



South Carolina House of Representatives

Legislative Update

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

Vol. 28

March 14, 2011

No. 10

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

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3368**, which provides for new **STATE SPENDING LIMITATIONS**. This bill provides that the limit on state general fund appropriations for a fiscal year is the total amount of the general fund revenue estimate as of February 15, 2010 for fiscal year 2010-2011, increased annually and cumulatively by a percentage determined by population increases and increases in inflation as measured by the consumer price index. State constitutional and statutory spending obligations are exempted from the spending cap. The legislation allows the spending limitation to be suspended for a fiscal year for a specific amount upon a special vote of the General Assembly. A Spending Limit Reserve Fund is created to receive all surplus general fund revenues in excess of the new spending cap. The Spending Limit Reserve Fund must first be used to replenish the general reserve fund. After these obligations for offsetting budget shortfalls have been satisfied, any remaining balance in the Spending Limit Reserve Fund may be used for: (1) temporary tax reductions; (2) infrastructure improvements including highway, rail, water, and air transportation facilities and basic government facilities, services, and installations such as water, sewer, and public sector communications; (3) school buildings; (4) school buses; and (5) expenses incurred as a result of natural or other disasters declared by the President of the United States. Appropriation of Spending Limit Reserve Fund revenues must be made by a joint resolution originating in the House of Representatives. The legislation provides that these spending limits first apply for fiscal year 2011-2012.

The House amended, approved, and sent to the Senate **H.3716**, the “**EDUCATION FINANCE ACT OF 2011**”. The legislation completely rewrites the state’s primary funding mechanism for public schools, the Education Finance Act (EFA), first implemented in 1977. The overhauled Education Finance Act of 2011 eliminates many of the complicated formulas that steer funding into numerous program categories. These many channels are consolidated into a few large funding pools in the interest of establishing a simpler, more flexible funding mechanism that allows state financial support to follow students more effectively. The legislation includes a revised pupil weighting system that is used for distributing state dollars to the school districts under the EFA. Notably, the legislation includes new weightings for poverty and foreign language speakers to allow school districts to receive greater state financial support for educating students who come from families with lower incomes and those who do not speak English as their first language. The legislation shifts Education Improvement Act dollars, generated by a penny of the state’s sales tax, into the revamped Education Finance Act funding mechanism. The legislation also proposes to revise the state’s teacher pay scale provisions by eliminating the automatic pay increases that teachers receive for each year of experience. These automatic step increases are to be replaced with a merit-based pay scale developed by the State Department of Education to link pay incentives with job performance. In order to develop the incentive compensation plan for teachers, the department is directed to form a committee of teachers with representatives from the Palmetto State Teachers Association and the South Carolina Education Association, a teacher certified in special education, and the current state teacher of the year which must report its plan to the Chairmen of the House Ways and Means Committee, Senate Finance Committee, Senate Education Committee, and House Education Committee by December 1, 2011.

The House amended, approved, and sent to the Senate **H.3410**, the "**SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011**". This bill grants administrative relief to the state's public institutions of higher learning from certain legislatively required procedures. The administrative areas addressed in the bill include facilities and capital expenditures, real property transactions, financing and administration, procurement, and tuition board actions.

The House gave second reading approval to **S.277**, a bill ratifying the amendment to the South Carolina Constitution that voters approved at the last general election to provide that the **RIGHT TO A SECRET BALLOT INCLUDES VOTES OVER UNIONIZATION** and other decisions regarding employee representation by labor organizations.

The House amended, approved and sent to the Senate, **H.3041**, a bill **LIMITING TIMES FOR CONDUCTING A REFERENDUM OR BALLOT MEASURE** or any other election event that does not involve electing a person to an office. This legislation provides that an entity authorized by law to conduct a referendum, ballot measure, or other election event at which a person is not elected to an office shall conduct this event, at which qualified electors are allowed to cast a ballot, on one of four dates. The dates on which a referendum, ballot measure, or other election event may be held are: (1) the second Tuesday in March; (2) the second Tuesday in June unless there is a regularly scheduled primary election on the second Tuesday in June; (3) the second Tuesday in September; or (4) the Tuesday after the first Monday in November. Notwithstanding another provision of law, if an entity is required to conduct a referendum, ballot measure, or other election event at which a person is not elected to office, it must be conducted on one of these four dates after and nearest to the date established by another provision of law. These provisions do not apply to amendments proposed to the State Constitution or the United States Constitution.

The House approved and sent to the Senate **H.3419**, the "**TAXPAYER FAIRNESS ACT**", which establishes new requirements for the interpretation of tax statutes by the South Carolina Department of Revenue. The legislation specifies that terms in the state's tax statutes may not be given broader meaning than intended by policy documents and regulations of the Department of Revenue and provides that ambiguity in tax statutes must be resolved in favor of the taxpayer. The legislation requires the Department of Revenue to report ambiguities to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

The House approved and sent to the Senate **H.3574**, a bill **PROHIBITING STATE BOARDS AND COMMISSIONS FROM EMPLOYING THEIR OWN MEMBERS**. The legislation provides that a member of a state board or state commission may not be employed by the board or commission on which he serves, or an entity governed by that board or commission, during the term of his service or for one year after his tenure on the board or commission ends.

The House amended, approved, and sent to the Senate **H.3669**, legislation requiring the **ATTORNEY GENERAL'S APPROVAL FOR CIVIL ACTIONS UNDERTAKEN BY A SOLICITOR**. Except in actions for forfeiture proceedings initiated by or pursuant to a seizure by a law enforcement agency, for estreatment of bail bonds, for nuisance actions

pursuant to Chapter 43, Title 15, or in matters where the Attorney General's approval is not required by law by specific exception to the provisions of this legislation, the Attorney General must approve any civil action undertaken by a solicitor of this State either under his own signature in his official capacity on behalf of the State or by outside counsel retained as provided by law by the solicitor in his official capacity on behalf of the State. This legislation also deletes a provision in section 15-3-570 allowing a solicitor to bring an action for a penalty or forfeiture.

The House approved and sent to the Senate **H.3667**. This legislation **ESTABLISHES THE FELONY OFFENSE OF CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE** when the actor is over the age of fourteen and commits certain acts with a child under the age of sixteen; the legislation includes an exception for certain consensual conduct when the actor is eighteen years of age or less and the other person is at least fourteen years of age. The legislation also repeals a current code provision relating to committing or attempting to commit a lewd act upon a child under the age of sixteen.

The House amended, approved, and sent to the Senate **H.3012**, the “**LICENSURE OF IN-HOME CARE PROVIDER ACT**”. The legislation requires the Department of Health and Environmental Control (DHEC) to establish a licensure program for in-home care providers. “In-home care” means assistance with activities of daily living and personal care. An in-home care provider is defined as a person or business that directly provides in-home care services through its own employees or through contractual arrangements. DHEC must include standards for liability insurance in in-home care regulations. The legislation requires drug testing for licensed in-home care providers and for their employees and makes them subject to random drug testing. In-home care provider does not include a licensed home health agency or hospice; an individual who cleans houses; a residential program and its employees which is operated or contracted for operation by the Department of Mental Health (DMH) or the Department of Disabilities and Special Needs (DDSN); DDSN Family Support Program services including, but not limited to, family support services coordination, information, referral, advocacy, educational materials, emergency and outreach services, and other individual and family centered assistance services ; an in-home care services obtained through churches and other religious institutions as long as the care is provided without compensation or for a nominal fee to cover incidental expenses; or individuals hired directly by the person receiving care or by his family.

The House amended, approved, and sent to the Senate **H.3170**, a joint resolution establishing a **STUDY COMMITTEE ON VETERAN HOMELESSNESS**. The committee shall study the approximate number of homeless veterans residing in this state; the approximate number of South Carolina veterans who have been diagnosed with post traumatic stress disorder; the root causes of veteran homelessness and reasons why traditional veterans affairs services are not alleviating the situation, particularly with regard to job placement services; and the availability of basic human services to most economically disadvantaged veterans. The committee shall consider information and recommendations from the State Office of Veterans Affairs, the veteran community, as well as organizations and healthcare facilities that provide services for homeless veterans. The committee is comprised of three members of the Senate and three members of the House of Representatives. The committee shall render a written report of its findings and recommendations to the General Assembly and to the Governor not later than January 31, 2012, at which time the committee shall be dissolved.

The House approved and sent to the Senate **H.3378**, dealing with the **EMERGENCY DETENTION OF TUBERCULOSIS PATIENTS**. This bill updates and revises the existing TB treatment and commitment statute. The bill establishes procedures for DHEC to use when issuing an emergency order for TB treatment, observed therapy compliance, and emergency detention and isolation when the department determines it is necessary to protect the public health or the health of the individual. The person would be detained in a health care facility designated by DHEC. An emergency order must include notice to the patient that the patient has the right to request release from isolation. Without a court order, detention under an emergency order may not continue more than 30 days. If a detained person leaves the facility without medical permission, a probate judge will request the county sheriff return the patient to the facility or prison facility if necessary. Tuberculosis (TB) is a bacterial disease found primarily in the lungs. It is spread from person to person through the air by coughing. According to DHEC, approximately 150,000 South Carolinians are infected with TB and South Carolina has consistently ranked among the top 10 states nationally in the number of new cases.

The House gave second reading approval to **H.3496**, relating to the **BLOOD BORNE DISEASE CONFIDENTIALITY REQUIREMENT**. The South Carolina Department of Health and Environmental Control is required to keep records regarding sexually transmitted diseases, including HIV/AIDS, strictly confidential except in specific circumstances. In cases involving a minor, DHEC is required to report the child's name and medical information to appropriate agents if a report is required by the Child Protection Act. In addition, if a public school student has AIDS or HIV, DHEC is required to notify the school district superintendent and the school nurse. This bill will delete the public school notification requirement. The bill also requires each school district to adopt the Centers for Disease Control and Prevention (CDC) recommendations on universal precautions for blood borne disease exposure and communicate the appropriate procedures with each school within the district.

The House amended, approved, and sent to the Senate **H.3249**, legislation pertaining to the **TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE**. This bill clarifies that the luggage compartment or cargo area in which one may lawfully transport a container of alcoholic liquor with a broken or opened seal or cap is not limited to a closed trunk that is accessible only from the exterior of the vehicle so long as the luggage compartment or cargo area is separate and distinct from the driver's and passengers' compartments. The bill provides that a person's driver's license may not be suspended for a violation of this provision and allows a person whose driver's license is currently suspended due solely to a violation of this provision to be eligible for immediate reinstatement upon payment of a fee to the Department of Motor Vehicles. Also, the bill states that section 61-6-4290 (suspension of driver's license) and 61-6-4300 (seizure of alcoholic liquors or vehicle, vessel or aircraft) do not apply to violations of this provision.

The House amended, approved and sent to the Senate **H.3631**. Relating to the requirements for conducting a **PRESCRIBED FIRE**, this legislation further specifies supervision requirements for a prescribed fire manager, and it references specific regulatory and statutory provisions applicable to conducting a prescribed fire. This legislation also provides that a property owner or lessee or his agent or employee conducting a prescribed fire pursuant to these statutory provisions is not liable for damage, injury or loss caused by the resulting smoke of a prescribed fire unless gross negligence is proven.

The House approved and sent to the Senate **H.3438** which allows **EXCLUSION OF CERTAIN ITEMS FROM LIENS FOR REPAIR OR STORAGE**. Relating to liens for repair or storage, this legislation excludes from these liens the contents of a towed, stored, or repaired motor vehicle, trailer, mobile home, watercraft, or other item or object subject to towing, storage, or repair.

The House approved and sent to the Senate **H.3333**, relating to **FINANCIAL REQUIREMENTS OF INSURERS**. This bill revises insurers' securitization requirements and requirements for financial statements filed with the Department of Insurance.

The House approved and sent to the Senate **H.3414**, a bill revising provisions related to the formation, operation, and solvency of **CAPTIVE INSURANCE COMPANIES AND PROTECTED CELLS** of insured risks.

The House amended, approved, and sent to the Senate **H.3113**, regarding **OPEN SEASON FOR ANTLERED DEER**. The legislation moves Horry County to Game Zone 5 (Georgetown County).

The House approved and sent to the Senate **H.3038**. This bill allows a **TATTOO FACILITY** to engage in the retail sale of merchandise with images and language promoting the art and culture of tattooing.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources, and Environmental Affairs committee met on Tuesday, March 8, 2011. The committee heard the presentation on the proposed budget and addressed one bill.

H.3562 regarding the "**ALL-TERRAIN VEHICLE SAFETY ACT**" also known as "**CHANDLER'S LAW**" was given a favorable with amendment report by the full committee. The legislation provides that it is unlawful for the parents or legal guardian of a person less than six years old to knowingly permit that person to operate an ATV. It further outlines that it is unlawful for a parent or legal guardian of a person without a driver's license and less than sixteen years old to knowingly allow that person to carry a passenger while operating an ATV. The bill outlines operating restrictions for ATV on lands open to the public. It outlines safety course completion requirements as well as safety equipment requirements. The legislation provides penalties for violations. The bill also provides for procedures for the titling of ATVs. The bill adds that the provisions do not apply to an owner, operator, lessor, or renter of a farm or ranch, or that person's employees, immediate family, or household members, when operating an all-terrain vehicle while engaged in farming or ranching operations.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

JUDICIARY

The Judiciary Committee met on Tuesday, March 8, and reported out four items.

The Judiciary Committee gave a favorable with amendment report to **H.3041**. This legislation provides that **AN ENTITY AUTHORIZED BY LAW TO CONDUCT A REFERENDUM, BALLOT MEASURE, OR OTHER ELECTION EVENT AT WHICH A PERSON IS NOT ELECTED TO AN OFFICE SHALL CONDUCT THIS EVENT, AT WHICH QUALIFIED ELECTORS ARE ALLOWED TO CAST A BALLOT, ON ONE OF FOUR DATES**. The dates on which a referendum, ballot measure, or other election event may be held are: (1) the second Tuesday in March; (2) the second Tuesday in June unless there is a regularly scheduled primary election on the second Tuesday in June; (3) the second Tuesday in September; or (4) the Tuesday after the first Monday in November. Notwithstanding another provision of law, if an entity is required to conduct a referendum, ballot measure, or other election event at which a person is not elected to office, it must be conducted on one of these four dates after and nearest to the date established by another provision of law. These provisions do not apply to amendments proposed to the State Constitution or the United States Constitution.

H.3669, legislation requiring the **ATTORNEY GENERAL'S APPROVAL FOR CIVIL ACTIONS UNDERTAKEN BY A SOLICITOR**, received a favorable with amendment recommendation. Except in actions for forfeiture proceedings initiated by or pursuant to a seizure by a law enforcement agency, for estreatment of bail bonds, for nuisance actions pursuant to Chapter 43, Title 15, or in matters where the Attorney General's approval is not required by law by specific exception to the provisions of this legislation, the Attorney General must approve any civil action undertaken by a solicitor of this State either under his own signature in his official capacity on behalf of the State or by outside counsel retained as provided by law by the solicitor in his official capacity on behalf of the State. This legislation also deletes a provision in section 15-3-570 allowing a solicitor to bring an action for a penalty or forfeiture.

The full committee gave a favorable with amendment report to **H.3249**, legislation pertaining to the **TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE**. This bill clarifies that the luggage compartment or cargo area in which one may lawfully transport a container of alcoholic liquor with a broken or opened seal or cap is not limited to a closed trunk that is accessible only from the exterior of the vehicle so long as the luggage compartment or cargo area is separate and distinct from the driver's and passengers' compartments. The bill provides that a person's driver's license may not be suspended for a violation of this provision and allows a person whose driver's license is currently suspended due solely to a violation of this provision to be eligible for immediate reinstatement upon payment of a fee to the Department of Motor Vehicles. Also, the bill states that section 61-6-4290 (suspension of driver's license) and 61-6-4300 (seizure of alcoholic liquors or vehicle, vessel or aircraft) do not apply to violations of this provision.

H.3631 received a favorable with amendment report from the Judiciary Committee. Relating to the requirements for conducting a **PRESCRIBED FIRE**, this legislation further specifies supervision requirements for a prescribed fire manager, and it references specific regulatory and statutory provisions applicable to conducting a prescribed fire. This legislation also provides that a property owner or lessee or his agent or employee conducting a prescribed fire pursuant to these statutory provisions is not liable for damage, injury or loss caused by the resulting smoke of a prescribed fire unless gross negligence is proven.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Thursday, March 10, and reported out two bills.

The committee gave a report of favorable with amendments on **H.3711**, a bill relating to an **EXEMPTION FROM MOTOR CLUB SERVICES ACT REQUIREMENTS**. This bill provides that an entity that enters into a service contract with a club licensed under the Motor Club Services Act for the provision of emergency road service and towing service to its customers is not, itself, considered to be a motor club subject to the requirements of the Motor Club Services Act.

The committee gave a favorable report on **H.3735**, the “**SOUTH CAROLINA INCANDESCENT LIGHT BULB FREEDOM ACT**.” The legislation provides that an incandescent light bulb that is manufactured commercially or privately in this state from basic materials that can be manufactured without the inclusion of any significant parts imported from another state and is offered for sale and sold for use only within the borders of this state is deemed to be in the stream of intrastate commerce, rather than interstate commerce, and is not subject to federal law or federal regulation.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Wednesday, March 9, 2011, and heard the proposed budget presentation.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE

HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3864 PROTECTION OF FISH Rep Hardwick

Among many things, this bill revises the provisions governing certain fishing activities in the freshwaters and provides penalties for specific violations.

H.3865 GENERAL FISH AND GAME PROVISIONS Rep. Hardwick

Among many things, this bill outlines that it is unlawful to take freshwater mussels (*Bivalvia*) without a permit from the Department of Natural Resources (DNR). A person violating this provision is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred or no more than five hundred dollars. Asian clams (*Corbicula fluminea*) may be taken without permit. It is also unlawful to take saltwater crabs in the freshwaters of the state, except as allowed by the DNR. This bill permits DNR to release seized vehicle, boat, motor or fishing device under certain conditions.

H.3873 HERRING Rep. Vick

The legislation revises the seasons, times and size and take limits for herring. It further outlines the methods and equipment that must apply and to provide for the areas.

H.3898 CATCH LIMITS Rep. Bowers

It is unlawful for a person to take or have in possession more than five red drum fish in any one day.

EDUCATION AND PUBLIC WORKS

H.3913 HANDICAPPED PARKING PLACARDS Rep. Sottile

Relating to temporary and permanent handicapped parking placards, this legislation allows a person to be issued two placards.

H.3915 ELECTRONIC NOTIFICATION OF LIENS OR ENCUMBRANCES ON MOTOR VEHICLES AND MOBILE HOMES TO LIENHOLDERS

Rep. Simrill

Relating to notification of liens or encumbrances on motor vehicles and mobile homes to lienholders, this legislation requires the Department of Motor Vehicles to transmit notice of liens or encumbrances on motor vehicles and motor homes to lienholders electronically. This legislation also deletes the reference to notice by paper certificate and makes conforming changes.

JUDICIARY

S.404 "SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT" Sen. Campsen

This legislation enacts the "South Carolina Uniformed and Overseas Citizens Absentee Voters Act". This legislation provides that a qualified elector who is eligible to vote as provided by the federal Uniformed and Overseas Citizens Absentee Voter Act may apply not earlier than 90 days before an election for a special write-in absentee ballot. This legislation allows a qualified absentee elector to alternatively submit a federal write-in absentee ballot for any federal, state, or local office or ballot measure. If a qualified elector requests a ballot within the 45 day period before an election, an absentee ballot must be sent to the elector no later than the close of the next business day following receipt of the request. Relating to absentee ballots as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act, the legislation makes the provisions applicable to federal, state, and local offices. Pertaining to oaths necessary to receive an absentee ballot, this legislation provides an exemption from witness requirements for qualified voters under the federal Uniformed and Overseas Citizens Absentee Voters Act. This legislation also makes revisions to section 7-15-320, relating to persons qualified to vote by absentee ballot.

H.3872 POST-CONVICTION RELIEF Rep. Harrison

This legislation provides that a person may bring a post-conviction relief proceeding if he has been convicted of, and sentenced for, a crime and may be entitled to relief from the conviction or the sentence under certain circumstances.

**H.3881 PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE
Rep. Stringer**

Relating to property exempt from attachment, levy, and sale, this bill deletes the limitation on the exemption for individual retirement accounts that allowed the exemption only to the extent reasonably necessary for the support of the debtor or his dependents.

**H.3882 FRAUDULENT FIREARMS AND AMMUNITION PURCHASE
PREVENTION Rep. Pitts**

This legislation provides that it is unlawful for a person to knowingly solicit, persuade, encourage or entice a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate state or federal laws. The legislation provides that it is unlawful for a person to knowingly provide to a licensed dealer or private seller of firearms or ammunition materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition. The legislation provides it is unlawful for a person to wilfully procure another person to engage in conduct prohibited by this legislation. This legislation does not apply to a law enforcement officer acting in his official capacity or to a person acting at the direction of a law enforcement officer. A person who violates these provisions is guilty of a felony and, upon conviction, must be fined not more than \$5,000, or imprisoned for not more than five years, or both.

**H.3883 DEVOLVING APPOINTMENTS AND RECOMMENDATION FOR
APPOINTMENT AUTHORITY OF VARIOUS COUNTY OFFICES FROM
THE COUNTY LEGISLATION DELEGATION TO THE GOVERNING
BODY OF A COUNTY Rep. Ryan**

This legislation, under certain conditions and with certain exceptions, devolves upon the governing body of a particular county the appointment and recommendation for appointment authority of various county offices held by the county legislation delegation of that county.

H.3884 TERM LIMITS FOR STATE-SUPPORTED COLLEGE OR UNIVERSITY BOARD OF TRUSTEES ELECTED BY THE GENERAL ASSEMBLY

OR

APPOINTED BY THE GOVERNOR Rep. Ryan

This legislation provides that a member of a state-supported college or university board of trustees who is elected by the General Assembly or appointed by the Governor may serve no more than two full four-year terms. The two-term limit does not apply to years served by a member in which he fulfills the remainder of an unexpired term for another member.

H.3885 TIME OFF TO VOTE Rep. J. E. Smith

This legislation provides that an employee is permitted, upon reasonable notice to his employer, to take any necessary time off from his employment to vote in a municipal, county, state, or federal political party primary or election for which the employee is qualified and registered to vote on the day on which the primary or election is held. This time off may not exceed two hours. If the hours of work of the employee begin at least two hours after the opening of the polls or end at least two hours before the closing of the polls, then the time off for voting as provided for in this legislation is not available. The employer may specify the hours during which the employee may absent himself as provided in this section.

H.3889 ADJOURNMENT OF THE GENERAL ASSEMBLY Rep. J. E. Smith

This bill changes the date for the mandatory adjournment of the General Assembly from the first Thursday in June to the first Thursday in May. The bill further provides that in any year the House of Representatives fails to give third reading to the appropriations bill by the last Thursday in February the date of adjournment is extended by one statewide day for each statewide day after the last Thursday in February that the House fails to give the bill third reading. The legislation also deletes the authority to extend the session.

H.3890 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO SESSIONS OF THE GENERAL ASSEMBLY Rep. J. E. Smith

This joint resolution proposes to amend the State Constitution so as to provide for annual sessions of the General Assembly commencing on the second Tuesday in February rather than the second Tuesday in January of each year. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3891 CERTAIN MEETINGS OF THE GOVERNOR MUST BE OPEN TO THE PUBLIC Rep. J. E. Smith

This legislation provides that meetings of the Governor with agency or department heads she appoints together with any other public officials or employees invited to attend must be open to the public in the same manner and under the same conditions that meetings of public bodies must be open to the public.

H.3895 APPEARANCE BONDS Rep. Tallon

This legislation provides that unless a bench warrant is issued, an appearance recognizance or an appearance bond is discharged upon adjudication, a finding of guilt, a differed disposition, or as otherwise provided by law. An appearance bond is valid for a period of three years from the date the bond is executed for a charge triable in circuit

court and eighteen months from the date the bond is executed for a charge triable in magistrates or municipal court. In order for the surety to be relieved of liability on the appearance bond when the time period has run, the surety must provide 60 days written notice to the solicitor, when appropriate, and the respective clerk of court, chief magistrate, or municipal court judge with jurisdiction over the offense of the surety's intent to assert that the person is no longer subject to a valid appearance bond. If the appropriate court determines the person has substantially complied with his court obligations and the solicitor does not object within the required 60 days by demanding a hearing, the court shall order the appearance bond converted to a personal recognizance bond and the surety relieved of liability.

H.3896 EXPUNGEMENT OF CRIMINAL CHARGES Rep. Simrill

Relating to criminal charges resulting in a not guilty verdict or dismissal of all charges requiring the issuance of an expungement order by a judge, this legislation requires that the expungement proceeding must be heard by the judge who presided over court when the finding of not guilty, dismissal, or nolle prosequere of the charge was entered rather than by a judge of the general sessions court.

H.3899 PROPOSED CONSTITUTIONAL AMENDMENT REQUIRING THE GENERAL ASSEMBLY TO PROVIDE FOR A HIGH QUALITY EDUCATION FOR ALL CHILDREN OF THE STATE Rep. J. E. Smith

This joint resolution proposes to amend the State Constitution so as to require the General Assembly to provide for a high-quality education for all children of the State. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3900 DEFINITIONS FOR PURPOSES OF CAMPAIGN PRACTICES Rep. J. E. Smith

This bill amends the definition of "independent expenditure" to provide that expenditures by a party committee or legislative caucus committee which have the effect of advocating the defeat of a clearly identified candidate are deemed to be a contribution to the opponent. If there is more than one opponent to a candidate and each opponent shares the same political party, the contribution must be reported in equal shares as a contribution to each candidate. The legislation also provides that expenditures and contributions are subject to certain provisions of Chapter 13, Title 8 of the South Carolina Code of Laws. The bill further requires that affected entities are subject to the reporting and recordkeeping requirements under Article 13, Chapter 13, Title 8, from July 1, 2011, when the first report is due after the effective date of this act.

H.3901 THREATENING THE LIFE, PERSON, OR FAMILY OF A PUBLIC OFFICIAL, TEACHER, OR PRINCIPAL Rep. J.E. Smith

Relating to threatening the life, person, or family of a public official, teacher, or principal, this bill amends the law to include direct or indirect threats.

H.3911 EARLY VOTING CENTERS Rep. Lucas

This legislation provides that the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may register to vote and cast his ballot, without excuse, during an early voting period. The qualified elector may accomplish this at a voting place, in his county of residence, that is established as an early voting center by the county board of elections. Early voting centers shall allow duly

registered voters of that county to vote outside their precinct. An early voting center must be established and maintained at the office of the county board of elections to ensure that voters may cast only one ballot. A qualified elector, who is registered, may cast his ballot at the early voting center established by the county board of elections. Each county board of elections shall establish one early voting center. The early voting period begins eight days before the statewide primary or general election and ends three days before it. A qualified elector must be able to register, in person, and vote at his county's early voting center during all hours of operation. The county board of elections shall determine the hours of operation for the early voting center. These hours of operation for the early voting center must be posted. A sign must be posted prominently in an early voting center and must have printed on it 'VOTING MORE THAN ONCE IS A CRIME THAT WILL BE CAUGHT AND PROSECUTED'.

H.3918 DIVISION OF AERONAUTICS Rep. White

This legislation makes comprehensive changes pertaining to the Division of Aeronautics. Among other things, this legislation moves the functions, duties, and responsibilities of the Division of Aeronautics from the Department of Commerce to the Department of Transportation.

**H.3919 GENERAL ASSEMBLY, BY CONCURRENT RESOLUTION,
SHALL GRADE THE GOVERNOR'S ACCOMPLISHMENTS AND
PERFORMANCE FOR THE FISCAL YEAR Rep. King**

After May first of each year but before the first Thursday in June, this legislation provides that the General Assembly, by Concurrent Resolution, shall grade the Governor's accomplishments and performance for the fiscal year ending June thirtieth, and adopt by majority vote a Concurrent Resolution that specifies the Governor's grade for that fiscal year for specified categories. The Concurrent Resolution must be introduced jointly by the majority and minority party leaders in the House of Representatives without any grades being attributed to the Governor. The Governor must be graded on: (1) economic development advances attributable to the Governor; and (2) whether the Governor operated in a transparent manner.

LABOR, COMMERCE AND INDUSTRY

**H.3880 LICENSURE AND REGULATION OF LOCKSMITH AGENCIES
Rep. Mack**

This bill provides for the licensure and regulation of locksmith agencies by the Department of Labor, Licensing and Regulation. The legislation provides for employee registration and requires signed work order forms when opening residences, commercial establishments, and motor vehicles. Penalties are established for violations.

H.3912 RESTROOM ACCESS AT RETAIL BUSINESSES Rep. Williams

This bill provides that restroom facilities in any place of business in this state of a retailer selling tangible personal property must be available for use by purchasers or prospective purchasers entering this place of business upon their request.

H.3917 WATER SERVICE Rep. Bowen

This bill provides that each entity, including political subdivisions, in a county providing water service which is part of a joint regional water association and obtains its water, in

whole or in part, from a regional producing center shall have a special water board to perform the function of establishing water rates for the entity based on the cost associated with the delivery of the water to the customer. The legislation provides for the membership of the board and other functions it shall perform. The legislation establishes a procedure allowing property owners in an area served by a "for profit" water company of a certain size in the county to petition a contiguous entity to provide water service in the area in order to upgrade their water service. The legislation establishes the manner in which and requirements under which that entity may provide water service in this area.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3863 "UTILIZATION OF UNUSED PRESCRIPTION DRUGS ACT"

Rep. Barfield

The bill enacts the "Utilization of Unused Prescription Drugs Act". The bill provides that the Department of Health and Environmental Control, in consultation with the Board of Pharmacy, shall develop a voluntary program whereby health care facilities can donate unused prescription drugs of patients who no longer need them. These patients must voluntarily agree to donate their prescription drugs to these charitable clinics that provide services to medically indigent persons.

H.3920 "STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT" Rep. Bingham

The bill addresses the definition of "mentally retarded" under this Act. It replaces "mentally retarded" with "persons with intellectual disability".

WAYS AND MEANS

H.3886 PROGRAMMATIC FORMAT FOR THE STATE BUDGET

Rep. J. E. Smith

This bill requires the Governor's annual state budget recommendation and the reports of the House Ways and Means Committee and the Senate Finance Committee on the annual general appropriations act to be in a programmatic format by providing a narrative description of each separate program administered by a state agency. The legislation requires the budget recommendation for an agency to include an overall budget recommendation by budget category and a similar recommendation for each separate program administered by the agency and the specific source of funds appropriated for the agency.

H.3887 BIENNIAL STATE BUDGET Rep. J. E. Smith

This bill provides that, beginning with its 2012 session, the General Assembly shall enact a biennial state general appropriations act.

H.3888 DONATION OF STATE EMPLOYEE LEAVE TIME TO A SPECIFIC RECIPIENT Rep. J. E. Smith

This bill provides that a leave donor under the state employees leave transfer program also may donate sick leave and/or annual leave to a specific leave recipient rather than

to the leave pool account in the manner the Human Resource Management Division shall direct.

**H.3902 STATE INCOME TAX CREDIT FOR REAL ESTATE TRANSACTION
CLOSING COSTS Rep. J. E. Smith**

This bill provides for a state income tax credit of up to two thousand dollars for closing costs incurred in connection with a purchase money residential or commercial mortgage or the refinancing of a residential or commercial mortgage.

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