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## Legislative update

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South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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

# HOUSE WEEK IN REVIEW

The House of Representatives and the Senate overrode the Governor's veto of **H.3584** to allow the bill to become law. The legislation increases the state's current seven-cent-per-pack **CIGARETTE TAX**, devoting the majority of the revenue generated by the increase to a newly-created Medicaid Reserve Fund and authorizing funding for cancer research, smoking prevention and cessation, and state agricultural assistance. Effective July 1, 2010, the legislation imposes an additional surtax of two and one-half cents on each cigarette, which amounts to an additional fifty cents for each pack of cigarettes. The legislation provides for the distribution of the additional revenue generated by: crediting five million dollars annually to the Medical University of South Carolina Hollings Cancer Center to be used for tobacco-related cancer research; devoting five million dollars annually to a newly-created trust fund that the Department of Health and Environmental Control is to use in administering a statewide smoking prevention and cessation program; and, depositing the remaining annual revenue in a newly-created South Carolina Medicaid Reserve Fund. The Medicaid Reserve Fund may only be used for the restoration and maintenance of effort of the Medicaid program as it is currently structured. The fund must not be used to expand any component of the existing Medicaid program. The legislation also provides that, if funds are available and not otherwise committed, one million dollars annually for five fiscal years is to be directed to the Department of Agriculture for the marketing and branding of South Carolina-grown produce and for relief from natural disasters affecting state-grown crops.

The House sustained the Governor's veto of **H.3161**, legislation **INCREASING CIVIL COURT FEES AND ASSESSMENTS** for a two year period for filing cases, making motions, and other judicial proceedings in order to address the revenue shortfall facing the judiciary.

The House approved and sent to the Senate **H.3645**, a bill providing for the **SUSPENSION OF DRIVING PRIVILEGES FOR SCHOOL DROPOUTS**. The legislation provides that school attendance or participation in an adult education program leading to a regular high school diploma or South Carolina High School Equivalency Diploma (GED) is a condition for holding a beginner's permit, conditional driver's license, special restricted driver's license, or regular driver's license for a person who is less than eighteen years of age. The legislation requires school district boards of trustees, governing bodies of private schools, and officials of the home school association to provide electronic notification within fourteen days to the Department of Motor Vehicles when an enrolled student who is at least fifteen but less than eighteen years of age has accumulated seven or more total unexcused absences, been expelled, or dropped out of school. The Department of Motor Vehicles must, in turn, notify the minor of the suspension of his license and driving privileges within ten days. The legislation establishes a procedure for appealing a suspension and allows a personal or family hardship waiver to be granted by the Office of Motor Vehicle Hearings if there is a medical condition of the student or a member of his immediate family that requires that he maintain a driver's license to receive or transport an immediate family member for treatments, or employment requiring the student to maintain a driver's license to support himself or his immediate family. A person who has appealed a suspension of his privilege to operate a motor vehicle may, upon payment of a one hundred dollar fee, obtain a special route-restricted driver's license that is valid until the final disposition of

his appeal. The legislation's suspension of driving privileges end upon the date of the minor's eighteenth birthday.

The House concurred in Senate amendments to **H.4352**, legislation establishing a **MICROENTERPRISES STUDY COMMITTEE**, and enrolled the joint resolution for ratification. This joint resolution establishes a study committee to review and make recommendations concerning the need to foster the development of microenterprises and microbusinesses, which are sole proprietorships, partnerships, or corporations that have fewer than five employees and generally lack access to conventional loans, equity, or other banking services. The study committee must be composed of the following nine members: (1) two members appointed by the Governor; (2) two members appointed by the Speaker of the House of Representatives; (3) two members appointed by the President Pro Tempore of the Senate; (4) one member appointed by the President Pro Tempore of the Senate upon the recommendation of the South Carolina Banker's Association; (5) one member appointed by the Speaker of the House of Representatives upon the recommendation of the South Carolina Business Initiative; and (6) one member appointed by the Governor upon the recommendation of the Advisory Coordinating Council for Economic Development. The study committee is required to report its findings and recommendations to the General Assembly no later than January 20, 2011, at which time the study committee is abolished.

The House approved **S.144**, which **RATIFIES THE CONSTITUTIONAL AMENDMENT RELATING TO AGE OF CONSENT OF AN UNMARRIED WOMAN UNDER THE AGE OF FOURTEEN**, and enrolled the bill for ratification. This bill ratifies an amendment to the State Constitution relating to the provision providing that no unmarried woman under the age of fourteen years old may legally consent to sexual intercourse, so as to delete that provision.

The House amended and gave second reading approval to **S.337**. The legislation provides for the streamlining of the South Carolina Department of Health and Environmental Control's **CERTIFICATE OF NEED (CON) PROGRAM** under which health care facilities, prior to construction of a new facilities or most significant capital or new equipment expenditures for an existing facility, must apply for a CON from DHEC in order to prevent unnecessary duplication of health care facilities and services and assist with the goal of promoting cost containment. The legislation makes comprehensive changes to Certificate of Need provisions, including making the application and contested case processes more efficient and less costly for the applicant and other affected parties. The legislation also provides that the first \$750,000 DHEC collects from existing CON fees will be remitted to the general fund. Fees in excess of this amount will be retained by DHEC exclusively to defray the cost of administering the program. This provision is revenue neutral. The bill also establishes a new \$100 initial filing fee to be retained by DHEC. This fee may be revised by regulation in the future. The bill authorizes DHEC to charge a licensing inspection fee. The bill stipulates that all CONs are valid for one year and allows each extension granted be good for nine months. The bill addresses licensing changes. The legislation takes effect June 1, 2010; provided, that the provisions of this act do not apply to any matter presently pending before a court of this state.

The House approved **S.1204** and enrolled the bill for ratification. This bill revises provisions relating to the **USES OF THE CLEAN WATER FUND** to allow any use prescribed by any federal law governing or appropriating funds for the clean water fund.

The House concurred in Senate amendments to **S.495**, regarding **FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES**, and enrolled the bill for ratification. This bill adds that a participant in any field trial permitted by the department is not required to obtain a hunting license or a wildlife management area permit if the participant is not carrying a weapon typically used for hunting and no game is taken. The bill further outlines that no field trials shall be conducted on wildlife management areas outside of the regular season, except as permitted by the department. The legislation also establishes a procedure allowing an individual who has amassed points on his record because of convictions for hunting violations to reduce those points gradually by successfully completing department instructional programs.

The House amended, approved, and sent to the Senate **H.4280**. This bill authorizes the Department of Motor Vehicles to issue **SOUTH CAROLINA HIGHWAY PATROL-RETIRED ('SCHP-RETIRED') LICENSE PLATES** to a person who has served as a South Carolina Highway Patrolman or State Trooper and who honorably retired. An application for this license plate must include certification from the South Carolina Highway Patrol that the applicant honorably retired. Only one license plate may be issued to a person. Any person issued this license plate who is convicted of a crime involving dishonesty or moral turpitude shall surrender the special license plate to the Department of Motor Vehicles within three days of the conviction. The legislation includes criminal penalties for fraudulently obtaining the license plate, misusing the license plate and failing to surrender the license plate as required. The legislation also increases fees collected by the Department of Motor Vehicles to defray the costs of issuing special license plates to eligible organizations.

The House approved and sent to the Senate **H.4802**, dealing with **SOUTH CAROLINA AIR NATIONAL GUARD VACANCIES**. This bill amends the qualifications required to fill the vacancy in the position of chief of staff of the South Carolina Air National Guard by removing the pilot requirement.

The House returned **S.1030** to the Senate with amendments. The bill **DESIGNATES THE MARSH TACKY AS THE OFFICIAL STATE HERITAGE HORSE** and **DESIGNATES THE MULE AS THE OFFICIAL STATE HISTORIC WORK ANIMAL**.

The House returned **S.932**, a bill revising **HOG HUNTING** provisions, to the Senate with amendments. The legislation provides that it is unlawful to possess, buy, sell, offer for sale, or transfer a member of the family Suidae (pig) for the purpose of releasing the pig into the wild. A permit is required to remove a hog from the wild alive; the cost of this permit is \$50. The permit will require the captured hogs to be tagged permanently. The tagged hogs can only be moved to a permitted hog hunting enclosure within the county where the hog was caught. Hog hunting enclosures that receive permitted and tagged hogs, removed from the wild, must also obtain a permit issued by the Department of Natural Resources. The permit for the hog hunting enclosures is \$50. The bill also states that hogs may be hunted at night with an artificial light that is attached to the hunter's helmet or hat or be part of a belt system worn by the hunter. Hogs may not be hunted at night from a vehicle or with a centerfire rifle or shotgun, unless permitted by the department. A person who violates this provision is guilty of a misdemeanor and upon conviction must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both. The bill also repeals Section 50-11-380 which is a firearms restriction on hunters in Game Zone 1.

The House returned **S.1261**, dealing with the **HARVESTING TIMBER ON LANDS HELD BY THE DEPARTMENT OF NATURAL RESOURCES**, to the Senate with amendments. The bill provides that the lands which were used for agriculture or managed forestland before acquisition by the department must be managed and the timber harvested to provide optimum fish and wildlife habitat. The Department must use Best Management Practices as prescribed by the South Carolina Forestry Commission. It further states that managing or harvesting timber on a historical or archeological site using Best Management Practices does not constitute a disturbance of the historical or archeological site. The bill also requires the Department of Natural Resources to coordinate the cutting and sale of such timber with the State Forester for approval. The bill provides procedures for the harvest and sale of timber if an emergency or natural disaster occurs necessitating immediate harvesting of timber. The bill authorizes the director of Natural Resources, rather than the board, to execute deeds and contracts required to carrying out this emergency procurement provision.

The House amended, approved, and sent to the Senate **H.4837**, a bill **ELIMINATING THE PROHIBITION ON ISSUING A BINGO LICENSE TO A NONPROFIT ORGANIZATION WHICH HOLDS A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK**.

The House amended, approved, and sent to the Senate **H.4765**, a bill revising restrictions on **OPERATING GOLF CARTS ALONG THE STATE'S HIGHWAYS**. The legislation provides that when a golf cart owner's residence is located within a gated community the two-mile limit for operating the golf cart on a secondary highway or street must be measured from the community's primary entrance and not from the owner's residence. The legislation also includes provisions for the operation of a golf cart along a secondary highway or street on a sea island.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Wednesday, May 12, 2010.

**S.1340**, the **WILDLIFE** bill, was given a favorable recommendation by the full committee. This bill makes comprehensive revisions with regards to wildlife. It adds new definitions of certain wildlife, fish and plant species. The bill revises and clearly defines birds, game animals and fish classifications. It also defines individual rivers, creeks, lakes, bays, sounds, harbors, and reservoirs. It further repeals several sections of the statute that are no longer applicable.

**S.1296**, regarding **COYOTES AND NIGHT HUNTING**, was given a favorable with amendment recommendation by the full committee. The bill outlines that coyotes and armadillos may be hunted at night with an artificial light that is carried on the hunter's

person attached to a helmet or hat, or part of a belt system worn by the hunter, along with specific weaponry. Any weapon used to hunt coyotes may not be equipped with a butt-stock, scope, laser site, or light emitting or light enhancing device. It is unlawful to possess any shot size larger than a BB while legally hunting coyotes and armadillos at night with a shotgun. Coyotes and armadillos may not be hunted at night from a vehicle, unless specifically permitted by the department. A person who violates this item is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

The full committee gave a favorable with amendment recommendation to **S.1294**, dealing with the trapping of **COYOTES**. The bill establishes that coyote hunting is from December first of each year to March first of the succeeding year. In addition, there is no closed season for hunting coyotes with weapons.

The full committee gave a favorable with amendment recommendation to **S.1051**, addressing **PRIVATE ISLAND** descriptions. The bill exempts Fripp Island from the Beach Front Management Act.

## EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met on Tuesday, May 11, 2010, and gave a favorable recommendation to **S.1134**, the “**SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT**”. This legislation requires school districts to ensure that the educational needs of children in foster care are met by having procedures in place to ensure prompt and seamless transitions between schools and districts. To help with a foster child’s school transitions, school districts shall: (1) consider keeping the child in the same school if it is in the child’s best interest; (2) facilitate immediate school enrollment, and within two school days request or send necessary school records; (3) excuse absences for court-ordered activities; allow opportunity to make up all assignments and required seat time if these absences exceed statutory limits; (4) accept for credit full or partial coursework satisfactorily completed; if the child changes schools, calculate grades and credits as of the date the child left school and not lower the child’s grades as a result of these circumstances; (5) subject to federal law, permit an authorized Department of Social Services (DSS) representative access to the child’s school records for purposes of educational case management and assistance with school transfer or placement of the child; and (6) make school placement decisions to ensure a foster child is placed immediately in the least restrictive educational program and has access to all academic resources, services and extracurricular activities available to other students. DSS shall: (1) immediately enroll the child in school, and maintain in the same school if possible; (2) provide a copy of the court order to the school district, and (3) provide an adult educational advocate for the child.

## JUDICIARY

The Judiciary Committee met on Tuesday, May 11, 2010.

**S.134**, the "**RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT**," received a favorable report from the full committee. This legislation prohibits a school district from discriminating against a student based on religious viewpoint. The legislation allows a student to express his religious viewpoint, allows a student to express his religious beliefs in homework and classroom assignments, and allows students to organize and participate in religious student gatherings to the same extent as secular noncurricular groups.

The Judiciary Committee gave a favorable recommendation to **S.1190**, pertaining to the **STATE FARMERS' MARKET SITE LITIGATION**. This joint resolution outlines certain findings by the General Assembly in regard to the settlement of litigation involving a site acquired by the state of South Carolina in Richland County for the proposed State Farmers' Market. The joint resolution confirms and validates the use of specific tracts of land received by the South Carolina Research Authority, and Richland County as part of the settlement, and the use of certain revenues to meet obligations continuing under the settlement.

The full committee gave a favorable recommendation to **S.901**, which relates to **ABSENCE BY THE GOVERNOR**. Whenever the Governor leaves the State, this bill requires that he notify the Lieutenant Governor, whether or not the power of the Governor's Office is transferred to the Lieutenant Governor. The bill defines certain terms relating to powers of the Lieutenant Governor during the absence of the Governor; defined terms include: emergency, full authority and temporary absence. The bill clarifies when a Lieutenant Governor has the full authority to act in an emergency in the event of the temporary absence of the Governor from the State.

**S.1300**, relating to **JURY SERVICE BY EDUCATORS**, received a favorable report. This bill allows a public or private school employee, a person primarily responsible for the elementary or secondary education of a child in a home or charter school, or a person who is an instructor at an institution of higher learning including a technical college selected for jury service during the school term to request and have his service postponed to a date that does not conflict with the school term. School term means the instructional school year, generally from September 1 until May 30 or not more than 190 days. The bill provides that a person selected for jury service who requests postponement must provide certain evidence of educational responsibilities during a home or charter school term coinciding with the dates of jury duty. The legislation makes technical changes regarding excusing jurors for good cause.

The full committee gave a favorable with amendment report to **S.1348**, pertaining to the **ESTATE TAX**. This bill allows the personal representative, trustee, or any affected beneficiary under the will, trust, or other instrument of a will, trust, or other instrument of a decedent who dies after December 31, 2009, and before January 1, 2011, to bring a proceeding to determine whether the decedent intended that formulae under the instrument be construed with respect to the law as it existed after December 31, 2009. The proceeding must be commenced within twelve months following the death of the decedent.

**S.1187** received a favorable report from the Judiciary Committee. Relating to **REIMBURSEMENT OF PROPERTY OWNERS FOR THE TAKING OF LAND FOR PUBLIC USE**, this bill provides that reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects



pursuant to federal guidelines and regulations may be paid in an amount up to \$50,000, notwithstanding a lower limitation imposed by federal regulations.

**S.783**, relating to **PATRIOTS POINT DEVELOPMENT AUTHORITY**, received a favorable with amendment report from the Judiciary Committee. This bill provides there shall be three additional members of the board appointed by the Governor, one appointed upon recommendation of the President Pro Tempore of the Senate, one appointed upon recommendation of the Speaker of the House of Representatives, and one appointed upon recommendation of the State Adjutant General. These three members shall serve for four years and until their successors are appointed and qualify, and vacancies must be filled in the manner of original appointment for the remainder of the unexpired term. The bill further provides that the General Assembly shall appoint a six member joint commission, three from the House of Representatives to be appointed by the Speaker of the House and three from the Senate to be appointed by the President Pro Tempore. The joint commission has authority to approve the Patriots Point master plan and any funding associated with the master plan. Each commission member serves a term of four years.

**S.104**, pertaining to **AGRITOURISM ACTIVITY LIABILITY**, received a favorable with amendment recommendation. Under certain circumstances, this bill limits the liability that an agritourism professional may incur due to an injury or death suffered by a participant in an agritourism activity resulting from an inherent risk of an agritourism activity. Among other things, the legislation defines the terms 'agritourism activity' and 'inherent risks of an agritourism activity'. An agritourism professional must post a warning notice at the agritourism facility, and warning notices must be included in contracts the agritourism professional enters into with participants. The agritourism professional's liability is not limited if the proper warning notices are not provided to participants.

The Judiciary Committee gave a favorable recommendation to **S.329**, which provides **PROTECTIONS FOR EXECUTION TEAMS**. This bill prohibits a person from disclosing the identity of a current or former member of an execution team or from disclosing a record that would identify a person as being a current or former member of an execution team. Any person whose identity is disclosed shall have a civil cause of action against the person who is in violation of this section and may recover actual damages and, upon a showing of a wilful violation, punitive damages. The bill further provides that no licensing agency, board, commission, or association may file, attempt to file, initiate a proceeding, or take any action to revoke, suspend, or deny a license to any person solely because that person participated in the execution of a sentence of death on a person convicted of a capital crime as authorized by law or the director.

**S.973**, "**ELECTRONIC SECURING AND TARGETING OF ONLINE PREDATORS ACT (E-STOP)**," received a favorable with amendment report. This bill requires a sex offender who is required to register with the sex offender registry to provide information regarding the offender's Internet accounts and Internet access providers and Internet identifiers. If any changes to this information occur, the sex offender must notify the sheriff's office in writing within three business days. The sheriff must notify the South Carolina Law Enforcement Division (SLED) within three business days of the changes. There are penalties for failing to provide the information or knowingly and willfully giving false information regarding an Internet account or Internet identifier. The legislation allows an interactive computer service to request from SLED a list of all registered sex

offenders or information regarding specific sex offenders. SLED may charge a reasonable fee to cover the cost of copying and distributing this information. The legislation outlines how an interactive computer service may use the information. The legislation includes provisions pertaining to the liability of SLED and interactive computer services. For certain sex offenders, the bill requires a judge to order as a condition of probation or parole that the person is prohibited from using the Internet for certain reasons, including accessing social networking sites.

**S.973** also makes other changes to the sex offender registry. Among other things, the bill requires a person classified as a Tier III offender by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA) to register every 90 days. For changes in address, the bill reduces the time frame for notifying the sheriff's office from ten to three business days. The bill defines a 'temporary residence' or 'residence' as the location of the individual's home or other place where the person habitually lives or resides, or where the person lives or resides for a period of ten or more consecutively days. The bill requires additional information to be provided about vehicles, trailers, mobile homes and manufactured homes, and aircraft. The bill also requires registration in counties where an offender is employed or volunteers or interns or carries on a vocation in schools. The bill requires palm prints, Internet identifiers, and passport and immigration status. The bill increases penalties for failing to provide required information and for willfully and knowingly providing false information. The legislation also makes changes to what the SLED protocol manual should include.

The full committee gave a favorable with amendment recommendation to **S.692**, pertaining to the **SOLICITORS' TRAFFIC EDUCATION PROGRAM**. This joint resolution provides that the deadline requiring all circuit solicitors to have a traffic education program in effect is extended from July 1, 2009, to July 1, 2011. No person has the right to apply to the program until the program is established. The joint resolution further provides that a person may be considered for a traffic education program if he has no significant history of traffic violations. A person may not participate in a traffic education program more than once.

**S.912**, relating to **EXPUNGEMENTS**, received a favorable with amendment recommendation from the full committee. This bill provides exceptions to the requirement for destruction of criminal records when a charge is dismissed or the person is found innocent. Under this bill, these provisions do not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation. The bill authorizes the State Law Enforcement Division to promulgate regulations that allow for the electronic transmission of information. The bill allows certain persons who have a report or complaint filed against them with law enforcement but no charges are brought within three years of the report being filed and with the consent of the appropriate solicitor's office to have their records expunged. The bill provides that any person who has successfully completed a juvenile drug court program who applies to the solicitor's office for an expungement of a family court adjudication is exempt from paying the administrative fee. The bill allows certain persons who have received a pardon to have their records expunged. Applicants that have received a pardon must pay a nonrefundable administrative fee of \$300 and any other applicable fees. This legislation takes effect upon approval by the Governor and applies retroactively.

The full committee gave a favorable report to **S.418**, relating to **MEETINGS OF THE BOARD OF STATE CANVASSERS AND MEETINGS OF COUNTY BOARDS OF CANVASSERS**. This bill provides that a meeting of the Board of State Canvassers may be convened by telephone or electronic communication instead of in person at the office of the State Election Commission. Relating to the convening of the county commissioners of election as county boards of canvassers, this bill also allows any required meetings to be convened by telephone or electronic communication.

**S.1070** received a favorable with amendment report from the Judiciary Committee. This bill enacts the "**SOUTH CAROLINA ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT**". Among other things, it defines necessary terms, provides a procedure for determining jurisdiction over adult guardianships, conservatorships, and other protective proceedings.

## **LABOR, COMMERCE AND INDUSTRY**

The full House Labor, Commerce and Industry Committee met on Thursday, May 13, and reported out two bills.

The committee gave a report of favorable with amendment on **S.1025**, a bill relating to **DRIVER TRAINING COURSE CREDITS ON AUTOMOBILE INSURANCE PREMIUMS**. This bill revises provisions governing credits allowing for the reduction of premium rates charged for liability coverage and collision coverage under private passenger automobile insurance policies that are awarded upon the successful completion of approved driver training courses.

The committee gave a favorable report on **H.4829**. This bill revises provisions relating to **DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE**, so as to define a sound recording, establish an exemption for those properly registered in the United States Patent and Trademark Office, provide for a temporary or permanent injunction for unauthorized performances, and establish a fine of at least five thousand dollars and not more than fifteen thousand dollars for each violation.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full committee did not meet this week.

## **WAYS AND MEANS**

The full committee did not meet this week.

# BILLS INTRODUCED IN THE HOUSE THIS WEEK

## JUDICIARY

### **S.981 GRANDPARENT VISITATION Sen. Rose**

This legislation provides that the family court has the jurisdiction to order visitation for the grandparent of a minor child where either or both parents of the minor child is or are deceased, or are divorced, or are living separate and apart in different habitats, if the court finds that the child's parents or guardians are depriving the grandparent of the opportunity to visit with the child and: (a) the court finds by clear and convincing evidence that the child's parents or guardians are unfit; or (b) the court finds by clear and convincing evidence that there are compelling circumstances to overcome the presumption that the parental decision is in the child's best interest. The judge presiding over this matter may award attorney's fees and costs to the prevailing party.

### **H.4963 VOTING REQUIREMENTS IN BAMBERG COUNTY Rep. Sellers**

This bill provides a procedure for an elector in Bamberg County to verify identification when presenting himself to vote.

## WAYS AND MEANS

### **H.4962 THIRTY-CENT-PER-PACK CIGARETTE TAX INCREASE Rep. Simrill**

This bill increases the state's current seven-cent-per-pack cigarette tax by thirty cents, devoting the majority of the revenue generated by the increase to a newly-created Medicaid Reserve Fund and authorizing funding for cancer research, smoking prevention and cessation, and state agricultural assistance. Effective July 1, 2010, the legislation imposes an additional surtax of one and one-half cents on each cigarette, which amounts to an additional thirty cents for each pack of cigarettes.

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