



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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NOTE: Bill summaries included in this document 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. The summaries 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.

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POTENTIAL ISSUES FOR 2005

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FOREWORD

The potential issues referenced in this document were identified by the Office of House Research, with assistance from research staff for standing committees of the House of Representatives. The list is not exhaustive.

Many of these issues were considered by the General Assembly in 2004, but died at the end of that session; other issues have come to prominence since the 2004 session ended. Also, a number of these issues have been addressed as prefiled legislation for consideration this year.

This document is by no means intended to suggest an agenda. We hope that it will be helpful to our members as we begin the 2005 legislative year.

BUDGET 2005-06

Although State revenues have improved, agencies are hoping to catch up from past-year cuts, and the General Assembly will again be faced with tough decisions in crafting a State budget for 2005-06.

DRINKING AND DRIVING

The problem of drinking and driving while impaired continues to be an important safety issue for South Carolina. Legislation has been prefiled making revisions to the driving with an unlawful alcohol concentration statute.

GOVERNMENT RESTRUCTURING

Last year, the House approved the South Carolina Restructuring Act of 2004, proposing to create the Department of Administration as an Executive Branch department headed by a director appointed by the Governor. The legislation would transfer to the new Department various components and functions of the State Budget and Control Board, Office of the Governor, and other agencies. This proposal has been prefiled for consideration this year. Also prefiled is a joint resolution that proposes to amend the State Constitution to change certain Constitutional Offices from elected to appointed positions.

INCOME TAX REDUCTION

In 2004, the House approved legislation to incrementally reduce the top marginal rate of state individual income tax from seven percent to 4.75 percent. This income tax proposal has been prefiled for consideration in 2005.

JOB CREATION

Legislation which would address the problem of increased job loss and unemployment in South Carolina, and which would provide incentives for the creation and expansion of small businesses, has been prefiled for consideration this year.

LOBBYING BY STATE AGENCIES

During the previous General Assembly, the House approved legislation prohibiting the use of an independent contractor lobbyist by a state agency. Legislation has been prefiled pertaining to this issue.

MEDICAID REFORM

Legislation which streamlines the Medicaid program and increases its accountability and efficiency has been prefiled for consideration this year. Also, legislation which addresses funding Medicaid has been prefiled for consideration this year.

MINI-BOTTLES

In the 2004 General Election, voters approved a proposed amendment to the S.C. Constitution that would eliminate the requirement that on-premises establishments such as bars and restaurants are licensed to sell alcoholic liquors and beverages only in sealed containers of two ounces or less (minibottles). In place of this requirement, the amendment authorizes the General Assembly to determine the size of containers in which alcoholic liquors or beverages are sold. The legislature must approve legislation ratifying this public vote before the Constitution may be changed. The General Assembly may then consider legislation which determines the size of the containers.

NATURAL GAS RATE STABILIZATION

The "Natural Gas Rate Stabilization Act" proposes to bring greater stability and predictability to rates charged by natural gas distribution utilities by establishing a procedure for the adjustment of rates and charges that routinely takes into account such factors as changes in a utility's expenses, revenues, investments, and depreciation.

NOMINATION OF JUDICIAL CANDIDATES

During the previous General Assembly, the House and Senate approved different versions of legislation that would revise the process for nominating judicial candidates for election by the General Assembly. Compromise legislation was not approved prior to adjournment. The issue is likely to be revisited by the General Assembly in 2005, and bills have been prefiled addressing the issue.

NURSE LICENSURE COMPACT

The mutual recognition model of nurse licensure allows a nurse to have one license (in his or her state of residency) and to practice in other states, subject to each state's practice law and regulation. Under mutual recognition, a nurse may practice across state lines unless otherwise restricted. Legislation has been prefiled which would enter South Carolina into the multi-state Nurse Licensure Compact.

PRIMARY ENFORCEMENT OF SEAT BELTS

Legislation authorizing primary enforcement of seat belt and child restraint requirements was approved by the House during the 2003-04 legislative session, but did not pass the Senate. Similar legislation has been prefiled for consideration this year.

PUBLIC CHARTER SCHOOL DISTRICT

Last year the House approved a bill creating the Carolina Public Charter School District, a statewide body which would exercise general supervision over public charter schools and grant charter status to qualifying applicants for public charter schools. This legislation has been prefiled for consideration this year.

SAME SEX MARRIAGES

Several bills have been prefiled pertaining to the issue of same-sex marriages. Other related issues that the General Assembly may address include the definition of the term marriage in South Carolina and whether or not statutory benefits of a legal marriage should be extended to non-marital relationships.

STATE EMPLOYEE RETIREMENT

Several bills which would alter or end the State government TERI retirement program have been prefiled for consideration this year.

STATE GRAND JURY'S JURISDICTION

Bills have been prefiled to expand the State Grand Jury's jurisdiction. The prefiled legislation expands the State Grand Jury's jurisdiction to include environmental offenses as well as gang related offenses.

TORT REFORM

Torts are private or civil wrongs (other than a breach of contract) for which the court provides a remedy, usually in the form of damages. During the previous General Assembly, the House passed and sent to the Senate legislation pertaining to tort reform.

Several bills have been prefiled pertaining to the way in which the state's judicial system handles torts. Issues addressed by the various bills include, but are not limited to:

criteria for where cases may be tried; maximum limits for awards for non-economic damages such as pain and suffering and injury to reputation; limits on punitive damages that may be awarded; standards for determining the degree of liability when multiple parties are involved; provisions for discouraging frivolous lawsuits, and procedures for handling medical malpractice claims.

TUITION TAX CREDITS

Legislation which establishes and provides for income and property tax credits for tuition paid for qualifying students to attend public or nonpublic schools has been prefiled for consideration this year.

WETLANDS PROTECTION

During the previous General Assembly, the House approved and sent to the Senate the South Carolina Isolated Wetlands Act of 2004, which would establish a program to limit the degradation of wetland areas that have been too small and isolated to receive protection under other programs. This unresolved issue may reemerge this year.

WORKERS' COMPENSATION

The "South Carolina Workers' Compensation Reform Act Of 2005" proposes comprehensive revisions to the laws governing compensation for injury or death that occurs in the course of employment. Notably, the legislation eliminates the Workers' Compensation Commission and creates a new Division of Workers' Compensation within the South Carolina Department of Insurance to perform administrative duties. The Commission's judicial functions of hearing and deciding upon claims are reassigned to the Administrative Law Judge Division. The legislation establishes upper limits for disability awards that are tied to the American Medical Association's guidelines for impairment. Under the legislation, workers' compensation is not allowed for injuries or death that result from intoxication, intentional misconduct, or refusal to use a safety appliance or follow official safety procedures. Workers' compensation is not allowed for an individual who is an illegal alien and/or who gained employment through fraudulent means.

BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3117 INCREASED MEMBERSHIP ON THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES Rep. Kirsh

Currently, the Governing Board of the Department of Natural Resources consists of seven members. This bill increases the membership of the board to eight and provides that the additional appointment must be made from the membership of the South Carolina Association of Conservation Districts.

H.3139 INCREASED CATCH LIMITS FOR RED DRUM Rep. Bowers

This bill changes the catch limit for red drum from two to five in any one day.

EDUCATION AND PUBLIC WORKS

H.3010 SOUTH CAROLINA CHARTER SCHOOLS ACT Rep. W.D. Smith

This bill provides for the creation, governance, powers, and duties of the Carolina Public Charter School District, and provides for formation, funding, regulation, and governance of schools which are sponsored by that district.

H.3020 FINANCIAL LITERACY INSTRUCTION ACT Rep. Govan

This bill requires and provides for the State Board of Education (the Board) to develop or adopt curricula, materials, and guidelines for local school boards to use in implementing a program of instruction on financial literacy within courses currently offered in South Carolina high schools. The bill also authorizes the establishment of a special fund to receive public and private contributions for financial literacy programs and promotion.

**H.3023 PUBLIC-PRIVATE FACILITIES AND INFRASTRUCTURE ACT
Rep. Herbkersman**

This bill enacts the Public-Private Education Facilities and Infrastructure Act to address the need for timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of educational facilities and other public infrastructure and government facilities within the State that serve a public need and purpose. The bill facilitates mechanisms which expand and accelerate financing for qualified projects and which give to public and private entities the greatest possible flexibility in contracting with each other for the provision of public service.

**H.3024 "KEEP SOUTH CAROLINA BEAUTIFUL" LICENSE PLATES FUND
Rep. Davenport**

This bill specifies projects that may be financed from the "Keep South Carolina Beautiful" special license plates fund, and revises allocation of these funds. The bill also revises the name of the special plates to "Keep It Beautiful" and revises the name of the fund to the "Highway Beautification Fund."

H.3028 MOBILITY DEVELOPMENT AUTHORITY Rep. Scott

This bill establishes and provides for the Mobile Development Authority (the Authority) within the State Budget and Control Board, and requires the Authority to develop and coordinate a general mass transit program and policy for South Carolina. The bill also deletes the Mass Transit Division of the State Department of Transportation and repeals certain statutes regarding regional transportation authorities.

H.3056 SAFETY BELTS ON SCHOOL BUSES Rep. J. Brown

This bill requires that school buses purchased on or after July 1, 2005, must be equipped with safety belts as provided in the bill.

H.3057 ENFORCEMENT OF SEAT BELT REQUIREMENTS Rep. J. Brown

This bill deletes current provisions which prohibit a law enforcement officer from stopping a driver of a motor vehicle for any primary violation of a provision that requires a driver or passenger to wear a seat belt or a child restraint system.

H.3058 MOTORCYCLE LICENSE PLATES FOR DISABLED PERSONS

Rep. J. Brown

This bill authorizes issuance of special motorcycle license plates to certain disabled persons.

H.3070 PUBLIC EDUCATION FUNDING STUDY COMMITTEE

Rep. Cobb-Hunter

This joint resolution creates and provides for a Public Education Funding Study Committee to study the system of funding public education in South Carolina in grades K-12. The Committee would dissolve upon filing its report in January 2006.

H.3072 "BREAST CANCER AWARENESS" SPECIAL LICENSE PLATES

Rep. Cobb-Hunter

This bill authorizes and provides for special "Breast Cancer Awareness" motor vehicle license plates. Funds from sale of the plates remaining after costs of producing and administering the plates, would be distributed to breast cancer programs specified in the bill.

H.3074 FILING FEE FOR SCHOOL BOARD CANDIDATES **Rep. E.H. Pitts**

This bill requires that in a district that allows for the election of a school board of trustees, a person who files an application to run for a seat on the board shall pay a filing fee of one hundred dollars.

H.3075 REQUIREMENT FOR UNIFORMS/SCHOOL PERFORMANCE RATINGS

Rep. E.H. Pitts

This bill requires that a school receiving an absolute rating of below average or unsatisfactory on its report card for two years in a row must require students to wear uniforms until the school's ratings are improved as provided in the bill.

H.3077 RESTRICTED DRIVER'S LICENSE PROVISIONS **Rep. Huggins**

This bill amends the definition "daylight hours" as that term applies to special restricted driver's licenses. The bill also provides that current restrictions on this driver's license may be modified if the licensee proves that the restrictions interfere with travel between the driver's home and church-sponsored activities.

H.3087 ALL-TERRAIN VEHICLES **Rep. Harrison**

This bill provides for the registration and licensing of all-terrain vehicles (ATV), as those vehicles are defined in the bill, and provides that an ATV is exempt from city and county property taxes.

H.3095 SPOUSES SERVING ON SAME SCHOOL BOARD **Rep. Breeland**

This bill provides that a person may not serve simultaneously or during any portion of a term on the same school board of trustees with his spouse.

H.3106 BAND AS SUBSTITUTION FOR PHYSICAL EDUCATION Rep. Kirsh

This bill provides that band is acceptable instead of physical fitness instruction for all purposes in South Carolina public schools.

H.3109 PHYSICAL EXAMINATION OF BUS DRIVERS Rep. M.A. Pitts

This bill requires and provides for school bus drivers to have a physical examination before the testing required to operate a school bus, and every two years after that.

H.3124 HANDICAPPED PARKING Rep. J. Brown

This bill authorizes and provides for a local jurisdiction to establish a citizens handicapped parking enforcement program to assist in the enforcement of handicapped parking laws. The bill also provides visibility requirements for signs designating handicapped parking spaces; provides that it is unlawful to file a false application to obtain a handicapped license plate or placard; and provides that it is unlawful to illegally duplicate, forge, or sell a handicapped license plate or placard.

H.3126 VEHICLE REGISTRATION CARDS Rep. Duncan

This bill deletes the provision requiring a vehicle owner to sign the vehicle's registration card, and deletes the penalty for failure to sign this card.

H.3129 "BREAST CANCER AWARENESS" LICENSE PLATES Rep. Harrell

This bill authorizes and provides for issuance of "Breast Cancer Awareness" special license plates. After costs of producing and administering the plates have been recovered, funds accrued from sale of the plates must be distributed to the Medical University of South Carolina to support its activities.

H.3145 HANDICAPPED PARKING Rep. J. Brown

This bill provides that a handicapped parking space is available for use by a person authorized to use a handicapped placard, except for numbered spaces reserved for use by only one person.

H.3147 TRANSITION PLANS FOR SPECIAL EDUCATION STUDENTS

Rep. J. Brown

This bill requires individual transition plans, as they are described in the bill, for special education students who are exiting the public school system after entering high school.

H.3148 ASSISTIVE TECHNOLOGY TRAINING FOR TEACHERS

Rep. J. Brown

This bill requires the inclusion of at least one credit hour of assistive technology training in recertification requirements for special education teachers and administrators.

H.3151 STATE FLEET VEHICLES/NEEDY FAMILIES Rep. Cobb-Hunter

This bill requires first priority for purchase of state fleet vehicles being disposed of, to certain needy persons and to agencies serving such persons.

H.3155 S.C. EDUCATION AND ECONOMIC DEVELOPMENT ACT

Rep. Townsend

This bill enacts the South Carolina Education and Economic Development Act, which requires and provides for the development a curriculum organized around a career

cluster system that must provide students with both strong academics and real-world problem-solving skills. The bill also revises requirements for character education by further providing for the traits which must be incorporated into school board policies addressing this subject. The bill also amends requirements for school report cards under the Education Accountability Act by requiring that the report cards include dropout reduction data. The bill also repeals the South Carolina School to Work Transition Act of 1994.

H.3164 DRIVING PRIVILEGES/SCHOOL ATTENDANCE Rep. Littlejohn

This bill provides that the Department of Motor Vehicles may not issue certain motor vehicle licenses or a beginner's permit to or renew the driving privileges of a person who is less than eighteen years old and is not enrolled in school with a specified minimum grade point average, or has not graduated from high school. The bill also requires the suspension of the privilege to drive of a person who has dropped out of high school.

H.3169 STUDENTS MUST BE ON SCHOOL GROUNDS Rep. Littlejohn

This bill requires that students in grades K-12 must be on school grounds during the hours school is in session each day. The bill also provides exceptions to and penalties for violation of this provision.

H.3178 ARMED SERVICES LICENSE PLATES Rep. Bingham

This bill authorizes and provides for the issuance of special license plates honoring each of the components of the Armed Services of the United States.

**H.3179 NAMING OF BUILDINGS, HIGHWAYS FOR STATE OFFICER
Rep. E.H. Pitts**

This bill prohibits naming a building, part of a building, or part of the state highway system for a state officer unless the person to be honored has not occupied a state office for at least five consecutive years before the time of the naming.

H.3186 FULL-TIME NURSES REQUIRED IN SCHOOLS Rep. J. Brown

This bill requires that beginning with school year 2005-06, a full-time school nurse is required for and must be on the premises of each public school in South Carolina during regular school hours. The bill requires that the General Assembly fund this provision from the Education Finance Act.

H.3187 S.C. VIRTUAL CHARTER SCHOOL DISTRICT Rep. Rice

This bill creates and provides for the South Carolina Virtual Charter School District, established for the development and delivery of on-line and distance learning education to provide students with technology-based educational opportunities. The bill provides a tax credit equal to one hundred percent of the donation to individuals or corporations making a donation to the district.

**H.3188 INSTITUTIONS OF HIGHER LEARNING BOARD SERVICE Rep.
Merrill**

This bill provides that a member of the governing board of an institution of higher learning may not serve on the board for more than twelve consecutive years.

**H.3191 GOVERNOR'S SCHOOL FOR TEACHING, LEARNING, AND
TECHNOLOGY Rep. Bingham**

This bill establishes and provides for the Governor's School for Teaching, Learning, and Technology to address continuing advances in these three areas, as a resource for public schools in the state.

H.3192 ADMINISTERING OF GENERAL EDUCATIONAL DEVELOPMENT (GED) TEST BATTERY Rep. Cobb-Hunter

This bill requires that the General Educational Development (GED) Test battery must be given in English and Spanish, and high school diplomas shall be issued to eligible candidates who successfully complete the tests in either language.

H.3193 NAMING OF TECHNICAL EDUCATION INSTITUTIONS Rep. W.D. Smith

This bill provides that a technical education institution under the control of the State Board for Technical and Comprehensive Education may change its name upon a majority vote of the area commission of the institution.

H.3201 DATE FOR ADMINISTERING PACT TEST Rep. Viers

This bill provides that South Carolina school districts shall administer the Palmetto Achievement Challenge Test (PACT) annually on the third Monday in May.

H.3202 COUNTYWIDE SCHOOL DISTRICTS Rep. Viers

This bill establishes, requires, and provides for countywide school districts beginning July 1, 2006, and prohibits a county from having multiple school districts within its boundaries. The bill provides that the General Assembly shall by local law provide for the governance, fiscal authority, and administrative and operational responsibilities for countywide districts where no such provisions of law now apply.

H.3210 STATE SCHOLARSHIPS FOR ACTIVE DUTY MILITARY Rep. Merrill

This bill provides that a person who serves military active duty is eligible to receive a state scholarship until the age of thirty, under conditions specified in the bill.

H.3225 COMPUTER-ADMINISTERED TESTING PROGRAM Rep. M.A. Pitts

This bill provides for the implementation of a computer-administered testing program with an adaptive component in grades three through eight to measure academic progress and provide data for instructional improvement. The academic progress test must include a diagnostic test at the beginning of each school year, and an achievement test that provides comparable diagnostic information for accountability purposes at the end of each school year.

JUDICIARY

H.3008 "S.C. ECONOMIC DEVELOPMENT, CITIZENS, AND SMALL BUSINESS PROTECTION ACT OF 2005" Rep. Cato

Among other things, this legislation pertains to actions for personal injury, property damage and wrongful death. The bill provides that in an action for personal injury,

property damage or wrongful death, the liability of each defendant for damages is several only and may not be joint; however, the legislation imposes joint liability on all who consciously and deliberately pursue a common plan or design to commit a tortuous act. The legislation outlines a procedure for assessing percentages of fault.

Currently an action based upon a defective or unsafe improvement to real property may be brought within thirteen years of the substantial completion of the improvement. This bill decreases the time frame to file an action from thirteen years to six years.

With regards to actions that must be filed where the defendant resides, this legislation defines certain key terms and provides factors for the court to consider when determining a principal place of business.

This legislation requires the signature of an attorney or party on all pleadings and other documents filed in a civil or administrative action that the attorney or party does not believe that the claim is frivolous. The legislation provides sanctions for filing frivolous claims, including the court reporting findings to the South Carolina Commission on Lawyer Conduct.

H.3011 PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO CERTAIN CONSTITUTIONAL OFFICERS Rep. Wilkins

The offices of Commissioner of Agriculture, Secretary of State, and Superintendent of Education are positions required by the State Constitution to be held by duly elected individuals. This joint resolution proposes to submit to the electors at the next general election whether or not these offices should remain elected positions or rather be positions appointed by the Governor upon advice and consent of the General Assembly. The joint resolution further provides to submit to the voters whether or not the State Board of Education should be abolished effective upon the State Superintendent of Education being appointed by the Governor.

H.3013 "MEDICAL MALPRACTICE AND PATIENT SAFETY REFORM ACT" Rep. W.D. Smith

The legislation establishes a process under which all medical malpractice claims will be reviewed prior to being filed with the court system. To begin a medical malpractice proceeding, this legislation requires a claimant to send a demand letter to the health care provider. This tolls the statute of limitations. The claim is submitted to a Medical Review Panel made up of physicians from the same specialty or area of practice. The panel reviews the claim and determines whether the claim has merit. The panel's determination is not admissible in any court proceedings. The panel does not certify the lawsuit. The opinion is forwarded to the health care provider's insurer who has 60 days after receipt of the opinion to adjust the claim. After the adjustment period, the claimant may then proceed to file his action in court. Prior to trial, the parties must participate in mediation or arbitration.

The legislation imposes a \$300,000 cap on damages awarded for pain and suffering in medical malpractice liability cases. The jury is not informed of the cap. Pain and suffering does not include permanent disability, disfigurement or scarring, paralysis, or loss of limb or any organ. The cap is adjusted annually for cost of living increases.

The legislation includes provisions concerning joint and several liability, contribution, and frivolous lawsuits.

The legislation authorizes a judge to make a determination of “unjustifiable conduct” on the part of a testifying expert. If such a finding is made the judge shall report the expert to the state entity that licenses and regulates the profession of the expert.

Under the legislation, the Division of Health and Demographics within the Budget and Control Board shall develop procedures in conjunction with the Board of Medical Examiners that allows that office to keep records of individual healthcare providers outcomes. This information shall be made public. In the case of hospitals that name of the hospital will be included; in the case of individual healthcare providers the names will be withheld.

The legislation provides that an insurer issuing a policy of healthcare provider medical malpractice insurance shall offer, as a part of the policy or as an optional endorsement to the policy, deductibles and policy limits optional to the policyholder.

Under the legislation, the State Treasurer shall relinquish the management of funds in the Patient’s Compensation Fund to the fund’s Board of Governors.

H.3014 STATE CIVIL LIABILITY DURING A DECLARED STATE OF EMERGENCY Rep. Clemmons

This legislation provides immunity to the State, its political subdivisions, their employees, agents or representatives when a person sustains personal injury or property damage when the person fails to evacuate after the Governor has declared a state of emergency. An exception is provided for gross negligence or willful and wanton misconduct.

H.3015 DISPLAYING TEN COMMANDMENTS ON STATE PROPERTY Rep. Coates

An object containing the words of the Ten Commandments may be displayed on real property owned by the State along with other documents of historical significance that have formed and influenced the United States legal or governmental system.

H.3019 EXPENDITURE REQUIREMENTS FOR CHARITABLE ORGANIZATIONS

Rep. Kirsh

This bill requires that at least 80 percent of the gross receipts from contributions a charitable organization solicits in this State be used directly for the stated charitable purpose of the organization. Communication and advocacy are included as part of the defined charitable purpose.

H.3025 “S.C. TEACHER PROTECTION ACT OF 2005” Rep. Clemmons

Under this legislation, any student enrolled in a school that commits simple assault against a person affiliated with a school, when the offense occurs on school grounds or at a school event, is guilty of a misdemeanor; the penalty upon conviction is a fine of not more than \$500 or 30 days imprisonment.

Likewise, any student enrolled in a school that commits assault and battery (other than one that is aggravated) against a person affiliated with a school, when the offense occurs on school grounds or at a school event, is guilty of a misdemeanor; the penalty upon conviction is a fine of not more than \$5,000 or 1-year imprisonment.

Any student enrolled in a school that commits assault and battery of a high and aggravated nature against a person affiliated with a school when the offense occurs on school grounds or at a school event is guilty of a felony; the penalty upon conviction is a fine of not more than \$5,000 or 10 years imprisonment.

Among other things, this bill provides that any person who was a victim of an offense listed above and was injured to the extent that the injuries prevent the individual from returning to the former position with the school district must be allowed to continue to participate in all retirement, insurance, and deferred compensation programs that the individual was enrolled in at the time of the injury.

H.3027 LAW ENFORCEMENT DISCIPLINARY PROCEEDINGS AND LAW ENFORCEMENT POLITICAL ACTIVITY Rep. Sinclair

This legislation pertains to disciplinary procedures for law enforcement officers accused or suspected of having committed wrongdoing. It outlines the rights and responsibilities of both the employer and law enforcement officers during these disciplinary proceedings.

Under this legislation, law enforcement officers may engage in political activity while off duty and must not be denied the right to refrain from engaging in political activity not prohibited by law.

H.3029 SPECIAL CODES ON DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF VIOLENT CRIMES Rep. Hinson

This legislation requires an individual convicted of a violent crime to surrender his or her license to the clerk of court. Within 10 days, the clerk of court will transmit the license to the Department of Motor Vehicles.

On or after January 1, 2006, any person who has been convicted of or pleaded no contest to a violent crime must have a special code affixed to his or her driver's license or special identification card. The DMV shall charge a fee of \$50.00 for affixing the identifying code.

When a person has been free of additional convictions of violent crimes for 10 years after he or she has satisfied the terms of his or her sentence, the person may file an application with the DMV to have the special identifying code removed.

H.3030 MOTOR CARRIER TRANSPORTATION CONTRACTS Rep. Harrison

This bill relates to provisions in 'motor carrier transportation contracts.' Under this bill, a provision affecting a motor carrier transportation contract that indemnifies, defends or holds harmless the contract's promisee from or against liability for loss or damage resulting from the negligence or intentional acts or omissions of the contract's promisee is against the public policy of the State.

H.3031 PARDONS Rep. Harrison

This bill would allow pardoned crimes and convictions to be used to enhance subsequent offenses that are allowed by law to be enhanced. Also, this bill provides that the criminal record of a person who receives a pardon is subject to review under certain circumstances when the person is under consideration for certification as a trained law enforcement officer.

H.3032 SAME SEX MARRIAGES Rep. Coates

Any marriage entered into by persons of the same sex in any other jurisdiction must be considered and treated in all respects as having no legal force or effect in this State.

The legislation further provides that it is against public policy to extend or recognize statutory benefits of a legal marriage to non-marital relationships. The legislation has exceptions for benefits enjoyed by all persons, married or unmarried, and for private legal agreements. Under this legislation, benefits of a legal marriage extended to non-marital relationships in another jurisdiction have no legal force or effect in this State.

H.3033 CRIMINAL SEXUAL CONDUCT Rep. Huggins

This bill establishes minimum sentences for criminal sexual conduct convictions. This bill also expands the definition of criminal sexual conduct in the first degree with a minor. Under this bill, a person is also guilty of criminal sexual conduct with a minor if the person has one or more prior convictions for a crime for which the person must register as a sex offender and the person engages in sexual battery with a victim who is less than 16 years of age.

H.3039 JURISDICTION TO HEAR ACTIONS AS TO THE VALIDITY OF MARRIAGES AND THE PATERNITY OF AN INDIVIDUAL Rep.

Sinclair

Currently, Family Court has exclusive jurisdiction to hear actions concerning the validity of marriages and the paternity of an individual. Under this bill, Family Court and Probate Court would have concurrent jurisdiction concerning these issues.

H.3045 ADVERTISING, SELECTION OF ADOPTIVE PARENTS, AND INFORMATION EXCHANGES AUTHORIZED FOR ADOPTIONS Rep. Kirsh

This bill makes various revisions regarding adoptions. The bill authorizes a person consenting to the adoption of a child to select the prospective adoptive parents. The bill authorizes the release of certain detailed information to the biological parent or guardian on the prospective adoptive parents and their extended families. The bill provides that other information may be exchanged between the biological and prospective adoptive parents. The bill authorizes advertising by a person who wishes to adopt a child and establishes certain requirements for such advertising.

H.3046 TRAFFIC-CONTROL DEVICES Rep. Kirsh

Under this bill, it is unlawful for any person other than law enforcement, fire department, or emergency personnel to use, possess with the ability to use, sell, or purchase a traffic-control device preemption emitter or a similar device.

H.3049 LIMITATION ON PERSONNEL ACTIONS AGAINST AN EMPLOYEE WHO OWNS, OPERATES OR WEARS CLOTHING ASSOCIATED WITH MOTORCYCLES Rep. J. Brown

This bill provides that the ownership or operation of a motorcycle or the wearing of clothing associated with the ownership or operation of a motorcycle, except when the clothing is obscene, is not the lawful basis of personnel action including, but not limited to, employment, termination, or demotion of an employee. The bill establishes a civil cause of action for an employee who has been adversely affected in violation of this provision.

H.3050 PROBATE COURT APPEALS Rep. Sinclair

This legislation provides that the Court of Appeals must hear appeals directly from Probate Court. Currently, appeals from Probate Court are heard in Circuit Court.

H.3051 COUNTERFEIT MARKS Rep. Sinclair

This bill changes and expands the definition of the term 'counterfeit mark.' The bill establishes the offense of using, trafficking in or production of a counterfeit mark. The bill provides for seizure and forfeiture of items in connection with the use of a counterfeit mark. The bill confers statewide jurisdiction to investigators with the Secretary of State's Office to conduct investigations concerning counterfeit marks.

H.3052 SEX OFFENDER REGISTRY Rep. Harrison

This bill provides that a sex offender whose name is contained on the Sex Offender Registry, and who has been granted a pardon, must remain on the Sex Offender Registry and must continue to register annually.

H.3054 FIREARMS BALLISTIC TESTS Rep. J. Brown

This bill requires that a firearm retailer perform a ballistics test on a firearm prior to delivering the firearm to a purchaser. The bullet used in the ballistics test, the firearm serial number, and the firearm purchaser's name must be filed with the State Law Enforcement Division (SLED) and maintained in a ballistics record file to be used to assist in identification of the owner of a legally purchased firearm that is used to commit a crime. Penalties are established for failure to comply. The bill also requires that a firearm owner report to SLED once the owner loses possession of the weapon; civil penalties are established for failure to comply.

H.3055 REVERSAL OF PATERNITY ORDERS Rep. J. Brown

This bill provides that an order establishing paternity may be reversed by the court upon presentment of evidence not available at the hearing establishing paternity which shows the order establishing paternity was in error.

H.3060 INVOLUNTARY SERVITUDE Rep. Ceips

This legislation creates various offenses related to involuntary servitude. Under the bill, involuntary servitude occurs when a person intentionally subjects another person to forced labor or services by (1) causing or threatening to cause harm to a person, (2) physically restraining or threatening to physically restrain a person, (3) abusing or threatening to abuse the law or legal process, (4) knowingly destroying, concealing, removing or confiscating or possessing actual or purported passport or immigration documentation, or (5) using blackmail or causing or threatening financial harm.

The legislation also provides that it is illegal to recruit or entice or harbor an individual forced into involuntary servitude. Additionally, it is offense for a person who benefits financially or receives anything of value in a scheme involving involuntary servitude.

Under this legislation, it is illegal to employ, authorize or induce a child under 18 to engage in commercial sexual activity or a sexually explicit performance. The bill also increases penalties if a person violates the provisions of this section and uses overt force or the threat of overt force.

**H.3061 DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION
Rep. Lucas**

Currently, a person cannot be charged with the offense of driving with an unlawful alcohol concentration (DUAC) in cases arising out of a traffic roadblock or driver's license checkpoint. This legislation eliminates that prohibition. The bill amends the types of evidence that may be introduced at a DUAC trial. Current law allows for the exclusion of evidence if the policies, procedures and regulations of the State Law Enforcement Division are not followed; this bill eliminates this section. Current law requires that the videotape of an individual's conduct include the person being advised of his or her Miranda rights before any field sobriety tests are administered; the bill eliminates this provision.

H.3063 KAYAKING AND CANOEING LIABILITY IMMUNITY Rep. Kirsh

This bill provides for certain kayaking and canoeing liability immunity whereby a kayaking or canoeing activity sponsor or a kayaking or canoeing professional is not liable for an injury to or the death of a participant resulting from an inherent risk of kayaking or canoeing activity absent specified factors.

H.3064 SUBSTITUTION OF A CANDIDATE WHERE A PARTY NOMINEE DIES, BECOMES DISQUALIFIED, OR RESIGNS FOR A LEGITIMATE NONPOLITICAL REASON Rep. Cobb-Hunter

This legislation pertains to the substitution of a candidate when a party nominee dies, becomes disqualified or resigns for a legitimate nonpolitical reason. This legislation provides that an appeal from an election must be to the Circuit Court of the county in which the affidavit is filed stating the legitimate nonpolitical reason for withdrawing as a candidate.

H.3068 GOVERNMENTAL ENTITY'S WAIVER OF IMMUNITY UNDER THE TORT CLAIMS ACT Rep. Clemmons

This bill makes a technical change with regards to a governmental entity's waiver of immunity under the Tort Claims Act.

H.3071 ASSAULT & BATTERY UPON EMERGENCY MEDICAL SERVICE PROVIDERS, FIREFIGHTERS OR HOME HEALTH CARE WORKERS Rep. Cobb-Hunter

This bill revises the elements and conditions of the offense of assault and battery upon various emergency officers, officials and personnel. The bill includes public transportation officers within this section. Among other things, this bill provides that it is a felony to strike or spray with Mace any officer or official listed while that officer is engaged in the performance of his or her duty.

H.3076 FIRE HYDRANTS Rep. G.M. Smith

This legislation authorizes a governing body of a county or municipality to grant or deny a waiver from the requirements of the codes or ordinances specifying the location of fire hydrants. The bill also amends the exceptions to the waiver of immunity under the South Carolina Tort Claims Act, so as to exempt local governing bodies from liability for loss from waivers granted or denied.

H.3078 UNLAWFUL OPERATION OF A RECORDING DEVICE IN A MOTION PICTURE THEATER Rep. Harrison

This bill creates the offense of unlawful operation of a recording device in a motion picture theater. The bill allows for graduated penalties.

H.3079 JUDICIAL ELECTIONS Rep. Howard

This bill revises the process for nominating judicial candidates for election by the General Assembly. Under this legislation, the Judicial Merit Selection Commission would release to the General Assembly the full list of individuals found qualified and fit for judicial office. Under current law, the Judicial Merit Selection Commission submits to the General Assembly a list of the three individuals found most qualified. The bill eliminates the current one-year waiting period for a former member of the General Assembly to be elected to a judicial office. The bill provides, instead, that a member of the General Assembly may not file for a judicial office while the member is serving in the General Assembly. The bill also provides that no member of a legislator's immediate family may be elected to a judicial office while that legislator is serving in the General Assembly.

H.3080 MARRIAGE LICENSE APPLICATION REQUIREMENTS Rep. J. Brown

Current law requires that a marriage license application include social security numbers or the alien identification numbers assigned to resident aliens who do not have social security numbers; this bill deletes this requirement. Instead, the bill requires the parties to sign the marriage license application in the presence of an employee of the court and to present a photo identification.

H.3083 PROCEDURE FOR THE QUALIFICATION OF A CANDIDATE FOR STATEWIDE OFFICE Rep. J. Brown

This legislation provides that when a candidate for statewide office, who has qualified for the general election, dies or withdraw, then the candidate receiving the next highest number of votes in the primary election in which he or she offered is qualified for the general election. However, the candidate receiving the next highest number of votes must have received at least 30% of the votes cast in the primary election.

H.3084 PROBATE JUDGE QUALIFICATIONS Rep. Sinclair

This bill adds the requirement that a probate judge must not have been convicted of a felony offense or an offense involving moral turpitude.

Current law requires probate judges to have either a four-year bachelors degree or in the alternative have four years experience in a probate judge's office. This bill changes the education requirements for a probate judge. Prior to January 1, 2007, under this bill a probate judge would need to have a high school diploma or GED, or in the alternative have four years experience as a full-time probate judge or associate probate judge. From January 1, 2007 until December 31, 2008, the bill would raise the educational requirement to a degree from an accredited college or community college, or if no degree then four years experience as a full-time probate judge or associate probate judge. Under this bill, after December 31, 2008, a probate judge would be required to have a four year bachelor degree or if no degree then four years experience as a full-time probate judge or associate judge. There are grandfather provisions for individuals currently serving in office.

H.3085 IDENTITY FRAUD Rep. Harrison

This bill provides that it is unlawful to use identifying information of another person for the purpose of obtaining employment.

H.3088 SENTENCING Rep. Harrison

This legislation allows the court to correct, within seven days of sentencing, a sentence that resulted from arithmetical, technical, or other clear error. The bill also provides that upon motion of the state, a court may reduce a sentence when a defendant, after sentencing, provides substantial assistance in the investigation or prosecution of another person. Additionally, the bill authorizes the court to reduce a sentence below the minimum sentence set by law when the defendant provides substantial assistance after sentencing.

H.3090 TORT REFORM Rep. White

This legislation would provide civil lawsuit protection for physicians, optometrists, nurse practitioners, and physician assistants who prescribe FDA approved drugs.

The bill also provides for certain limits on the amounts and types of damage awards in personal injury actions. Under the bill, compensation for the noneconomic damages suffered by an injured plaintiff may not exceed \$250,000 or the amount awarded in economic damages, whichever amount is greater. There are provisions for findings that must be made with regard to damage awards.

The bill provides that in tort actions evidence of collateral source payments which have been paid or may be due the claimant may be introduced in evidence. The bill provides that the trier of fact must make certain factual findings with regard to its damage award.

In actions against certain health care professionals, this bill requires that the lawsuit be brought in the county where the alleged act or omission occurred.

The bill makes revisions concerning the right of contribution so as to revise the limitation of joint and several liability for damages caused by two or more medical defendants.

H.3091 PRESCRIPTIONS FILLED OUTSIDE THE UNITED STATES Rep. White

This legislation provides protection from civil lawsuits for medical providers and pharmaceutical companies when a plaintiff fills a prescription for a Federal Food and Drug Administration approved drug outside of the United States.

H.3093 FRAUDULENT CHECKS GIVEN TO DEFERRED PRESENTMENT OR CHECK CASHING SERVICES Rep. Cobb-Hunter

With regards to evidence of fraudulent intent and prosecution for issuance of any fraudulent check, draft, or other written order, this bill provides that a commercial agent for collection of an obligation paid for with any fraudulent check, draft, or other written order does not have the same rights as the original payee unless the check, draft, or other written order has been endorsed over to the agent for collection for value and without reservation of rights.

Under this bill, deferred presentment services and check cashing services may not rely on the civil or criminal remedies for prosecuting or civilly enforcing payment of a fraudulent check.

H.3094 COMMISSION ON WOMEN Rep. Cobb-Hunter

This bill makes the Commission on Women a separate and autonomous state agency. Currently, the Commission on Women is a part of the Office of the Governor.

H.3097 TIMEFRAME TO FILE ACTIONS BASED UPON DEFECTIVE OR UNSAFE IMPROVEMENTS TO REAL PROPERTY Rep. Kirsh

Currently an action based upon a defective or unsafe improvement to real property may be brought within 13 years of the substantial completion of the improvement. This bill decreases the time frame to file an action from thirteen years to six years.

H.3098 SUSPENSION OF DRIVERS' LICENSES Rep. Kirsh

This bill pertains to driver's license suspension due to a conviction of a controlled substance violation and underage purchase and possession of alcohol offenses. Under this bill, if a person is accepted into a pretrial intervention program for either offense, the person's driver's license must be suspended.

H.3099 CAPACITY TO STAND TRIAL OF PERSONS CHARGED WITH A CRIME OR CIVIL CONTEMPT Rep. Kirsh

Current law outlines a procedure for when a judge of circuit court or family court has reason to believe that a person lacks the capacity to stand trial. This legislation makes the same procedures apply to magistrates' court.

The bill establishes a procedure to suspend a person's driver's license or privilege to drive who is unable to stand trial because of a mental condition. The bill also provides a procedure to suspend a person's driver's license or privilege to drive who has suffered a relapse of a mental condition before his or her trial date.

H.3100 SCHOOL ZONES Rep. Kirsh

This bill makes it unlawful for a driver of a motor vehicle to fail to stop when signaled to stop by a road guard in a school zone. Penalties are established for failure to comply. The bill provides for the placement of signs in school zones that inform motorists of the hours a road guard is on duty and the penalty for failing to stop when a road guard signals a motorist to stop.

H.3102 DAMAGE AWARDS FOR INDIVIDUALS INJURED WHILE OPERATING MOTOR VEHICLES Rep. Kirsh

This legislation prohibits the awarding of damages in favor of a person who is injured while operating his/her motor vehicle (1) if his/her injuries resulted from his/her operation of the vehicle, and (2) if he/she did not have in effect for that vehicle the financial security required by law at the time the injury occurred.

H.3105 COURT ORDERED PARENT-TEACHER CONFERENCES FOR DISRUPTIVE STUDENT BEHAVIOR Rep. Kirsh

This bill authorizes a school board to petition Family Court to require a parent or legal guardian of a student who habitually exhibits disruptive behavior in the classroom to attend a parent-teacher conference.

H.3110 CONCEALABLE WEAPONS PERMITS Rep. M.A. Pitts

Current law provides that the State will only honor out-of-state permits issued by a state with which South Carolina has reciprocity. Under this bill, a valid out-of-state permit to carry concealable weapons held by a resident of any other state must be honored by South Carolina.

H.3112 “GAMBLING CRUISE ACT” Rep. Kirsh

This legislation makes it unlawful to conduct gambling on "cruises to nowhere." The bill provides definitions relating to this offense as well as penalties for violations.

H.3113 *COMPETITIVE BID PROCEDURE FOR CONTRACTS WITH PRIVATE ATTORNEYS FOR LEGAL REPRESENTATION OF THE STATE* Rep. Cobb-Hunter

This bill requires a competitive bid procedure for soliciting bids from at least three private law firms or private sole practitioners of law before the Attorney General may enter into a contract for the representation of the state in a legal matter involving the state. The bill creates a board of review to develop a rotating and annually updated list of pre-approved private law firms and sole practitioners of law and to develop and implement the competitive bid process for each proposed contract for legal representation. The bill requires approval from the State Budget and Control Board of each proposed contract for legal representation of the state by a private law firm or sole practitioner of law.

H.3118 “COMMON SENSE CONSUMPTION ACT” Rep. Kirsh

Under this legislation, manufacturers, packers, distributor, carriers, holders, sellers, marketers and advertisers of food are not liable for claims relating to weight gain or obesity. An exception is provided for claims based on adulteration or misbranding of food labels.

H.3119 “CRIMINAL GANG PREVENTION ACT” Rep. Harrison

This bill makes revisions to offenses that promote civil disorder, so as to enact the “Criminal Gang Prevention Act.” The legislation states that its aim is to eradicate the terror created by criminal street gangs and their members by providing enhanced penalties and by eliminating the patterns, profits, proceeds, instrumentalities, and property facilitating criminal street gang activity, including criminal street gang recruitment.

H.3120 *JUDICIAL ELECTIONS* Rep. Govan

Currently, the Judicial Merit Selection Commission consists of 10 members; this bill increases the membership on this commission from 10 to 11. Under the bill, the Governor shall appoint five members. The Speaker and President Pro Tempore of the Senate shall each appoint one member. The House Majority Leader and Senate Majority Leader shall each appoint one member; likewise, the House Minority Leader and Senate Minority Leader shall each appoint one member.

This bill would also change the commission’s process for nominating judicial candidates from the nomination of three candidates to the release of a list of all qualified candidates to the General Assembly.

H.3125 *WARRANTS FOR FRAUDULENT CHECKS* Rep. Harrison

This bill requires that a fraudulent check, draft, or other written order delivered by the person receiving the check, draft, or other written order to a magistrate for the purpose of obtaining a warrant, must be posted on its face with the date it was received by that person. A warrant for a violation of this section may not be obtained more than 180 days after the date the check, draft, or other written order was received by the person seeking the warrant. The 180 days does not include the time the check, draft, or other written order is in the possession of the magistrate pending issuance of a warrant.

H.3133 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE DEFINITION OF MARRIAGE Rep. Delleney

This joint resolution proposes to submit to the electors at the next general election whether or not the State Constitution should be amended to provide that marriage is exclusively defined as the union between one man and one woman.

H.3136 "THE ILLEGAL ALIEN ENFORCEMENT ACT" Rep. Littlejohn

The legislation enacts "The Illegal Alien Enforcement Act." The legislation provides that to the extent permitted by federal law, all state, county and municipal law enforcement officials in this state, and any other person having the power of arrest in this state, are authorized to arrest and detain an individual for a criminal violation of the Federal Immigration and Nationality Act and any federal law relating to aliens illegally present in the United States.

This legislation also designates S.C. Code Ann. § 23-20-10 through 23-20-60 as Article 1 of the chapter to be entitled the "Law Enforcement Assistance and Support Act."

H.3138 INCREASED PENALTIES FOR SUPPLYING MINORS WITH TOBACCO OR CIGARETTES Rep. Scarborough

Under this bill, there would be a \$1,000 fine for each violation of supplying minors with tobacco or cigarettes. The bill requires that half of the fine for each violation must be remitted for use by the Department of Health and Environmental Control's Youth Smoking Prevention Plan.

H.3140 SAME SEX MARRIAGES Rep. Altman

Under this bill, any attempted or putative union between persons of the same sex is void ab initio and against the public policy of this State.

The legislation further provides that it is against public policy to extend or recognize statutory benefits of a legal marriage to non-marital relationships. The legislation has exceptions for benefits enjoyed by all persons, married or unmarried, and for private legal agreements. Under this legislation, benefits of a legal marriage extended to non-marital relationships in another jurisdiction have no legal force or effect in this State.

H.3141 AGENCY PROCEDURES FOR PROMULGATING REGULATIONS Rep. Scarborough

This legislation makes revisions to agency procedures for promulgating regulations. Among other things, this bill requires agencies to strike through text being deleted from existing regulations and to underline text being added; the bill requires Legislative Council to notify all members of the General Assembly when regulations are submitted for review. Under this bill, a regulation is deemed withdrawn if it has not become effective by the end of the two-year legislative session during which the regulation was submitted for review; the bill outlines expedited procedures for submitting the same regulation for legislative review in the next session. The bill deletes provisions requiring agencies to conduct formal reviews of its regulations every five years. Under this bill, an agency may not establish, modify, or increase a fee unless authorized by law or through regulation.

H.3143 "PROTECT OUR WOMEN IN EVERY RELATIONSHIP (POWER) ACT" Rep. Cobb-Hunter

Legislative Update, January 11, 2005

This bill enacts the “Protect Our Women In Every Relationship (POWER) Act” to provide comprehensive revisions regarding the handling of domestic violence by the judicial system and law enforcement.

The bill requires magistrates, family court judges, and circuit court judges to receive continuing education annually on domestic violence. The bill revises provisions relating to grounds for divorce, so as to further specify that physical cruelty includes physical violence and conduct that endangers one’s physical or psychological well-being. The bill imposes requirements for assessing possible threats that the accused may pose to the public or an individual victim before the accused may be released or have a sentence suspended.

The bill provides that a criminal domestic violence charge may not be dropped against a person if the victim or victim’s attorney was not present at the hearing and to require criminal domestic violence offences to be tried in General Sessions Court. The bill provides revisions regarding petitions for orders of protection from domestic violence and restraining orders.

The bill requires a law enforcement officer employed by the state or a political subdivision who is convicted of criminal domestic violence to be terminated from employment.

The legislation eliminates pretrial intervention and pleading guilty to certain lesser charges for individuals charged with certain criminal domestic violence offenses, unless authorized by the court. The bill prohibits expungement of records for criminal domestic violence for offenders convicted in magistrate’s court or municipal court, for such offenses committed by youthful offenders, and for such offenses committed by juveniles.

The bill revises provisions for effecting an arrest for criminal domestic violence, so as to require law enforcement to file an incident report and to prohibit the use of uniform traffic tickets to effect such an arrest.

The bill provides for an automatic six month extension upon the filing of an affidavit seeking an extension of orders of protection from domestic violence and provides for notice and an opportunity for a hearing. The bill further provides that a person filing a petition seeking an order of protection from domestic abuse is not required to pay the filing fee required in civil actions.

The bill revises fines and terms of imprisonment for criminal domestic violence offenses and requires mandatory minimum sentences, which may be served on weekends or at night.

The bill establishes a felony offense for possession of a firearm by a person who has been convicted of criminal domestic violence.

**H.3146 PUBLIC ACCOMMODATIONS MAY NOT DISCRIMINATE AGAINST
MOTORCYCLISTS Rep. J. Brown**

This bill provides that places of public accommodation may not discriminate against a person based on the ownership or operation of a motorcycle or the wearing of clothing associated with motorcycles, except when the clothing is obscene.

H.3159 EXECUTIONS Rep. M.A. Pitts

This legislation provides that a person must be executed within 30 days when the sentencing judge certifies that he/she is absolutely certain that the person committed the crime of murder. The term "absolutely certain" includes but is not limited to a person's admission or confession of guilt.

H.3160 ELECTION DATES AND TERMS OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY Rep. M.A. Pitts

This bill provides the election date for members of the House of Representatives is the Tuesday after the first Monday in November of every other even-numbered year. The bill would increase the term of office for members of the House of Representatives from two years to four years. The bill would also increase the term of office for members of the Senate from four years to six years.

H.3161 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE TERMS OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY Rep. M.A. Pitts

This joint resolution proposes to amend the State Constitution to provide that beginning in 2008, members of the House of Representatives would serve four year terms rather than two year terms. Likewise, members of the Senate would serve six-year terms rather than four-year terms.

H.3162 "S.C. SPORTS OFFICIALS AND COACHES PROTECTION ACT" Rep. Duncan

This legislation provides that it unlawful to commit an assault and battery upon a sports official or coach during and after an athletic contest. The legislation provides penalties for violations, including enhanced penalties when a weapon is used in the commission of the crime of assault and battery upon a sports official or coach.

H.3163 POSTMORTEM EXAMINATIONS OF PATIENTS THAT DIE DURING A SURGICAL PROCEDURE Rep. M.A. Pitts

Under this bill, a surgeon must conduct a postmortem examination on a patient who dies during a surgical procedure. A report must be filed with the county coroner within 72 hours of the patient's death. A surgeon's license must be suspended for failure to comply.

H.3165 SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND SOUTH CAROLINA PORTS AUTHORITY Rep. Umphlett

This bill adds to the category of those officers who can be removed only for cause by the Governor persons serving on the South Carolina Public Service Authority and the South Carolina Ports Authority.

This bill requires the State Regulation of Public Utilities Review Committee to screen candidates for appointment to the board of directors of the South Carolina Public Service Authority. With regards to the board of directors of the South Carolina Public Service Authority, this bill provides additional qualifications for the directors of the authority relating to experience and expertise and method for screening candidates for possession of the necessary qualifications.

H.3166 REPLACEMENT CANDIDATES Rep. Taylor

This bill requires the executive committee of a political party to name a replacement candidate as soon as possible. The bill further provides if the replacement candidate is not named within 30 days, the party is prohibited from naming a replacement candidate for that office.

H.3167 VOTING REQUIREMENTS IN PRIMARY ELECTIONS OR A PARTISAN

ADVISORY REFERENDUM Rep. Vaughn

Under this bill, a person is not allowed to vote in a partisan primary election or partisan advisory referendum unless the person has registered as being a member of that party.

This bill adds the requirement of stating political party affiliation, if any, on the form for voter registration. With regards to the qualifications for voting in primary elections, this bill includes, as a requirement, registering as a member of the party and provides a procedure for changing political party affiliation or nonaffiliation after a selection has been made.

H.3170 SPECIAL CODES ON DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF VIOLENT CRIMES Rep. Hinson

This legislation requires an individual convicted of a violent crime to surrender his or her license to the clerk of court. Within 10 days, the clerk of court will transmit the license to the Department of Motor Vehicles.

On or after January 1, 2006, any person who has been convicted of or pleaded no contest to a violent crime must have a special code affixed to his or her driver's license or special identification card. The DMV shall charge a fee of \$50.00 for affixing the identifying code. If the conviction or guilty plea is overturned on appeal or if the person receives a pardon, upon request the DMV shall issue a new license without the code and without imposing a fee.

When a person has been free of additional convictions of violent crimes for 10 years after he or she has satisfied the terms of his or her sentence, the person may file an application with the DMV to have the special identifying code removed.

H.3171 COMMITTEE TO STUDY THE FEASIBILITY OF CONSOLIDATING ALL

STATE LAW ENFORCEMENT AGENCIES Rep. M.A. Pitts

This joint resolution proposes to establish a committee to study the feasibility of consolidating all state law enforcement agencies into one agency.

H.3173 MOTOR CARRIER TRANSPORTATION CONTRACTS Rep. Harrison

This bill relates to provisions in 'motor carrier transportation contracts.' The legislation provides a definition for the term 'motor carrier transportation contract.' Under this bill, a provision affecting a motor carrier transportation contract that indemnifies, defends or holds harmless the contract's promisee from or against liability for loss or damage resulting from the negligence or intentional acts or omissions of the contract's promisee is against the public policy of the state. The bill does not affect a provision, clause, covenant or agreement where the motor carrier indemnifies or holds harmless the contract's promisee under certain circumstances.

H.3174 PEREMPTORY CHALLENGES AND VOIR DIRE Rep. W.D. Smith

A peremptory challenge is based upon the right of a party to excuse a potential juror without a stated reason, without inquiry, and without being subject to the court's control. This bill would allow the prosecution the same number of peremptory challenges as the defense when the offense is an A, B, C or D class felony or another offense that carries a maximum term of imprisonment of 15 years or more, except for a capital offense. When choosing alternate jurors, under this bill both the prosecution and defense shall have two peremptory challenges.

This bill provides that the Supreme Court shall establish a procedure by which written voir dire must be conducted. This legislation authorizes the court to permit oral voir dire, including attorney voir dire.

The bill further provides that when a government agency, entity or subdivision is a party to an action, the government must make available to the opposing party criminal records, driving records or other specialized juror information if the government obtained the information at the commencement of the jury venire qualification.

H.3176 DUAL OFFICE HOLDING Rep. Umphlett

Under this bill, a municipal police officer who holds a local office in a county other than the one in which he/she exercises law enforcement responsibility or a corrections officer who holds a local office in another political subdivision is not considered a dual officeholder.

H.3177 UNINTENTIONAL DEATH OF ANOTHER PERSON WHILE VIOLATING

CERTAIN TRAFFIC LAWS Rep. Bingham

This bill provides that a person who unintentionally causes the death of another person while violating certain traffic laws is guilty of a misdemeanor.

H.3180 SAME SEX MARRIAGES Rep. Haskins

Any marriage entered into by persons of the same sex in any other jurisdiction must be considered and treated in all respects as having no legal force or effect in this State. The bill defines marriage as exclusively a union between one man and one woman.

The legislation further provides that it is against public policy to extend or recognize statutory benefits of a legal marriage to non-marital relationships. The legislation has exceptions for benefits enjoyed by all persons, married or unmarried, and for private legal agreements. Under this legislation, benefits of a legal marriage extended to non-marital relationships in another jurisdiction have no legal force or effect in this State.

**H.3181 CRIMINAL DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD
Rep. McGee**

This bill creates the offense of criminal domestic violence in the presence of a child. The bill also amends the definition of child abuse or neglect so as to include in the definition the offense of criminal domestic violence in the presence of a child.

H.3182 PURCHASE OF ALCOHOL BY UNDERAGE INDIVIDUALS UNDER THE

SUPERVISION OF LAW ENFORCEMENT Rep. Taylor

This bill amends current law to allow an exception for underage individuals to attempt to purchase alcohol under the direct supervision of a law enforcement agency. The bill requires parental consent for the person under age 21 to participate in the test.

H.3184 APPEALS TO AND FROM THE ADMINISTRATIVE LAW COURT AND VARIOUS AGENCIES AND COMMISSIONS Rep. Harrison

This legislation makes revisions with regards to appeals to and from the administrative law court and various agencies and commissions. In general, the bill grants the court of appeals jurisdiction to hear cases in which an appeal is taken from a final decision of an agency/commission and a final decision of an administrative law judge. Among other things, this bill provides that the rules of procedure for hearing contested cases or appeals by individual agencies have no force or effect in proceedings before an administrative law judge.

H.3189 STATE GRAND JURY Rep. Merrill

This bill so extends the subject matter jurisdiction of the state grand jury to include wilful criminal violations that result in harm to the environment. The bill further provides that the Department of Health and Environmental Control must make a formal written recommendation to the Attorney General and the Chief of the South Carolina Law Enforcement Division in consideration of the need to impanel a state grand jury.

H.3196 NONPROFIT CORPORATIONS Rep. Whitmire

This bill relates to actions taken by ballot of a nonprofit corporation; specifically, the bill authorizes the use of an electronic ballot.

H.3203 DRAFTING OF LEGISLATION Rep. Martin

Under this bill, all legislation considered by the General Assembly must be drafted so that a person with a high school education can clearly understand it.

H.3207 SOLICITOR'S TERM OF OFFICE Rep. W.D. Smith

This bill provides that a solicitor's term of office begins on noon on the first Wednesday following the second Tuesday in January following his/her election and ends on noon on the first Wednesday following the second Tuesday in January four years later.

H.3209 PROPOSED CONSTITUTIONAL AMENDMENT REGARDING THE APPOINTMENT OF MAGISTRATES Rep. Merrill

This joint resolution proposes to submit to the electors at the next general election that the Governor, with the advice and consent of the Senate and House of Representatives shall appoint magistrates. Currently magistrates are appointed by the Governor with only the advice and consent of the Senate.

H.3211 PROCUREMENT CODE STUDY COMMITTEE Rep. Merrill

This joint resolution proposes to create a South Carolina Consolidated Procurement Code Study Committee to study the system of procurement in this state and to recommend changes.

H.3213 "RIGHT TO LIFE ACT OF S.C." Rep. Davenport

This legislation establishes that the right to due process and the right to equal protection vest at fertilization.

H.3216 USE OF PUBLIC FUNDS TO HIRE A LOBBYIST Rep. Merrill

This bill makes it unlawful for state entities to expend public funds to employ or contract with a lobbyist. Exceptions are provided for certain agency heads and authorized employees whose duties are to assess the impact of proposals that affect the administration of government.

H.3217 USE OF PUBLIC FUNDS TO HIRE A LOBBYIST Rep. Merrill

This legislation makes it unlawful for a state entity to directly or indirectly hire or retain an independent contractor as a lobbyist. This provision does not include foundations established by state-sponsored universities or institutions of higher education which do not receive appropriated funds on an annual basis.

H.3222 ADOPTION AND TERMINATION OF PARENTAL RIGHTS WHEN THE CHILD IS CONCEIVED AS A RESULT OF CRIMINAL SEXUAL CONDUCT OR INCEST Rep. Leach

Under this bill, in an adoption proceeding the consent or relinquishment of the biological father is not required if the child who is the subject of the adoption proceeding was conceived as a result of criminal sexual conduct or incest. The bill further provides that it is a ground for termination of parental rights if the child was conceived as a result of criminal sexual conduct or incest.

H.3224 HEALTH CARE POWERS OF ATTORNEY Rep. Miller

With regards to health care powers of attorney and related definitions, this bill provides that any document dealing substantially with the same issues and having substantially the same requirements as to the qualifications of the health care agent and the required witnesses, including, but not limited to, the "Five Wishes" format, is deemed to comply with the requirements of law for health care powers of attorney.

LABOR, COMMERCE AND INDUSTRY

H.3017 SECURITIES FRAUD Rep. Kirsh

This bill revises the Uniform Securities Act. The legislation establishes new violations for providing fictitious price quotations; creating a deceptive appearance of active trading or other activity; issuing deceptive analyses, reports, or financial statements; and performing other manipulations of a security's market. The legislation establishes penalties for the willful obstruction of investigations and audits conducted by the securities commissioner. The legislation provides that the securities commissioner has access to the financial records of a customer of a financial institution in connection with a Uniform Securities Act investigation. The legislation provides for the liability of a person who controls another person who is liable for illegal or fraudulent securities transactions. The legislation provides that the amendment of a filed registration statement after its effective date so as to increase the proposed securities offer must be accompanied by a filing fee of two hundred fifty dollars or the appropriate amount specified by the securities commissioner and is effective on the date ordered by the securities commissioner. The bill provides that a person who violates the Uniform Securities Act or who is incorporated in a tax haven is an ineligible vendor for State government contracts.

H.3026 MODIFICATIONS TO BUILDING CODES AND STANDARDS

Rep. Cato

This bill provides that modifications to nationally recognized building codes and standards promulgated according to requirements do not require re-adoption by the Building Codes Council for subsequent editions of the building codes. Upon submission of a formal request, existing modifications may be reconsidered each time a new edition of the building code is considered for adoption by the Building Codes Council.

H.3040 "SOUTH CAROLINA JOB PREPARATION AND RETENTION TRAINING ACT" Rep. J. Brown

This bill enacts the "South Carolina Job Preparation and Retention Training Act" which establishes procedures for providing skills and other training to individuals who are welfare recipients in preparation for making transitions to employment.

H.3042 EMPLOYEE'S RIGHT TO EXAMINE PERSONNEL RECORD

Rep. Cobb-Hunter

This bill provides that an employee has the right to examine and obtain copies of all of the contents of his personnel record as maintained by his employer. The legislation provides for procedures governing such access; fees for defraying costs that are incurred; fines which may be levied by the Department of Labor, Licensing and Regulation and civil remedies for violations.

H.3043 PROFESSIONAL/OCCUPATIONAL LICENSING DENIED FOR NONPAYMENT OF STUDENT LOANS Rep. Kirsh

This bill authorizes professional and occupational licensing boards to deny licensure or to suspend the license of an individual for nonpayment or default or breach of a repayment or service obligation under any federal or state educational loan, loan repayment, or service-conditional scholarship program.

H.3047 HEALTH CARE PROVIDER PARTICIPATION UNDER INSURANCE POLICIES AND CONTRACTS Rep. J. Brown

This bill provides that no health insurance policy or contract may exclude the right of assignment of benefits to a nonparticipating provider at the same benefit rate as paid to a participating provider.

H.3053 TOBACCO PRODUCTS REQUIRED TO BE CONCEALED BEHIND COUNTER Rep. J. Brown

This bill provides that a person who sells tobacco products including, but not limited to, cigarettes, cigars, tobacco, and cigarette papers shall keep these tobacco products behind a counter so as to be out of view from a customer or patron.

H.3065 COMMERCIAL SOLICITATION UNDER FAMILY PRIVACY PROTECTION ACT Rep. Kirsh

This bill expands the definition of commercial solicitation under the Family Privacy Protection Act to include selling or marketing real property and real property services; contacting persons for charitable contributions; and, a sale of a service or good which is not completed until after a face-to-face presentation.

H.3066 COUNTYWIDE TOLL-FREE CALLING REQUIRED WITHIN YORK COUNTY Rep. Kirsh

This bill requires countywide toll-free calling to be provided by all telephone utilities operating within York County by July 1, 2005.

H.3069 INSURANCE PROCEEDS TO RECONSTRUCT DAMAGED PROPERTY

UNDER THE HORIZONTAL PROPERTY ACT Rep. Clemmons

This bill revises provisions for the use of insurance proceeds to reconstruct damaged property governed by the Horizontal Property Act, so as to provide for repair or reconstruction upon a vote of eighty percent of the co-owners, or more if required by the property bylaws. The legislation makes other provisions regarding the distribution of these insurance proceeds.

H.3101 FEES FOR ENFORCEMENT OF THE MODULAR BUILDINGS CONSTRUCTION ACT AND FEES FOR INSPECTION AND PERMITTING OF ELEVATORS AND AMUSEMENT RIDES Rep. Kirsh

This bill revises provisions for fees for the enforcement of the South Carolina Modular Buildings Construction Act, so as to provide that the South Carolina Building Codes Council shall establish fees based upon the costs of administering the enforcement program. The bill eliminates the provision requiring the deposit of these fees in the state general fund. The legislation revises provisions for fees for the inspection and permitting of elevators and of amusement rides, respectively, so as to provide that these fees must be based upon the costs of administration. The legislation prohibits the issuance of licenses or permits if a person has failed to pay the applicable fees, and provides that the Set-Off Debt Collection Act must be used for the collection of unpaid fees.

H.3103 COUNTYWIDE TOLL-FREE CALLING REQUIRED Rep. Kirsh

This bill provides that the Public Service Commission require countywide toll-free calling to be provided by all telephone utilities operating within a county by July 1, 2005.

H.3130 "SOUTH CAROLINA RIDER SAFETY ACT" Rep. Scarborough

This bill enacts the "South Carolina Rider Safety Act" so as to require riders of amusement and carnival devices to comply with certain safety requirements; to require timely reporting of injuries; and to require owners of such devices to post signs relating to rider safety. The legislation establishes a misdemeanor for violations.

H.3149 EMPLOYEE LEAVE TIME FOR ATTENDING SCHOOL/ DAYCARE ACTIVITIES Rep. J. Brown

This bill requires, with certain limitations, that an employer grant leave up to twelve hours a year to an employee to attend school or daycare conferences or activities. Verification of attendance is required. An employer is not required to pay the employee for the time taken under the legislation.

H.3157 CAPITAL ACCESS PROGRAM Rep. Harrell

This bill establishes the Capital Access Program providing for flexibility in the making of loans by financial institutions to small businesses that fail to qualify for conventional or other guaranteed or assisted financing.

H.3158 "NATURAL GAS RATE STABILIZATION ACT" Rep. Cato

This bill establishes a procedure for the adjustment of rates and charges of natural gas distribution utilities to reflect changes in expenses, revenues, investments, depreciation, and other changes in revenues and expenses. The legislation provides procedures for interested parties to challenge these adjustments.

**H.3168 HEALTH INSURANCE COVERAGE OF UNAPPROVED MEDICATION
Rep. Scarborough**

This bill provides that health insurance policies that include prescription drug benefits must cover medication that is not on the policy's approved medication list if the insured's physician certifies that the medication is necessary for the treatment of the insured's specific condition and that no other medication on the approved list is acceptable for treatment of the insured.

**H.3190 UNLAWFUL TO PAY FEMALE EMPLOYEES LESS EQUIVALENT
THAN MALE EMPLOYEES FOR COMPARABLE WORK Rep. Martin**

This bill provides that it is a violation of the wage requirements of this State for an employer to pay female employees less than male employees for comparable employment if the female employees have equivalent experience and training.

**H.3195 POWER LINES MUST BE LOCATED UNDERGROUND IN ALL
COASTAL ZONE COUNTIES Rep. Merrill**

This bill provides that in all counties of this State located in the coastal zone all electrical utility and electric cooperative power lines constructed, installed, or modified after July 1, 2006, must be located underground for health and safety reasons.

**H.3199 HEALTH INSURER PROHIBITED FROM DECREASING BENEFITS
DURING POLICY PERIOD Rep. Scarborough**

This bill prohibits an insurer from decreasing benefits or coverage under an individual or group health insurance policy during the policy period.

**H.3200 UNLAWFUL TO DISCRIMINATE AGAINST CHIROPRACTIC
SERVICES IN PAYMENT OF HEALTH BENEFITS Rep. Coates**

This bill provides that an entity that pays or reimburses health benefits may not discriminate in the amount paid or reimbursed for chiropractic services.

**H.3205 "SOUTH CAROLINA WORKERS' COMPENSATION REFORM ACT OF
2005" Rep. Leach**

This bill provides for comprehensive revisions to South Carolina's Workers' Compensation laws. The legislation eliminates the Workers' Compensation Commission and creates a new Division of Workers' Compensation within the South Carolina Department of Insurance to perform administrative duties. The Commission's judicial functions of hearing and deciding upon claims are reassigned to the Administrative Law Judge Division. The legislation establishes upper limits for disability awards that are tied to the American Medical Association's guidelines for impairment. Under the legislation, compensation is not allowed for an injury or death that results from intoxication or from being under the influence of a controlled substance. Compensation is not allowed in situations involving wilful misconduct, including an intentionally self-inflicted injury or an attempt to injure another. Compensation is not allowed in situations involving the wilful failure or refusal to use a safety appliance or perform a duty as required by written company policy and state statute. Compensation, either lost wages or medical, is not allowed for an individual who is an illegal alien and/or who gained employment through fraudulent means. Payment of lost wage compensation for an employee who was

injured while on the job during all periods of time, after the initial injury, must not be paid while the employee is incarcerated.

H.3206 ENGINEER AND LAND SURVEYOR LICENSING AND CERTIFICATION PROVISIONS Rep. J. H. Neal

This bill revises definitions pertaining to engineers and land surveyors, so as to eliminate the definition of “associate professional engineer”, define “NCEES examination”, and revise the definition of “professional engineer.” The bill revises eligibility requirements for obtaining a license as an engineer, so as to require that a professional engineer be certified as an engineer-in-training before being licensed. The legislation provides that an applicant will receive his professional engineer license to practice upon passing the NCEES examination, Principles, and Practice.

H.3212 GLAZING NOT INCLUDED UNDER GENERAL CONTRACTORS-BUILDING LICENSE CLASSIFICATION Rep. Davenport

This bill revises provisions relating to license classifications and subclassifications for contractors, so as to specify that the “General Contractors-Building” classification does not include any work done under the subclassification of Glass And Glazing.

H.3215 UTILITY COMPANIES NOT TO SUPERSEDE MUNICIPAL OR COUNTY ZONING LAWS Rep. Merrill

This bill provides that a utility company operating in this State including electric cooperatives and the Public Service Authority may not supersede or violate municipal or county zoning laws.

H.3223 UNEMPLOYMENT BENEFITS FOR JOB LOSS CAUSED BY DOMESTIC ABUSE Rep. Cobb-Hunter

This bill authorizes benefits for individuals unemployed as a direct result of domestic abuse. The legislation provides that unemployment benefits paid in connection with a domestic abuse-related job loss must not be charged to the account of an individual employer.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3021 “S.C. NURTURING RESPONSIBLE FAMILIES INITIATIVE ACT” Rep. Cobb-Hunter

This bill creates the South Carolina Nurturing Responsible Families Initiative. The Initiative is established to develop policies and procedures to reduce dependency on government benefits, to ensure that children from low-income families benefit from the involvement of two parents, and to facilitate the involvement of fathers in their children’s lives. The bill provides for the Initiative to develop a statewide strategy on low-income fathers; facilitate programmatic support for services that assist low-income fathers to develop or maintain relationships with their children and to ensure statewide access to these services; and identify areas where systemic changes are necessary to remove barriers or obstacles to father involvement.

H.3059 FEEDING AND HYDRATION SERVICES FOR NURSING HOME PATIENTS Rep. Kirsh

This bill would permit, but not require, nursing homes to use patient assistants as staff to provide feeding and hydration services to patients. Patient assistants would be required to undergo a training program to provide this service. A patient assistant could be used to feed patients in nursing homes only under the on-site supervision of a licensed healthcare professional and only if the assistant has successfully completed a training program and competency evaluation. The bill requires nursing homes to conduct the training programs, evaluations, and subsequent periodic competency evaluations if patient assistants are utilized.

**H.3062 COSMETOLOGY CONTINUING EDUCATION REQUIREMENTS
Rep. Kirsh**

Currently, all cosmetologists must take six hours of continuing education each year. This bill would exempt the following from taking continuing education courses: persons who are at least 60 years old and who have had their cosmetology license for at least 15 consecutive years; and persons who are at least 50 years old and who have had their cosmetology license for 30 consecutive years and have not been disciplined by the Board of Cosmetology.

In addition, the bill provides that a person may obtain continued education credit by attending trade show cosmetology related instructional programs if the Board of Cosmetology approves these programs.

H.3081 LICENSURE OF PERPETUAL CARE CEMETERIES Rep. Kirsh

This bill provides that the licensure fee for perpetual care cemeteries must be based upon the number of annual internments, rather than a flat licensure fee. The bill also deletes provisions establishing different fees for cemeteries previously in existence.

H.3089 DEFINITIONS OF TERMS IN THE TORT CLAIMS ACT Rep. White

This bill pertains to definitions of terms in the Tort Claims Act. This bill includes in the definition of "governmental health care facility" a nursing home that provides services through Medicaid, Medicare, or by contract with the Veterans Administration and those services constitute at least 25 percent of the gross revenue.

H.3107 INCREASED MEMBERSHIP ON THE STATE BOARD OF MEDICAL EXAMINERS Rep. M.A. Pitts

Currently, the State Board of Medical Examiners consists of 10 members. This bill provides for two additional lay members.

**H.3108 INCREASED MEMBERSHIP ON THE MEDICAL DISCIPLINARY COMMISSION OF THE STATE BOARD OF MEDICAL EXAMINERS
Rep. M.A. Pitts**

The Medical Disciplinary Commission of the State Board of Medical Examiners investigates formal complaints filed against physicians. Currently, the Commission is composed of 36 members, all of whom are physicians. This bill would increase the size of the Commission to 48 members by adding two lay members from each congressional district. Each disciplinary panel from a congressional district would be required to have at least one lay member from that district.

H.3132 EMERGENCY MEDICAL SERVICES Rep. Coleman

This bill requires the Department of Health and Environmental Control to include guidelines for the administration of epinephrine in a comprehensive statewide emergency medical services plan. The bill authorizes emergency medical technicians to

possess epinephrine, and the bill requires guidelines for the administration of epinephrine to a child suffering from a severe allergic reaction.

H.3142 NURSE LICENSURE COMPACT Rep. White

This bill enacts the Nurse Licensure Compact, which enters South Carolina into a multi-state licensure compact. This allows for the reciprocal practice of nursing among the states that are parties to the compact. The bill outlines standards and procedures that apply to practicing nursing in other states pursuant to the compact. The bill provides for a coordinated licensure information system for sharing data among the compact states; there are provisions for dispute resolution and disciplinary actions.

The bill also requires that effective January 1, 2007, foreign-educated applicants for licensure as a registered nurse must pass the National Council Licensure Examination as well as an English language proficiency test.

H.3154 EPILEPSY Rep. J. Brown

This bill amends Chapter 20 of Title 44 relating to persons with mental retardation, related disabilities, head injuries, and spinal cord injuries, so as to also apply this chapter to persons with epilepsy.

**H.3175 HEARING INSTRUMENT SPECIALISTS AND HEARING AID FITTERS
Rep. Davenport**

This legislation pertains to the practice of specializing in hearing aids and the licensure and regulation of hearing aid specialists. It devolves the powers, duties, functions and responsibilities of the Department of Health and Environmental Control as to this area upon the Department of Labor, Licensing and Regulation. Among other things, the bill provides that the Commission for Hearing Aid Specialists shall act as a professional and occupational licensing board for hearing aid specialists within the Department of Labor, Licensing and Regulation.

**H.3197 "ACUPUNCTURE ACT OF S.C." AND "REGISTERED
CARDIOVASCULAR INVASIVE SPECIALIST ACT" Rep.**

Herbkersman

This bill establishes the "Acupuncture Act of S.C." which establishes requirements for licensure and licensure renewal as an acupuncturist and the related fields of auricular therapist and auricular detoxification therapist. The bill prohibits practice in this area without licensure as well as provides penalties for violations. The bill authorizes temporary licensure of certain individuals currently practicing until the individual satisfies the licensure requirements. Among other things, the bill establishes the Acupuncture Advisory Committee to be appointed by the Board of Medical Examiners. The bill repeals some current law pertaining to acupuncture.

The bill also establishes the "Registered Cardiovascular Invasive Specialists Act." The legislation outlines the procedure and requirements for a cardiologist to be designated a registered cardiovascular invasive specialist. The bill provides for the discipline of an individual that has become unfit to practice.

**H.3226 TRANSFER OF PRESCRIPTIONS BETWEEN PHARMACIES
Rep. Clemmons**

With regards to the transfer of original prescription information between pharmacies in this state, this bill provides that all remaining refills may be transferred to and dispensed by the receiving pharmacy. Current law allows for the transfer and dispensing of one refill. The bill also deletes a provision containing procedures for dispensing restricted drugs.

WAYS AND MEANS

H.3006 2005 JOBS CREATION ACT Rep. Wilkins

This comprehensive bill facilitates the creation and expansion of small businesses and job opportunities in South Carolina. The bill establishes and provides for an income tax credit of up to 25% of an equity investment made in a qualifying small business, not to exceed \$100,000 per investor. The bill also creates and provides for a Capital Access Program to provide debt financing for qualifying small businesses. The bill also provides to qualifying small businesses a tax credit equal to the cost of increases in health insurance premiums for new hires. The bill reduces the number of net new jobs which must be created for an employer to qualify for the Job Tax Credit Program. The bill contains "sunset" provisions for tax incentives included in the bill, and provides for review and reporting on these incentives every two years.

H.3007 REDUCTION OF STATE INCOME TAX RATE Rep. Wilkins

Beginning with the 2006 taxable year, this bill reduces the seven percent top marginal rate of State Individual Income Tax in equal annual increments of .225 percent until a permanent top marginal rate of 4.75 percent is attained. The bill further provides that beginning with taxable year 2007, such reductions are postponed if general fund revenue growth for the applicable fiscal year is less than two percent.

H.3009 SOUTH CAROLINA RESTRUCTURING ACT OF 2005 Rep. Wilkins

This restructuring bill establishes the Department of Administration as an Executive Branch department headed by a director appointed by the Governor. Various offices, divisions, or components of the State Budget and Control Board (the Board), Office of the Governor, and other agencies are transferred to and incorporated into the Department.

The bill also establishes and provides for the Division of the Office of the State Chief Information Officer, a Joint Information Technology Review Committee, an Information Technology Business Case Review Panel, an Information Technology Architecture Oversight Panel, and an Information Technology Innovation Fund to provide leadership, direction, incentives, and funding for the use of information technology within South Carolina government.

The bill creates and provides for the Office of the State Inspector General as a division within the Department of Administration to be headed by the State Inspector General, appointed by the Governor. This office and position are established to, among other things, find and eradicate fraud, waste, misconduct, and abuse within executive branch government agencies; keep heads of executive agencies and the Governor informed about such findings; and provide leadership and control over satellite Inspector General

offices in designated executive agencies which would report to and operate under the Office of the State Inspector General.

H.3012 "PUT PARENTS IN CHARGE ACT" Rep. W.D. Smith

This bill establishes and provides for income and property tax credits for tuition paid for qualifying students to attend public or nonpublic schools. The bill also provides income and property tax credits for contributions to scholarship granting organizations, as those organizations are defined in the bill, and provides for regulation, registration, and reporting of these scholarship granting organizations.

H.3016 BINGO Rep. Kirsh

This bill provides for permanent revocation of the license of a distributor for unauthorized release of bingo cards. The bill also increases the number of days that the Department of Revenue has to approve or reject an application for a license to conduct bingo.

H.3018 BINGO Rep. Kirsh

This bill deletes the option to pay the State by regular check for issuance of bingo cards.

H.3022 S.C. SUNSET COMMISSION/REVIEW DIVISION Rep. Rice

This bill establishes and provides for the South Carolina Sunset Commission (the Commission) and for a separate Sunset Review Division of the Legislative Audit Council (the Division). The Division is created to conduct sunset reviews of certain state agency and department programs, and to report its findings based on the review criteria delineated in the bill. The Division is to conduct these reviews to determine whether the programs have outlived their usefulness or must be changed to address the needs and priorities of South Carolinians and the General Assembly. After the report is published, the bill requires the Commission to conduct a public hearing on the agency and its programs. The report must be filed with the House and Senate by January 15 of each year, and reauthorization of an agency or program must be accomplished in a special provision in the annual general appropriations act. The existence of any state agency or program may be reauthorized by the General Assembly for periods not to exceed twelve years. Any agency or program not reauthorized is terminated.

H.3034 INLAND INTERMODAL PORT Rep. Cobb-Hunter

This joint resolution requires the Department of Commerce to study the viability of establishing an inland intermodal port in the vicinity of the intersection of Interstate Highways 95 and 26 and to report findings to the General Assembly in January 2006.

**H.3035 PAYMENT FOR UNUSED LEAVE FOR TERI PARTICIPANTS
Rep. Kirsh**

This bill provides that state government TERI program participants are not eligible for a lump-sum payment for unused annual leave earned while participating in the TERI program. The provisions of the bill would apply to TERI Program participants entering the program after the bill become effective.

H.3036 CLOSURE OF TERI PROGRAM Rep. Kirsh

This bill closes the TERI Program to new participants, effective July 1, 2005, and repeals the TERI Program effective July 1, 2010.

H.3037 FOOD TAX EXEMPTION Rep. Kirsh

This bill provides a sales tax exemption for food items eligible for purchase with U.S. Department of Agriculture food coupons.

H.3038 CIGARETTE ROLLING PAPER Rep. Kirsh

This bill imposes a tax on cigarette rolling paper designed for use by an individual to make a cigarette; clarifies that it is unlawful to supply cigarette rolling paper to minors and revises penalties for violation of this provision; and provides for trial and for disbursement of fines for such violations.

H.3041 COUNTY VETERANS AFFAIRS OFFICES Rep. J. Brown

This bill provides that the General Assembly shall appropriate funds directly to the county veterans affairs offices.

H.3044 SCHOLARSHIPS FOR VISUAL- OR HEARING IMPAIRED STUDENTS

Rep. Davenport

This bill provides that certain visual or hearing impaired students may receive state scholarship funds to attend certain out-of-state institutions.

H.3048 REQUIREMENTS FOR PROPERTY TAX ASSESSMENT NOTICES

Rep. White

This bill provides that a reassessment notice resulting from a countywide assessment and equalization plan must contain an estimate of the property tax liability for the next property tax year, based on the revised value and the estimated rollback millage.

H.3067 INVESTMENT TAX CREDIT (STATE INCOME TAX) Rep. J.R. Smith

This bill revises provisions regarding the investment tax credit against state income tax allowed for economic impact zone qualified manufacturing and productive equipment property, by extending for certain taxpayers (under certain conditions) the ten-year carry-forward period for unused tax credits for an additional twenty taxable years.

H.3073 FUNDING PUBLIC EDUCATION Rep. Cobb-Hunter

This bill provides that the Education Finance Review Committee shall study funding formulas for public education in South Carolina to determine if they are adequate and equitable, and the issue of unfunded mandates caused by new educational initiatives. The bill requires the Committee to report its findings to the General Assembly by January 2006.

H.3082 TOILETS FOR WOMEN Rep. J. Brown

This bill requires that all buildings constructed by the state or occupied by state entities shall have twice as many toilets for women as for men.

H.3086 STREAMLINED MANAGEMENT AND ACCOUNTING RESOURCES FOR TEACHING (S.M.A.R.T.) FUNDING IN EDUCATION ACT

Rep. J.R. Smith

This bill establishes a fund management and accounting program that consolidates all program funding to the state's school districts and special schools for enhanced flexibility in their operations of grades K-12. The bill outlines six general categories in which funds may be spent: quality teaching; instruction; technical assistance; operations, infrastructure, and safety; workforce education; and special needs. The bill allows for transfer of monies between programs within these categories, and provides for some

flexibility in distribution of funding across the general categories. The bill provides that the General Assembly and the Governor, beginning with the annual general appropriations act for 2005-2006, shall adjust the format of the general appropriations act to reflect the categories established in the bill.

H.3092 PROPERTY TAX EXEMPTIONS Rep. Cobb-Hunter

This bill provides an exemption from *ad valorem* taxation for a mobile home which is occupied as a legal residence by an owner who is sixty-two years of age or older.

**H.3096 STREAMLINED MANAGEMENT AND ACCOUNTING RESOURCES FOR TEACHING (S.M.A.R.T.) FUNDING IN EDUCATION ACT
Rep. J.R. Smith**

This bill establishes a fund management and accounting program that, beginning July 1, 2006, must consolidate all program funding to the state's school districts and special schools for enhanced flexibility in their operations of grades K-12. The bill outlines six general categories in which funds may be spent: quality teaching; instruction; technical assistance; operations, infrastructure, and safety; workforce education; and special needs. The bill allows for transfer of monies between programs within these categories, and provides for some flexibility in distribution of funding across the general categories. The bill provides that the General Assembly and the Governor, beginning with the annual general appropriations act for 2006-2007, shall adjust the format of the general appropriations act to reflect the categories established in the bill.

H.3104 PROHIBITION AGAINST GOVERNMENT AGENCY VOICE-MAIL SYSTEMS Rep. Kirsh

This bill prohibits a state or local government officer or employee from using a voice mail system at his workstation if his telephone is functional and available for use unless the system provides the caller with access to a nonelectronic attendant.

H.3111 PHASE-OUT OF SALES TAX ON FOOD ITEMS Rep. Kirsh

This bill reduces at the rate of one percent a year, the five percent state sales tax on food items which must be purchased with U.S. Department of Agriculture food coupons. The exemption would be complete effective July 1, 2009. The bill further provides that eighty percent of revenues from this tax must be credited to the State's general fund, and the remainder of revenues must be credited to the Education Improvement Act Fund.

H.3114 TAXES/USER FEES ON MOTOR FUELS Rep. Scarborough

This bill reduces from sixteen cents a gallon to eleven cents a gallon, the user fee on motor fuels. The bill deletes the exemption from state sales tax for fuels subject to the user fee on motor fuels, and requires that the revenue derived from sales tax on this fuel be credited to the State Highway Fund and used for road repair and maintenance. The bill reduces the road tax on motor carriers from sixteen to eleven cents a gallon and imposes an additional road tax equal to state sales tax revenue on motor fuels.

H.3115 SALES TAX EXEMPTION FOR ORTHOTIC DEVICES Rep. J. Brown

This bill provides an exemption from sales tax for prescription orthotic devices and for replacement parts for prescription prosthetic and orthotic devices.

H.3116 STATE INCOME TAX DEDUCTIONS Rep. Umphlett

This bill allows the deduction of assessments other than property taxes imposed on real property in connection with providing services or potential services for the benefit of the property owner, and allows the deduction of the charge for a permit, license, or other fee required to be paid to a government entity in connection with improvements to real property.

H.3121 MEDICAID REIMBURSEMENT RATES Rep. J. Brown

This bill requires the Department of Health and Human Services to review annually the Medicaid provider reimbursement rates and to adjust these rates to equal at least ninety percent of the Medicare provider reimbursement rate for like services.

H.3127 RETIREMENT OPTION FOR ASSISTANT SOLICITORS

Rep. W.D. Smith

This bill allows assistant solicitors the option of participating in the South Carolina Police Officers Retirement System.

H.3131 PROPERTY TAXES ON WATERCRAFT Rep. Scarborough

This bill provides that the requirement that personal property taxes must be current before the title on a watercraft and outboard motor may be transferred, applies only for property taxes due for property tax years beginning after 1999. The bill also provides that used watercraft and used outboard motors obtained from a licensed dealer on or after October 3, 2000, are free of the lien for the payment of property taxes for property tax years before 2000. The bill also provides that no refunds of property taxes on watercraft and outboard motors are payable for property tax years before 2000. The bill repeals Act 451 relating to transfer of titles to watercraft in Lexington County.

H.3134 MOTOR FUELS USER FEE/ROAD TAX ON MOTOR CARRIERS

Rep. Umphlett

This joint resolution imposes a one-year additional motor fuels user fee and road tax on motor carriers equal to six cents a gallon, with revenues to be used for maintenance of certain roads in the state highway system.

H.3135 STATE EMPLOYEE ABSENCE FROM WORK Rep. Cobb-Hunter

This bill provides that an absence from work by a state employee in conformity with a workplace closing or reduced staffing ordered by the Governor in the declaration of a state of emergency is not considered an absence from work for purposes of annual or other types of leave allowed state employees.

H.3137 LOCAL SALES AND USE TAX ON MOTOR FUELS Rep. Cobb-Hunter

This bill extends sections of law relating to the imposition of the local sales and use tax, to motor fuels subject to the state motor fuel user fee. The bill provides for distribution of revenue from such tax imposed on motor fuels, and provides that the revenue must be used only for road construction and improvements and road maintenance.

H.3144 EXEMPTION FROM SALES TAX FOR EYEGLASS LENSES AND CERTAIN RAW MATERIALS Rep. J. Brown

This bill provides an exemption from sales and use tax for prescription eyeglass lenses and raw materials used in the fabrication of such lenses. The bill provides that this exemption does not apply to eyeglass frames.

H.3150 S.C. SUNSET COMMISSION/REVIEW DIVISION Rep. Rice

This bill establishes and provides for the South Carolina Sunset Commission (the Commission) and for a separate Sunset Review Division of the Legislative Audit Council (the Division). The Division is created to conduct sunset reviews of certain state agency and department programs, and to report its findings based on the review criteria delineated in the bill. The Division is to conduct these reviews to determine whether the programs have outlived their usefulness or must be changed to address the needs and priorities of South Carolinians and the General Assembly. After the report is published, the bill requires the Commission to conduct a public hearing on the agency and its programs. The report must be filed with the House and Senate by January 15 of each year, and reauthorization of an agency or program must be accomplished in a special provision in the annual general appropriations act. The existence of any state agency or program may be reauthorized by the General Assembly for periods not to exceed twelve years. Any agency or program not reauthorized is terminated.

H.3152 S.C. MOTION PICTURE INCENTIVE ACT Rep. Harrell

This bill makes numerous amendments to the South Carolina Motion Picture Incentive Act. Revisions include, but are not limited to: extending the exemption from sales and use tax to include an exemption from local, as well as state sales and use taxes; allowing up to seven percent of the general fund portion of admissions tax collected and funded to the State Film Commission to be used exclusively for marketing and special events; deleting a rebate to a motion picture company for sales tax paid on accommodations.

H.3153 INCOME TAX, CORPORATE LICENSE FEES, SALES AND USE TAX/DISTRIBUTION FACILITIES Rep. Harrell

This bill provides for determination of a nexus with this state for purposes of income tax, corporate license fees, and sales and use taxes in connection with a "distribution facility," defined as an establishment where shipments of tangible personal property are processed for delivery to customers.

H.3156 POWERS OF MUSC HOSPITAL AUTHORITY Rep. Harrell

This bill provides that a capital lease purchase by the Medical University Hospital Authority of a single piece of equipment with cost in excess of five million dollars, requires prior approval by the State Budget and Control Board.

H.3172 STATE PUBLIC SERVICE AUTHORITY Rep. Umphlett

This bill provides that the net revenue derived from the sale or lease of real property or capital assets valued on the books of the State Public Service Authority at over twenty-five thousand dollars shall not be deposited in the state general fund, but instead must be used by the Authority in the following priority order: facilities maintenance; debt service or retirement of debt obligations; rate reductions.

H.3183 PROPERTY TAX EXEMPTION Rep. Umphlett

This bill establishes and provides for a property tax exemption for increases in value attributable to periodic reassessment of owner-occupied residential property allowed the

homestead exemption for persons who are over age sixty-five or who are totally and permanently disabled.

H.3185 EDUCATION FUNDING AUDIT Rep. Duncan

This joint resolution requires an independent financial and management audit of the State Department of Education and any other necessary entities to analyze the state budgetary process in regard to education funding and the manner in which education services are delivered for the purpose of reducing waste and duplication within this system. The bill requires that the audit results and recommendations must be presented to the Governor, the General Assembly, and the State Department of Education, and released to the general public by January 1, 2006.

H.3194 CIGARETTE TAX FOR HEALTH CARE Rep. Rice

This bill imposes and provides for a tax on cigarettes equal to 1.5 cents on each cigarette, with the proceeds from the tax directed to a special fund for: replacing the tax on hospitals for indigent health care; funding of grants dedicated for community agencies and organizations to promote public health; the Department of Disabilities and Special Needs; the Department of Mental Health; the Department of Health and Human Services.

H.3198 MUNICIPAL FINANCE OVERSIGHT ACT Rep. Harrison

This bill requires municipalities which receive Aid to Subdivisions to submit annual financial reports and audits as provided in the bill. The bill also establishes and provides for the Municipal Finance Oversight Commission to take certain actions against municipalities which fail to: pay certain debts; transfer taxes withheld on employer/employee income, social security contributions, or pension or retirement benefits; pay wages or salaries to employees; file an annual audit.

H.3204 S.C. PUT PARENTS IN CHARGE ACT Rep. W.D. Smith

This bill provides credits for certain taxes and license fees for tuition paid for qualifying students to attend public or independent schools, and provides credits for certain taxes and license fees for contributions to scholarship-granting organizations that will be used in accordance with the provisions of the bill. The bill also provides for the regulation, registration, and reporting of scholarship-granting organizations.

**H.3208 PERFORMANCE PAY INCREASES FOR STATE EMPLOYEES
Rep. Martin**

This bill provides for a minimum increase of three percent for a state employee who meets or exceeds performance requirements, and provides for nonrecurring bonuses up to two percent for an employee who exceeds performance requirements. Currently, employees who are rated "below performance requirements" receive no increase, employees who "meet performance requirements" receive two percent increases, and employees who "substantially exceed performance requirements" receive four percent increase. This bill deletes the four percent increase for those employees who substantially exceed performance requirements. The bill also provides that an employee receiving a "below performance requirements" rating is subject to removal from the position and may receive no increase.

H.3214 JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MEDICAID AND HEALTH CARE Rep. Davenport

This bill establishes and provides for the Joint Legislative Oversight Committee on Medicaid and Health Care charged to, among other things, review and recommend changes for improvement in the State Medicaid Plan

**H.3218 STATE OFFICE OF MEDICAID AND HEALTH CARE AUDITS
Rep. Davenport**

This bill establishes and provides for the State Office of Medicaid and Health Care Audits for the Department of Health and Human Services. The Office is established to conduct audits, reviews, inspections, and investigations; identify and prevent waste, fraud, and abuse; and promote accountability, economy, effectiveness, and efficiency at the Department of Social Services, the Department of Disabilities and Special Needs, and the Department of Mental Health. The bill requires the audit director to report certain information from these reviews to the General Assembly at least semi-annually.

H.3219 DEPARTMENT OF INFORMATION TECHNOLOGY FOR HEALTH AND HUMAN SERVICES AGENCIES Rep. Davenport

This bill establishes and provides for the Department of Information Technology for Health and Human Services Agencies, created to manage and administer all information technologies (including appropriations) for the Department of Social Services, the Department of Disabilities and Special Needs, and the Department of Mental Health.

H.3220 PETROLEUM FRANCHISE FEE Rep. Rice

This bill imposes and provides for a petroleum franchise fee equal to five percent of the average price of each gallon of motor fuel, not to exceed seven cents a gallon. The bill also provides for an annual adjustment in the seven cents a gallon maximum fee to reflect changes in the consumer price index. The bill requires that proceeds from the fee must be turned over to the Department of Transportation and credited to the State's highway fund.

H.3221 S.C. RETIREES AND INDIVIDUALS POOLING TOGETHER FOR SAVINGS-SILVERxCARD ACT Rep. Clemmons

This bill changes the name of the South Carolina Retirees and Individuals Pooling Together for Savings Act (SCRIPTS) to the South Carolina Retirees and Individuals Pooling Together for Savings-SILVERxCARD Act (SCRIPTS-SILVERxCARD Program). The bill includes, among other things requirements for the SCRIPTS-SILVERxCARD Program to coordinate with Medicare Part D to provide to low income senior residents assistance with the cost of prescription drugs. The bill repeals the current South Carolina Seniors' Prescription Drug Program Act.

H.3227 SOUTH CAROLINA SCHOOL DISTRICTS PROPERTY TAX RELIEF ACT Rep. Littlejohn

This bill authorizes and provides for the imposition, by countywide referendum, of a special one percent sales and use tax within a county for not more than seven years with the revenue of the tax used to defray general obligation debt service or otherwise defray the costs of capital improvements of the school districts within such county.

H.3228 STATE EMPLOYEE LEGAL INSURANCE Rep. Leach

This bill authorizes the Comptroller General to pay a premium for the prepaid legal insurance of a state employee by means of payroll deduction, under conditions specified in the bill.

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