



South Carolina House of Representatives

# Legislative Update

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

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## CONTENTS

PREFILED BILLS INTRODUCED IN THE HOUSE .....	02
Agriculture, Natural Resources and Environmental Affairs .....	02
Education and Public Works .....	03
Judiciary .....	05
Labor, Commerce and Industry .....	12
Medical, Military, Public and Municipal Affairs .....	12
Ways and Means .....	13

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## PREFILED BILLS INTRODUCED

# IN THE HOUSE

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

**H.4322 “ALL-TERRAIN VEHICLE SAFETY ACT” Rep. Kirsh**

This bill establishes operation, sale, and safety regulations for all-terrain vehicles for persons under the age of sixteen.

**H.4331 DAY-LIGHT FISH GIGGING IN CERTAIN SALTWATERS Rep. Miller**

This bill prohibits fish gigging from sunset until sunrise in certain saltwaters in Georgetown County. This bill also increases the penalty for this violation.

**H.4337 STORMWATER RUNOFF FEES Rep. R. Brown**

This bill exempts farm land, forest land, and undeveloped land from such fees.

**H.4341 CREATES A NEW DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY Rep. Cooper**

This bill establishes the Natural Resource Enforcement Division within the Department of Public Safety.

**H.4342 “ALL-TERRAIN VEHICLE SAFETY ACT” Rep. Crawford**

This bill outlines that a person who is ineligible to obtain a driver's license or a driver's permit may not operate an all-terrain vehicle. In addition, it provides for a penalty if this provision is violated.

**H.4344 OPEN SEASON FOR ANTLERED DEER Rep. M. A. Pitts**

This bill deletes the provision enabling the Department of Natural Resources to establish methods and restrictions for the hunting and taking of deer.

**H.4390 HUNTER'S EDUCATION PROGRAM Rep. G. M. Smith**

This bill requires that persons successfully complete a Hunter's Education Program before they are eligible to receive a South Carolina hunting license. This requirement will not apply to active or retired United State Armed Services personnel who can demonstrate to the Department of Natural Resources that they received weapons training during their military career.

**H.4392 SALE PROVISIONS FOR CERTAIN SPECIES OF TURTLES  
Rep. E. H. Pitts**

This bill establishes that it is unlawful to buy, sell, offer for sale, or offer to buy certain species of turtles. In addition, it is unlawful to possess more than five or each of these species and no more than an aggregate of fifteen of all species without a permit from the Department of Natural Resources.

**H.4393 “SOUTH CAROLINA COMPREHENSIVE STATEWIDE WATER  
MANAGEMENT ACT OF 2008” Rep. Bowen**

This legislation establishes and provides for the development of a statewide comprehensive water management program.

## EDUCATION AND PUBLIC WORKS

### **H.4307 "SENIOR TROOPER MICHAEL J. RAO'S LAW" Rep. Rutherford**

This bill outlines procedures that drivers must follow when approaching a stationary emergency vehicle displaying lights. Upon conviction for this offense, a person must have four points assessed against his driving record.

### **H.4311 NO FEE FOR PURPLE HEART LICENSE PLATES Rep. Hagood**

Currently, there is a biennial fee for the issuance of special license plates to recipients of the Purple Heart. This bill provides that there is no fee for the issuance of these special license plates.

### **H.4316 CRITERIA FOR AWARDING PALMETTO FELLOWS SCHOLARSHIPS Rep. Lucas**

This bill establishes criteria for the awarding of Palmetto Fellows Scholarships to students attending magnet schools or schools with open enrollment.

### **H.4317 INCREASED PENALTIES FOR PROVIDING FALSE INFORMATION IN AN AFFIDAVIT OFFERED TO ENROLL A CHILD IN PUBLIC SCHOOL Rep. Huggins**

Currently, the penalty for providing false information in an affidavit offered to enroll a child in a public school includes a fine not to exceed \$200 dollars or imprisonment for not more than 30 days. The bill increases the penalty for providing false information in an affidavit offered to enroll a child in a public school to a fine not to exceed \$1,000 dollars or imprisonment for not more than 90 days.

### **H.4318 MINIMUM AGE OF ATTENDANCE IN PUBLIC SCHOOLS Rep. Rice**

This bill allows children who have reached a specified age requirement to attend kindergarten or first grade upon their parent's permission.

### **H.4319 COMPULSORY ATTENDANCE REQUIREMENTS Rep. White**

Currently, a parent or guardian is required to have a child attend school until age seventeen or graduation. This bill increases the compulsory attendance requirement to age eighteen or graduation.

### **H.4320 QUALIFICATIONS FOR ATTENDANCE AT PUBLIC SCHOOLS Rep. Whipper**

Under certain circumstances, this bill provides that the residence of a child in a particular school district as a result of a parent's or legal guardian's military deployment or call to active duty qualifies the child for attendance in the school district.

### **H.4321 DECREASING THE LENGTH OF THE SCHOOL TERM Rep. Rice**

Currently, the statutory school term is 190 days annually and consists of a minimum of 180 days of instruction covering at least nine calendar months. Among other things, the bill decreases the statutory school term to 185 days.

### **H.4357 BUS SHELTERS Rep. E.H. Pitts**

This bill allows a stand-alone bus bench, including one on which commercial advertising is placed, to be erected and maintained within the rights-of-way of State roads.

**H.4360 RESTRICTIONS FOR DRIVERS UNDER THE AGE OF EIGHTEEN**

**Rep. Huggins**

Under this bill, a driver who is less than 18 years of age may not operate a motor vehicle between midnight and six o' clock a.m., unless accompanied by a licensed parent or guardian.

**H.4369 INCREASED PENALTIES FOR SPEEDING IN A SCHOOL ZONE**

**Rep. Moss**

Currently, there are no special penalties for speeding in a school zone. This bill provides that it is unlawful for a person to drive a motor vehicle in a school zone at a speed in excess of the speed limit set and posted by signs. A person violating this section when children or crossing guards are present within the school zone, or when a school activity is in progress is guilty of a misdemeanor and, upon conviction, must be fined not less than \$75 dollars nor more than \$200 dollars or imprisoned not more than 30 days, or both.

**H.4372 "AIKEN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT" Rep. J.R. Smith**

This bill creates the Aiken Technical College Enterprise Campus Authority, which would manage, develop and operate the "Enterprise Campus."

**H.4386 ILLEGAL IMMIGRANTS NOT ELIGIBLE FOR STATE IDENTIFICATION CARDS OR DRIVER'S LICENSES Rep. Viers**

This bill provides that identification cards and driver's licenses may be issued by the Department of Motor Vehicles only to persons legally and permanently in the United States.

**H.4387 ILLEGAL IMMIGRANTS NOT ELIGIBLE FOR POSTSECONDARY BENEFITS Rep. Viers**

This bill provides that an individual who is not lawfully present in the United States is not eligible on the basis of residence within the State for a postsecondary education benefit including, but not limited to: scholarships, financial aid, or resident tuition.

**H.4389 EMPLOYMENT RESTRICTIONS FOR MEMBERS OF THE GOVERNING**

**BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING  
Rep. Govan**

This bill provides that no voting member of the governing board of a public institution of higher learning in this State may be offered or accept a position of employment with the institution while a member of the governing board and for a period of four years after ceasing to be a member of the governing board.

**H.4391 PUBLIC SCHOOL CHOICE PROGRAMS Rep. E.H. Pitts**

This bill establishes the South Carolina Public School Choice Program whereby each school district beginning with the 2009-2010 school year shall develop and begin implementing a public school choice program providing a choice option for students at the elementary, middle, and high school level. The bill also provides that school districts beginning with the 2009-2010 school year may establish voluntary open-enrollment programs.

## JUDICIARY

**H.4309 EXPANSION OF NO PAROLE OFFENSES Rep. Harrison**

This bill expands the definition of the term no parole offense so as to eliminate parole for most offenses. These provisions do not affect the Youthful Offender Act.

**H.4312 PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY Rep. Kirsh**

This bill provides that a guardianship, conservatorship, or other protective order established by reason of incapacity, and not merely minority, does not terminate automatically upon the attainment of the age of majority by the incapacitated person.

**H.4313 "THE SOUTH CAROLINA CONSUMER CREDIT REPORT FREEZE ACT" Rep. Kirsh**

This bill outlines procedures for implementing and removing a freeze on the release of a consumer file by a consumer credit reporting agency upon the request of a consumer who has reason to believe he is the victim of financial identity fraud.

**H.4314 PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY Rep. Hardwick**

Relating to facility of payment or delivery to a minor or incapacitated person, this bill increases the maximum amount so paid or delivered from \$10,000 dollars to \$25,000 dollars.

**H.4323 "JERRY'S LAW" - MURDER OF VULNERABLE ADULTS AND DEFINING THE TERM ADVANCED AGE Rep. Crawford**

This bill adds the murder of a vulnerable adult to the list of statutory aggravating circumstances for purposes of imposing the death penalty. Relating to definitions for purposes of the Omnibus Adult Protection Act, this bill defines the term advanced age as a person 62 years of age or older.

**H.4324 REMOVAL OF 'ROMEO LANGUAGE' AND MISTAKE OF AGE DEFENSE FROM "JESSICA LUNSFORD'S LAW" Rep. Huggins**

This bill makes revisions to "Jessica Lunsford's Law" (also known as the "Sex Offender Accountability and Protection of Minors Act of 2006"), comprehensive legislation pertaining to the prosecution, conviction, sentencing and supervision of sex offenders. Relating to criminal sexual conduct with a minor, this bill deletes the exception from prosecution for criminal sexual conduct with a minor in the second degree when the person is 18 years of age or less and the victim is at least 14 years of age (so called 'Romeo Language'). The bill also deletes the provision that mistake of age may be used as a defense to criminal sexual conduct with a minor in the second degree. Conforming amendments are also made with regards to electronic monitoring.

**H.4325 PROHIBITION OF APPOINTMENT OF AN ATTORNEY IN CERTAIN CIVIL ACTIONS Rep. Delleney**

Relating to appointment of an attorney in a civil action, this bill clarifies that the prohibition on appointment applies to certain post-conviction relief matters and actions pursuant to the Sexually Violent Predator Act.

**H.4326 CREATION OF THE OFFENSE OF UNLAWFUL DISPLAY OR POSSESSION OF FALSIFIED OR COUNTERFEIT GREEN CARDS OR OTHER DOCUMENTS FOR THE PURPOSE OF OFFERING PROOF OF LAWFUL RESIDENCE IN THE UNITED STATES Rep. Rice**

This bill establishes the offense of unlawful display or possession of falsified or counterfeit green cards or other documents for the purpose of offering proof of lawful presence in the United States. The bill includes graduated penalties for violations.

**H.4327 INCREASED PENALTIES FOR TEACHER/STUDENT SEXUAL RELATIONS Rep. Clemmons**

In certain circumstances, this bill provides that criminal sexual conduct in the third degree includes sexual battery when the victim is a student 16 years of age or older and the actor is an employee of a public or private secondary school.

**H.4328 ADMINISTRATIVE LAW COURT Rep. Harrison**

This bill makes comprehensive revisions with regards to the Administrative Law Court.

**H.4333 DUTIES OF NOTARIES PUBLIC Rep. Jefferson**

This bill requires notaries public to determine the identity of each individual requesting a notarial act; the bill outlines acceptable means of identification. The bill also requires notaries public to keep a journal of notarial acts, to record specified entries in the journal for each notarial act, and to retain the journal for seven years after the date of the last recorded entry.

**H.4338 CAMPAIGN PRACTICE DEFINITIONS Rep. Lucas**

This bill provides that the term contribution does not include certain things of value used to pay for communications made more than 45 days before an election to influence the outcome of an elected office.

**H.4343 RESERVE POLICE OFFICERS' UNIFORMS Rep. Crawford**

The bill provides that, in the discretion of the chief, a reserve officer may wear plain clothes or another uniform that is consistent with his duties as a law enforcement officer.

**H.4347 REIMBURSEMENT OF INCARCERATION COSTS FOR ILLEGAL IMMIGRANTS Rep. Stavrinakis**

This joint resolution directs the Attorney General of South Carolina to pursue all available remedies and seek reimbursement from the federal government for costs incurred by the State associated with the incarceration and provision of governmental services to illegal immigrants. This joint resolution also requires the cooperation of State agencies in providing information on illegal immigration and illegal immigrants to the Attorney General.

**H.4348 REGULATION OF MANUFACTURERS OF ALCOHOLIC LIQUORS Rep. Hagood**

Current law provides that no manufacturer may own or operate more than one plant, establishment, or place of business for the manufacture of alcoholic liquors in any one county of this State, nor may he permit the drinking of alcoholic liquors on his premises. This bill eliminates the current restrictions prohibiting ownership or operation of more than one establishment. The bill allows limited on-premises and off-premises tastings, and it provides regulations on the sale, purchase, and transport of alcoholic liquors by manufacturers.

**H.4349 RESTRICTIONS FOR BAIL BONDSMEN Rep. Jefferson**

Unless ordered by the court, this bill provides that it is unlawful for a bail bondsman to execute a bail bond and remove a defendant from custody without charging and collecting the full required premium on the bond as ordered by the court. When it is determined that a defendant cannot be released from jail, the bill further provides that the bail bondsman shall return the premium within three business days.

**H.4351 MUNICIPAL SPECIAL ELECTIONS Rep. Kirsh**

Relating to special elections to fill vacancies in office, this bill exempts municipal elections from certain requirements regarding the conduct of the election when only one person has filed for an office.

**H.4352 VOTER REGISTRATION CERTIFICATES Rep. Huggins**

The bill requires a voter registration certificate to have the voter's photograph on it.

**H.4353 STATE SERVICES AND PUBLICATIONS OFFERED ONLY IN ENGLISH**  
**Rep. Viers**

After July 1, 2008, this bill requires all State agencies and political subdivisions to offer all services, publications, materials, and tests in an English-only format unless otherwise required by federal law or regulation.

**H.4359 "UNIFORM PREMARITAL AGREEMENT ACT"** Rep. Gullick

This bill enacts the "Uniform Premarital Agreement Act," which provides requirements for the execution, content, and amendment or revocation of premarital agreements.

**H.4362 RESTRICTIONS ON ENTITIES WITH GOVERNMENTAL NO-BID CONTRACTS** Rep. G.M. Smith

This bill prohibits a business or a person with an ownership interest in a business that has a no-bid contract from making a campaign contribution to a candidate for public office whose office gives or would give him direct influence in awarding a contract. Exemptions are provided for in the bill. The bill also defines the term direct influence.

**H.4363 MOTOR VEHICLE HEARINGS IN THE ADMINISTRATIVE LAW COURT** Rep. Harrison

This bill makes comprehensive changes pertaining to motor vehicle hearings in the Administrative Law Court.

**H.4364 ILLEGAL POSSESSION OF HANDGUNS** Rep. M.A. Pitts

This bill allows persons under 21 years of age to lawfully possess handguns, if they are engaged in the business of dealing in firearms.

**H.4368 "SOUTH CAROLINA OUTSTANDING EDUCATIONAL BENEFITS GARNISHMENT ACT"** Rep. Gullick

Under this bill, a person who has recovered judgment in a court against another person to collect outstanding educational benefits has a right to a writ of garnishment to satisfy the judgment. The bill includes provisions outlining the jurisdiction and procedure for garnishment of the salary or wages of the judgment debtor.

**H.4370 PROPOSED STATE CONSTITUTIONAL AMENDMENTS PERTAINING TO JURISDICTION OVER THE ADMISSION TO THE PRACTICE OF LAW AND THE DISCIPLINE OF LAWYERS**  
**Rep. Crawford**

The following proposed State Constitutional Amendment, if approved by the General Assembly, would be presented to the voters at the next general election. Currently, the South Carolina Supreme Court has jurisdiction over the admission to the practice of law as well as jurisdiction over the discipline of lawyers. This joint resolution provides that the jurisdiction over the admission to the practice of law and the discipline of lawyers must not be under the Supreme Court but instead must be as provided by the General Assembly by law, consistent with the manner by which the General Assembly regulates other professions that require a doctorate degree.

**H.4371 COMMISSION ON THE LEGAL PROFESSION AND JUDICIARY**  
**Rep. Crawford**

Currently, the South Carolina Supreme Court has jurisdiction over the admission to the practice of law as well as jurisdiction over the discipline of lawyers. This bill creates the Commission on the Legal Profession and the Judiciary within the Department of Labor,



Licensing and Regulation. The bill provides for the composition, terms of the commission, powers and duties of the commission. Among other things, the bill grants this commission the exclusive authority to regulate admission to the practice of law and disciplinary actions against attorneys.

**H.4373 *DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION*  
Rep. Crawford**

This bill deletes the provisions pertaining to the prosecution of a person charged with the offense of driving with an unlawful alcohol concentration.

**H.4375 *"PUBLIC FACILITIES FAIR USE ACT"* Rep. Clemmons**

This bill requires a county subdivision or political subdivision of the State, or a public school district, to make its public facilities available to other public subdivisions of the State or public school districts that regularly operate in the county in which the public facility is located under certain circumstances. For purposes of this legislation, the term public facility means a parking lot, common area, meeting room, or auditorium of a building constructed, purchased, or leased with State funds for use by a county or local political subdivision of the State or a public school district.

**H.4377 *CHILD ABUSE AND NEGLECT REVISIONS* Rep. E.H. Pitts**

This bill provides that information concerning reports of child abuse and neglect classified as unfounded by the Department of Social Services (DSS) must be forwarded to the State Law Enforcement Division for safekeeping indefinitely. The bill further provides that these records may be disclosed only under certain circumstances. The bill mandates that both DSS and the appropriate law enforcement agency conduct investigations and share information collected when child abuse or neglect is indicated.

Relating to the Central Registry of Child Abuse and Neglect, this bill requires certain public entities to review this central registry before hiring a potential employee. The bill provides consequences when an employer required to check the central registry fails to do so.

Relating to confidentiality of reports and records maintained by DSS, this bill allows certain persons, agencies, or entities access to the department's records of indicated child abuse and neglect cases.

The bill repeals Section 20-7-50 relating to unlawful conduct towards a child.

**H.4379 *PROPOSED STATE CONSTITUTIONAL AMENDMENT PERTAINING TO QUALIFICATIONS FOR PERSONS SERVING ON THE GOVERNING***

***BODY OF A COLLEGE OR UNIVERSITY* Rep. Govan**

The following proposed State Constitutional Amendment, if approved by the General Assembly, would be presented to the voters at the next general election. This joint resolution exempts an appointed or elected person serving on the governing body of a college or university from the requirement of being a qualified elector and deletes certain archaic references.

**H.4380 *FRAUDULENT CHECKS* Rep. G.M. Smith**

Relating to drawing and uttering a fraudulent check, draft, or other written order, this bill extends the time for presentment from 10 days to 25 days. The bill further provides that

the drawee of the check, draft, or other written order has the burden of proving the date it was presented. Under this bill, the postmark on an envelope delivering the check, draft, or other written order by mail is prima facie evidence of the date of its presentment.

**H.4381 GOVERNMENTAL ENTITIES AUTHORIZED TO ENTER INTO AN AGREEMENT WITH PRIVATE THIRD PARTY COLLECTIONS ORGANIZATIONS Rep. Gullick**

This bill outlines procedures and guidelines whereby the Department of Revenue or other governmental entity may enter into an agreement with a private third party collections organization to collect an outstanding liability owed that governmental entity.

**H.4383 CLAIMING MINERAL RIGHTS THROUGH ADVERSE POSSESSION Rep. Coleman**

The bill outlines a procedure for claiming mineral rights in real property pursuant to adverse possession.

**H.4384 ILLEGAL IMMIGRANTS AND PUBLIC BENEFITS Rep. Viers**

Under this bill, the State and local governments are required to verify the lawful presence in the United States of a person 14 years or older who has applied for State or local public benefits or for federal benefits administered by South Carolina. The verification process requires the person seeking the benefit to provide an affidavit of eligibility, and the bill includes criminal penalties for a fraudulent misrepresentation in the affidavit. The bill outlines certain exempted benefits for which verification is not required. Also, the bill requires annual reports from these agencies administering public benefits.

**H.4385 ILLEGAL IMMIGRANTS CHARGED WITH CERTAIN OFFENSES Rep. Viers**

The bill requires the appropriate official to ascertain and report the unlawful immigration status of any person confined in a jail by reason of a felony or driving under the influence charge. For the purpose of determining the grant of or issuance of bond, it is a rebuttable presumption that a person whose citizenship status has been verified to be a foreign national who has not been lawfully admitted to the United States is at risk of flight.

**H.4388 "SOUTH CAROLINA TAXPAYER AND CITIZEN PROTECTION ACT" Rep. Viers**

This comprehensive legislation makes revisions pertaining to illegal immigrants, including:

- Requires a withholding agent to withhold State income tax at the rate of six percent with respect to an individual who fails to provide a valid social security number;
- Makes it a felony to knowingly, or in reckless disregard of the truth, to transport, move, conceal, harbor, or shelter a person in furtherance of that person's illegal presence in the United States;
- Provides for the establishment of a fraudulent documents identification unit within the State Law Enforcement Division to investigate and apprehend persons who prepare and sell fraudulent identification documents to individuals who are not lawfully present in this State;

- Requires the appropriate official to ascertain and report the unlawful immigration status of any person confined in a jail by reason of a felony or driving under the influence charge;
- Requires the State and local governments to verify the lawful presence in the United States of a person 14 years or older who has applied for State or local public benefits or for federal benefits administered by this State;
- Provides that an identification card or driver's license may be issued by the Department of Motor Vehicles only to persons legally and permanently in the United States; and
- Denies postsecondary education benefits on the basis of residence to a person unlawfully within the United States.

**H.4395 REMOVAL OF 'ROMEO LANGUAGE' AND MISTAKE OF AGE  
DEFENSE FROM "JESSICA LUNSFORD'S LAW" Rep. E.H. Pitts**

This bill makes revisions to "Jessica Lunsford's Law" (also known as the "Sex Offender Accountability and Protection of Minors Act of 2006"), comprehensive legislation pertaining to the prosecution, conviction, sentencing and supervision of sex offenders. Relating to criminal sexual conduct with a minor, this bill deletes the exception from prosecution for criminal sexual conduct with a minor in the second degree when the person is 18 years of age or less and the victim is at least 14 years of age (so called 'Romeo Language'). The bill also deletes the provision that mistake of age may be used as a defense to criminal sexual conduct with a minor in the second degree. Conforming amendments are also made with regards to electronic monitoring.

**H.4396 DNA SAMPLES FOR INCLUSION IN THE STATE DNA DATABASE  
Rep. Harrell**

This legislation provides that a person must provide a DNA sample, either saliva or tissue sample, following a lawful custodial arrest for a felony offense. The sample must be included in the State DNA Database. The legislation provides that only an appropriately trained person may take the sample. The State Law Enforcement Agency must coordinate with other law enforcement agencies to prevent duplications of DNA samples. If the charges pending against the person who has been arrested have been nolle prossed or dismissed, then the person may request that his DNA record be expunged from the State DNA Database. The cost of collecting and processing a DNA sample must be paid by the general fund of the State. A fee of \$250 dollars must be assessed at the time of sentencing against persons convicted or, pleading guilty or no contest to, or forfeiting bond for the crime for which they were arrested.

## **LABOR, COMMERCE AND INDUSTRY**

**H.4336 "SOUTH CAROLINA HOME LEMON LAW" Rep. Jefferson**

This bill enacts the "South Carolina Home Lemon Law" to establish new remedies for home warranty defects, including repair, home replacement, or refund of home purchase price. The legislation requires the Department of Consumer Affairs to conduct contested case hearings on any defect issues not resolved by the parties. Affirmative defenses are provided. The legislation requires a homeowner to exhaust these remedies before bringing a civil action. The legislation requires warranties and disclosure of replacement or refund of the home. The legislation requires the department to establish a toll-free

number to provide information concerning remedies under this legislation, and to publish an annual report identifying homes required to be replaced or refunded. Administrative penalties are authorized for violations. The legislation eliminates existing provisions relating to the South Carolina Notice and Opportunity to Cure Construction Dwelling Defects Act.

**H.4350 LIEN ON REAL ESTATE TO SECURE PAYMENT OF DEBT TO A LANDSCAPING SERVICE Rep. Chalk**

This bill provides that a person who provides a landscape service on a parcel or real estate by virtue of an agreement with the owner of the real estate, and to whom a debt is due for his performance of the landscaping service, has a mechanics' lien on the real estate to secure payment of debt due to him.

**H.4374 "CABLE ANTIDISCRIMINATION AND DISPUTE RESOLUTION ACT OF 2008" Rep. W. D. Smith**

This bill enacts the "Cable Antidiscrimination and Dispute Resolution Act of 2008" to prohibit discrimination by a cable operator when providing programming which competes in the same programming category of another operator and to provide a procedure for resolving disputes.

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

**H.4334 EMERGENCY MEDICAL TECHNICIAN CRIMINAL CHECK Rep. J. M. Neal**

This bill allows for anyone seeking the emergency medical technician certification or recertification must undergo a state criminal records check.

**H.4335 BODY PIERCING TECHNICIAN REQUIREMENTS Rep. Crawford**

This bill adds the American Health and Safety Council as a certifying agency for body piercing technicians and training automated external defibrillator users.

## **WAYS AND MEANS**

**H.4310 STATE HIGHWAY REPAVING TRUST FUND Rep. Toole**

This bill establishes the State Highway Repaving Trust Fund to receive voluntary contributions made by taxpayers on state individual income tax returns. Funds are to be appropriated to the counties proportionally based on population to be used for the repair and maintenance of roads.

**H.4329 "SECOND AMENDMENT RECOGNITION ACT" Rep. M. A. Pitts**

This bill enacts the "Second Amendment Recognition Act" by designating the Friday and Saturday after Thanksgiving each year as Second Amendment Weekend during which time the gross proceeds of the sale or sales price of firearms is exempted from the sales tax.

**H.4330 SALES TAX EXEMPTION FOR PROPERTY SOLD TO PUBLIC SCHOOLS Rep. Rutherford**

This bill exempts from the state sales and use tax tangible personal property sold to public schools and public school districts in this State.

**H.4332 PROPOSED STATE CONSTITUTIONAL AMENDMENT ON NEW SPENDING LIMITATIONS Rep. Talley**

This joint resolution proposes to amend the South Carolina Constitution so as to eliminate the existing spending limit provisions and provide instead that the General Assembly by law shall prescribe a spending limitation on appropriations which provides that state appropriations for a fiscal year must not exceed the total of the prior year's state appropriations increased by the total of percentage increases in state personal income and state population in the most recent year for which this information is available. The law implementing the limit must specify the appropriations to which this limit applies, the method of calculating the limit, and the sources that must be used in obtaining the information required for the calculation.

**H.4339 NATIONAL GUARD RETIREMENT BENEFITS Rep. Cooper**

This bill provides that a person who becomes a member of the National Guard after June 30, 1993, if otherwise eligible, may also receive a National Guard pension as authorized by the State National Guard Retirement System. The provisions of this legislation apply to National Guard pension benefits payable on or after January 1, 2007.

**H.4340 CHIEF INVESTMENT OFFICER OF THE RETIREMENT SYSTEM  
INVESTMENT COMMISSION ADDED AS AN EX OFFICIO MEMBER  
OF**

**THE DEFERRED COMPENSATION COMMISSION Rep. Cooper**

This bill adds the chief investment officer of the Retirement System Investment Commission as an ex officio member of the Deferred Compensation Commission.

**H.4345 STATE REVENUE APPEALS PROCEDURE REVISIONS  
Rep. W. D. Smith**

This bill provides that under the State Revenue Appeals Procedure, a taxpayer is considered to have exhausted his prehearing remedy when the Department of Revenue fails to issue a proposed assessment or determination within a specified period. The legislation provides that the taxpayer must request a contested case hearing before the Administrative Law Court within a specified period. The legislation establishes circumstances under which that the Administrative Law Court may remand the case to the Department of Revenue for a proposed assessment, determination on a refund claim, or final agency determination. Under the legislation, a taxpayer may request that the Administrative Law Court place the contested case back on the court's active docket within a specified period. The Department of Revenue is required to notify a taxpayer who files a written protest according to this legislation of his rights under the legislation.

**H.4346 DISCLOSURE OF EARMARK PROJECTS IN APPROPRIATIONS  
BILLS**

**Rep. Harrell**

This bill provides that every request by a legislator for an earmark project or program included in an appropriations bill must be made in writing utilizing a designated form. The bill establishes new disclosure requirements for information concerning these earmarks including the name of the legislator making the request and a brief explanation the program or project. Under the legislation, an earmark project or program includes an appropriation or proviso for a specific program or project not originating with a written agency budget request or not included in an appropriations bill from the prior fiscal year.

**H.4354 REGISTER OF VENDORS AWARDED NO-BID STATE  
PROCUREMENT**

**CONTRACTS Rep. G. M. Smith**

This bill requires the State Budget and Control Board to establish and maintain on its website a register of all vendors who have been awarded no-bid procurement contracts by the board. The register must provide, at a minimum, the name and address of the vendor awarded the contract and the basic terms of the procurement.

**H.4355 GROCERIES EXEMPTED FROM LOCAL OPTION, CAPITAL  
PROJECT,  
PERSONAL PROPERTY TAX EXEMPTION, AND TRANSPORTATION  
INFRASTRUCTURE SALES TAXES Rep. Harrell**

This bill revises provisions for the local option sales tax, the capital project sales tax, the personal property tax exemption sales tax, and the transportation infrastructure sales tax so as to exempt unprepared food items eligible for purchase with United States Department of Agriculture food coupons. The legislation authorizes a county governing board by ordinance to extend the state sales tax exemption for food items to a locally imposed sales and use tax.

**H.4356 “APPROPRIATIONS BILL EARMARK DISCLOSURE ACT”**

**Rep. Ballentine**

This bill enacts the “Appropriations Bill Earmark Disclosure Act” to establish requirements for the disclosure of information surrounding earmarks requested by members of the General Assembly for inclusion in an appropriations bill. Earmarks include an appropriation for a specific program or project requested by a member of the General Assembly not originating in a written agency budget request or language and language directing or steering expenditures to agencies or political subdivisions for such purposes.

**H.4358 SALES TAX EXEMPTION FOR TANGIBLE PERSONAL PROPERTY USED FOR LOW AND MODERATE INCOME HOUSING FACILITIES**

**Rep. Rutherford**

This bill exempts from the sales tax tangible personal property used or consumed in development, construction, rehabilitation, renovation, repair, or operation of housing facilities for low and moderate income families and persons and sales of and the storage, use or other consumption of tangible personal property acquired for incorporation into or used and consumed in the operation of housing facilities for low and moderate income families and persons.

**H.4361 COMPETITIVE GRANTS PROGRAM ABOLISHED**

**Rep. Thompson**

This bill abolishes the competitive grants program of the State Budget and Control Board and other agencies. The legislation provides that, beginning with the annual general appropriations act for fiscal year 2008-2009, no competitive grant programs may be established in the State Budget and Control Board or in any other agency by temporary proviso applicable for the particular fiscal year.

**H.4365 SHARED USE OF PUBLIC FACILITIES STUDY COMMITTEE**

**Rep. Gullick**

This joint resolution creates the Shared Use of Public Facilities Study Committee to review the current use of public facilities within the State and determine the fiscal impact and overall feasibility of shared use of new construction and upgrades of facilities owned by school systems, special purpose districts, cities, counties, and the State that include, but are not limited to, parks, libraries, auditoriums and recreation centers. The legislation provides for the membership of the committee and charges it with reporting its findings to the members of the General Assembly by January 1, 2009, at which time the committee is dissolved.

**H.4366 APPLICATION OF HOMESTEAD EXEMPTION FOR DISABLED OR DECEASED VETERANS, LAW ENFORCEMENT OFFICERS, AND FIREFIGHTERS**

**Rep. Haley**

This bill revises provisions for the property tax homestead exemption allowed veterans, former law enforcement officers, and former firefighters, who are permanently and totally disabled as a result of a service-connected disability, their surviving spouses, and the surviving spouses of such persons who died in the line of duty, so as to provide that the homestead exemption first applies for the property tax year in which the disability was certified or the death occurred.

**H.4367 PROPOSED STATE CONSTITUTIONAL AMENDMENT REQUIRING TWO-THIRDS LEGISLATIVE APPROVAL FOR TAX INCREASES**

**Rep. Toole**

This joint resolution proposes an amendment to the South Carolina Constitution to provide that A bill or joint resolution imposing or increasing a tax, the revenue of which is credited to the general fund of the State, may not become law without the approval of two-thirds of the membership elected to the House of Representatives and two-thirds of the membership elected to the Senate.

**H.4376 PROPOSED STATE CONSTITUTIONAL AMENDMENT REQUIRING  
THREE-FIFTHS LEGISLATIVE APPROVAL FOR FEE INCREASES  
Rep. Toole**

This joint resolution proposes an amendment to the South Carolina Constitution to provide that a bill or joint resolution imposing or increasing a fee may not become law without the approval of three-fifths of the membership elected to the House of Representatives and three-fifths of the membership elected to the Senate.

**H.4378 "MUNICIPAL CAPITAL PROJECT SALES TAX ACT" Rep. Miller**

This bill provides for the imposition of a sales and use tax not to exceed one percent by referendum in a municipality for a specific period of time and for specific capital projects. The legislation provides the method for imposition, payment, and collection of this municipal capital project sales tax.

**H.4382 ENVIRONMENTAL IMPACT ASSESSMENT CRITERIA FOR  
INFORMATION TECHNOLOGY PROCUREMENT Rep. Funderburk**

This bill revises specifications for the procurement of certain information technology products under the South Carolina Consolidated Procurement Code so as to establish certain requirements based on the Electronic Product Environmental Assessment Tool (EPEAT) for identifying environmentally preferable information technology products.



**H.4394 DISCLOSURE OF EARMARK PROJECTS IN APPROPRIATIONS  
BILLS**

**Rep. Thompson**

This bill requires the disclosure of certain information regarding earmarks requested by members of the General Assembly for inclusion in an appropriations bill. Earmarks include an appropriation for a specific program or project requested by a member of the General Assembly not originating in a written agency budget request or language and language directing or steering expenditures to agencies or political subdivisions for such purposes.

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