.

**H.3886 MEMORIALIZING CONGRESS TO PROPOSE AN AMENDMENT TO
THE CONSTITUTION OF THE UNITED STATES PERTAINING TO**

FEDERAL APPROPRIATIONS Rep. G. R. Smith

This is a joint resolution to request appropriate action by the Congress of the United States, on its own action by consent of two-thirds of both houses or on the application of the legislatures of two-thirds of the several states, to propose an amendment to the Constitution of the United States to require that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year, with certain exceptions.

LABOR, COMMERCE AND INDUSTRY

H.3855 *USE OF PROPERTY FOR CASUAL SALES OF MOTOR VEHICLES*

Rep. T. R. Young

This bill revises provisions for the regulation of motor vehicle dealers, so as to exclude from the definition of "motor vehicle dealer", a business entity which for no fee or charge and while not open for business offers the use of its property for casual sales of motor vehicles.

H.3860 ALTERNATIVE BASE PERIOD FOR CERTAIN CLAIMANTS OF SOUTH CAROLINA EMPLOYMENT SECURITY LAW BENEFITS

Rep. J. H. Neal

The bill provides for an alternative base period for certain claimants of benefits under the South Carolina Employment Security Law. The legislation provides that, when certain information is not available, the Employment Security Commission may base the determination for eligibility for unemployment insurance benefits on the affidavit of a claimant with respect to weeks and wages for certain calendar quarters.

H.3875 "SOUTH CAROLINA HEALTHNET PROGRAM" Rep. Cato

This bill enacts the "South Carolina HealthNet Program" to provide for the creation of a five-year pilot program to promote the availability of health insurance coverage to employees of small employer groups and health group cooperatives regardless of health status or claims experience.

H.3883 LIFETIME MAXIMUM OF MAJOR MEDICAL COVERAGE PROVIDED BY THE STATE HEALTH PLAN Rep. Bowers

This bill revises State Health Plan provisions, to require that major medical coverage provided by the plan must have a lifetime maximum of no less than two million dollars.

H.3888 LIMITATIONS ON REQUIREMENTS IMPOSED ON MOTOR VEHICLE DEALERS BY MANUFACTURERS OR DISTRIBUTORS Rep. Harrison

This bill prohibits motor vehicle manufacturers or distributors from requiring dealers to relocate or make alterations to their dealerships unless certain requirements are met. The legislation prohibits motor vehicle manufacturers or distributors from preventing dealers from investing in, managing, or acquiring any other line-make of new motor vehicles or related products if certain requirements are met. The legislation revises provisions relating to motor vehicle dealers, so as to provide certain factors that must be considered in calculating the fair and reasonable compensation for the value of a motor vehicle dealership.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.337 COMPREHENSIVE REVISIONS PERTAINING TO THE CERTIFICATE OF NEED PROGRAM AND PROCESS Sen. Cleary

This comprehensive legislation makes revisions pertaining to the Certificate of Need program and process.

S.463 ALZHEIMER'S DISEASE REGISTRY Sen. Peeler

This bill expands the types of data collected by the Alzheimer's Disease Registry. Among other things, the registry is authorized to conduct follow-back studies, prospective studies of the progression and treatment of Alzheimer's disease and related disorders, and research on caregiving for individuals with Alzheimer's disease or a related disorder, on services used by individuals with Alzheimer's disease or a related disorder, and on causes of Alzheimer's disease and related disorders that examines risks associated with area of residence. Caregivers must provide informed consent to participate in research on caregiving.

H.3815 LICENSURE AND REGULATION OF COSMETOLOGISTS Rep. Haley

Relating to the definition of terms pertaining to the licensure and regulation of cosmetologists, this bill specifically excludes from the definition of "salon" a rental booth and the space in a salon occupied by an independent contractor. The bill further provides that a person practicing under an individual cosmetology license in a booth rental or as an independent contractor may not be charged a licensure or licensure renewal fee other than the fee charged for individual licensure or licensure renewal.

**H.3842 NONEMERGENCY MEDICAL TRANSPORTATION PROGRAM
Rep. Moss**

This is a joint resolution to provide that the South Carolina Department of Health and Human Services shall comply with the recommendations of the South Carolina Legislative Audit Council concerning the nonemergency medical transportation program operated by the department and to report to the General Assembly on the department's progress.

**H.3871 REPORTING REQUIREMENTS FOR LABORATORIES THAT TEST
FOR
INFECTIOUS DISEASES Rep. Harvin**

This bill adds that reporting requirements for laboratories that test for infectious or other diseases required by the Department of Health and Environmental Control to be reported and to provide a civil monetary penalty for violations.

WAYS AND MEANS

**S.116 CONSOLIDATED PROCUREMENT CODE VENDOR PREFERENCES
FOR
SOUTH CAROLINA AND UNITED STATES END PRODUCTS AND
FOR
THE EMPLOYMENT OF STATE RESIDENTS Sen. Knotts**

This bill revises consolidated procurement code vendor preferences, to establish 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 legislation revises provisions relating to contracts for design services, so as to provide for a resident preference.

**S.239 "APPROPRIATIONS BILL EARMARK DISCLOSURE ACT" Sen.
Massey**

This bill enacts the "Appropriations Bill Earmark Disclosure Act", to provide requirements for the disclosure of information surrounding earmarks requested by members of the General Assembly for inclusion in an appropriations bill.

S.576 CAPITOL POLICE FORCE Sen. McConnell

This bill establishes the Capitol Police Force, consisting of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, and the Marshal of the Supreme Court, and provides for its functions, powers, duties, and responsibilities.

S.594 HIGHER EDUCATION REVENUE BOND ACT Sen. Leatherman

This bill revises the issuance of revenue bonds under the provisions of the Higher Education Revenue Bond Act by providing that academic facilities authorized by joint resolution of the General Assembly may be financed under the act. The legislation eliminates certain limitations on the issuance of revenue bonds.

H.3832 MAGISTRATES' SALARIES Rep. Rutherford

This bill provides that a magistrate who is a licensed attorney in good standing with the South Carolina Bar must be paid a base salary equal to fifty-five percent of a circuit court judge's salary for the state's immediately previous fiscal year, regardless of the population category of the county he serves or the length of his tenure as a magistrate.

H.3836 USE OF LOCAL HOSPITALITY TAX REVENUES FOR TRANSPORTATION NEEDS Rep. McEachern

This bill revises provisions for the uses allowed for local hospitality tax revenues, so as to allow the governing body of a municipality and a county by ordinance to use not more than one-half of the revenues of the local hospitality tax imposed by the county and municipality for transportation needs.

H.3838 TEMPORARY FIFTEEN PERCENT TAX EXEMPTION FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY Rep. Bales

This joint resolution provides a property tax exemption for owner-occupied residential property for property tax year 2009 only, in an amount equal to fifteen percent of the fair market value of the property.

H.3839 "MUNICIPAL FINANCE OVERSIGHT ACT OF 2009" Rep. Edge

This bill enacts the "Municipal Finance Oversight Act of 2009" to create the Municipal Finance Oversight Commission and an executive committee of the commission, and provides for their composition, powers, duties, and responsibilities. The legislation requires municipalities to submit annual financial reports and audits. The legislation authorizes sanctions against municipalities that fail to comply with the commission's plan for refinancing, adjusting, or compromising a debt. The legislation provides penalties for an officer or employee of a municipality who fails to comply with the act's provisions. The legislation eliminates an existing requirement for a financial report submitted by municipalities to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section.

H.3840 TAX MATTERS Rep. Cooper

This bill authorizes revisions pertaining to various tax matters.

H.3861 TECHNICAL ASSISTANCE FOR AN HISTORICALLY UNDERUTILIZED BUSINESS SEEKING A SURETY BOND ON A PUBLIC PROCUREMENT

CONTRACT Rep. J. H. Neal

This bill revises surety bonding requirements for bidders on a public procurement contract, so as to provide that the Materials Management Office of the State Budget and Control Board shall establish a program to provide technical assistance to a historically underutilized business seeking a surety bond. The legislation provides that the Materials Management Office may contract for the implementation of the program.

H.3862 "SOUTH CAROLINA INCLUSIONARY ZONING ACT" Rep. J. H. Neal

This bill enacts the "South Carolina Inclusionary Zoning Act" to provide that counties and municipalities are empowered to use inclusionary zoning strategies to expand the availability of affordable housing.

H.3863 INCOME TAX CREDIT FOR A SOLAR OR WIND ENERGY SYSTEM

Rep. J. H. Neal

This bill establishes provisions for a state income tax credit equal to thirty percent of the cost to the taxpayer for the purchase and installation of a solar or wind energy system on property in this state.

H.3865 PAID LEAVE FOR ATTENDING SCHOOL CONFERENCES OR ACTIVITIES DURING WORK HOURS OR ENGAGING IN VOLUNTEER TEACHING ACTIVITIES Rep. J. H. Neal

This bill provides that an employee may be granted by his employer a specified amount of additional paid leave each year for the purpose of attending certain elementary and secondary school conferences or activities during the employee's work hours or to engage in certain volunteer teaching activities in the schools. The legislation provides that the employers of these employees are entitled to a state income tax deduction for these activities.

H.3870 "SOUTH CAROLINA ENTREPRENEURIAL SUCCESS FUND ACT"

Rep. Harrell

This bill establishes the "South Carolina Entrepreneurial Success Fund Act", administered by the South Carolina Venture Capital Authority, which provides for the formation of a fund used to make seed capital investments in high growth-oriented businesses. The legislation establishes a state income tax credit for qualified investments in the fund. The legislation provides for reporting requirements.

H.3885 "DESIGNATED ECONOMIC DEVELOPMENT SITE" FOR EXTRAORDINARY COMMERCIAL FACILITIES Rep. Bingham

This bill allows counties to designate all or a portion of a multicounty park as a "designated economic development site" for extraordinary commercial facilities. The legislation establishes eligibility criteria for such sites. The legislation allows the agreement establishing the site to direct the Department of Revenue to remit up to three-fourths of a portion of state sales tax revenue collected in the site otherwise credited to the general fund of the state to the counties that are party to the agreement. The legislation establishes the uses to which this sales tax revenue remitted to the party counties must be applied. The legislation sunsets new designations five years after the effective date of this act.

H.3887 FINANCING AGREEMENTS FOR SMALL SCHOOL DISTRICTS

Rep. Cobb-Hunter

This bill revises provisions relating to subjecting a lease purchase or financing agreement to a constitutional debt limit, so as to provide a school district with an average daily membership of sixty-five hundred students or less may enter certain financing agreements through December 31, 2012.

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