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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 approved and sent to the Senate **H.3281**, a joint resolution to provide that the Department of Health and Human Services, when adjusting its budget in response to revenue reductions, is required to maintain **FUNDING FOR HOSPICE SERVICES** at the level in place on December 31, 2008.

The House amended, approved, and sent to the Senate **H.3347** a bill relating to **VOLUNTARY CONTRIBUTIONS TO DONATE LIFE OF SOUTH CAROLINA**, an eleemosynary corporation established to promote and encourage organ and tissue donation and education and to assess and assist with the needs of transplant recipients in South Carolina. Under current law, an applicant for a new or renewal driver’s license, commercial driver’s license, motorcycle driver’s license, identification card, issuance of a vehicle title or transfer of title, or issuance or renewal of a vehicle license plate must be given an opportunity in writing to make a voluntary contribution of one dollar to be credited to Donate Life South Carolina. Under this bill such applicants must be given an opportunity in writing to make a voluntary contribution of five dollars, more or less.

The House approved **H.3353**, a joint resolution authorizing the **REVISION OF CERTAIN VOLUMES OF THE SOUTH CAROLINA CODE** to allow for the consolidation of cumulative supplements that have become too bulky for convenient use.

The House committed to the Ways and Means Committee **H.3283**, a bill **AUTHORIZING A COUNTY COUNCIL TO WAIVE, DISMISS, OR REDUCE REAL AND PERSONAL PROPERTY TAX PENALTIES** if the council determines such action is in the best interest of the county.

**HOUSE COMMITTEE ACTION**

There were no full committee meetings that addressed legislation, which is covered by the *Legislative Update,* this week.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

**H.3322 *COYOTE TRAPPING SEASON* Rep. Kirsh**

This legislation establishes Thanksgiving Day through March first of the following calendar year as coyote trapping season. The legislation is not to be construed to impede the ability of state and federal employees to current provisions for trapping predatory animals.

**H.3392 *LAKE JOCASSEE* Rep. Whitmire**

The bill requires Lake Jocassee, located in Oconee and Pickens Counties, to have the same affluent discharge requirements, including discharges from watercraft, as Lake Keowee in Oconee and Pickens Counties.

**EDUCATION AND PUBLIC WORKS**

**S.235** ***IMPACT FEES – DORCHESTER SCHOOL DISTRICT NO. 2* Sen. Rose**

This bill allows the Board of Trustees for Dorchester School District No. 2 (the district) to impose an impact fee on any developer for each new residential dwelling unit constructed by the developer within the school district. The funds may only be used for the construction of public education facilities for grades K-12 within the district and for the payment of principal and interest on existing or new bonds issued by the district. The impact fee shall be set at an amount not to exceed the cost that each additional dwelling unit imposes on the school district for public education.

**H.3340** ***SCHOOL DISTRICT CONSOLIDATION* Rep. Kennedy**

This bill provides that on July 1, 2011, the area of each county of this State also must be constituted as a school district and a county may not have multiple school districts within its boundaries. The bill further provides that the General Assembly by local law before July 1, 2011, shall provide for the governance, fiscal authority, and administrative and operational responsibilities for a countywide school district where no provisions of law now apply. All acts or parts of acts relating to a school district that is not a countywide school district are repealed as of July 1, 2011.

**H.3382** ***NAMING OF HIGHWAY FACILITIES* Rep. Gullick**

This bill provides that a highway facility dedicated and named by the Department of Transportation (DOT) shall carry this designation for five years. The bill further provides that DOT must obtain approval from the General Assembly before it names a highway facility in honor of an individual.

**H.3387** ***SCHOOL ADMINISTRATORS* Rep. Bowen**

This bill requires a school administrator of a school that maintains an average daily membership of 300 students or less to spend at least 30 hours a week in a classroom as the primary instructor and to spend at least 30 consecutive minutes in the classroom with the same group of students for the periods of instruction related to a particular subject or course. The bill excludes principals from these requirements, but it does include assistant principals.

**JUDICIARY**

**S.289** ***CONTINUATION OF THE DOMESTIC VIOLENCE STUDY COMMITTEE***

**Sen. Martin**

This joint resolution allows the Criminal Domestic Violence Study Committee, as established by Act 402 of 2008, additional time to review the criminal domestic violence laws of the State and make recommendations to the General Assembly concerning any proposed changes.

**H.3310 *DOMESTIC VIOLENCE PROTECTIONS FOR PERSONS IN DATING***

***RELATIONSHIPS* Rep. Brady**

In connection with criminal domestic violence offenses and the “Protection from Domestic Abuse Act” this bill includes persons in a dating relationship in the definition of a “household member” as well as defines the term "dating relationship". This bill allows a parent or guardian to petition the court for an order of protection on behalf of a minor who is in a dating relationship. Under this bill, a respondent in an order for protection proceeding may be required to complete a batterer treatment program and any other requirements deemed necessary by the court in order to protect the abused person.

**H.3311 *RESPONSIBLE FATHER REGISTRY/ TERMINATION OF PARENTAL***

***RIGHTS HEARINGS* Rep. Brady**

The bill notes that as the State has an interest in promptly providing stable and permanent homes for adoptive children and in preventing the disruption of adoptive placements, the Responsible Father Registry is established within the Department of Social Services. The stated purpose of this registry is to provide notice of certain proceedings to unmarried biological fathers who affirmatively assume responsibility for children they may have fathered by registering. This bill requires a termination of parental rights action to be heard within 120 days of the date the petition is filed, and it outlines conditions under which a continuance may be granted. Relating to persons or entities entitled to be served with a petition for termination of parental rights, this bill further specifies the age as fourteen for serving a child and provide for service on the guardian ad litem of a child under fourteen years of age. The bill also specifies the notice provisions applicable to an unmarried biological father of a child whose parental rights are being terminated.

**H.3313** ***OBTAINING A WARRANT FOR A FRAUDULENT CHECK, DRAFT, OR***

***OTHER WRITTEN ORDER* Rep. Harrison**

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

**H.3314** ***DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS* Rep. Harrison**

This bill provides that the Department of Disabilities and Special Needs is headed and governed by a director appointed by the Governor with the advice and consent of the Senate. The bill further provides that the South Carolina Commission on Disabilities and Special Needs serves as an advisory board to the director.

**H.3315** ***DISTURBING SCHOOLS* Rep. Kelly**

This bill expands the offense of disturbing schools to include additional unlawful conduct on the grounds or property of a school or college, and it increases the penalty for the offense. Relating to instituting proceedings against a child, this bill outlines procedures before a referral to the Department of Juvenile Justice for the status offense of incorrigibility, and it requires certain family and individual counseling for the child and the family.

**H.3317 *PROHIBITION ON SMOKING IN A VEHCILE WHEN A MINOR NOT***

***MORE THAN TEN YEARS OF AGE IS AN OCCUPANT OF THE VEHICLE* Rep. Bales**

This bill provides that it is unlawful for an occupant of a private or public passenger motor vehicle to smoke a tobacco product while a child who is not more than ten years old is also an occupant of the motor vehicle. Violations are misdemeanors.

**H.3319** ***REGULATION OF DANGEROUS ANIMALS* Rep. Rice**

Under this bill, a dangerous animal means, among other things, an animal that makes an unprovoked attack on a domestic animal or an animal whose certain actions would cause a person reasonably to believe the animal will attack and cause bodily injury to a domestic animal.

**H.3333** ***DISTRIBUTION OF CERTAIN ADDITIONAL ASSESSMENTS IMPOSED***

***BY COURTS* Rep. A.D. Young**

This bill provides that current additional assessments imposed by general sessions and magistrates courts now going to the Law Enforcement Training Council will instead go to the South Carolina Criminal Justice Academy.

**H.3339** ***PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO EACH***

***HOUSE OF THE GENERAL ASSEMBLY BEING THE JUDGE OF THE ELECTION RETURNS AND QUALIFICATIONS OF ITS MEMBERS***

**Rep. Cobb-Hunter**

This joint resolution proposes to amend the State Constitution relating to each house of the General Assembly being the judge of the election returns and qualifications of its members so as to delete this authority.

**H.3342** ***CONSTRUCTION OF THE WORDS "PERSON,” “HUMAN BEING,”***

***“CHILD,” AND “INDIVIDUAL” AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE* Rep. Delleney**

In determining the meaning of any act or joint resolution of the General Assembly or in a regulation promulgated pursuant to Article 1, Chapter 23, Title 1, this legislation provides that the words “person,” “human being,” “child,” and “individual,” must include every infant member of the species homo sapiens who is born alive at any stage of development. The legislation also includes a definition for the term “born alive”.

**H.3343** ***ATTORNEY ACCESS TO CLIENTS IN A JAIL OR DETENTION***

***CENTER* Rep. Rutherford**

Under this bill, the administrator of a jail or local detention facility shall provide an attorney access to his clients who are confined in these facilities during the period of eight o'clock a.m. to six o'clock p.m.

**H.3348** ***SEX OFFENDERS* Rep. Clemmons**

If an offender is scheduled to be released on a Friday or state holiday, this bill requires the Department of Corrections or the Department of Juvenile Justice to retain custody of the offender until the following business day. The sheriff of the county of the offender's intended residence must verify that the offender's address is valid and that the offender intends to reside there. Additionally, the sheriff in a county in which an offender intends to reside has jurisdiction to locate an offender who fails to register as a sex offender or issue a warrant for an offender’s arrest. Information placed on the sex offender registry as a result of an offender's failure to register must contain the name of the department that provided the information and indicate that the offender failed to register within one day of his release from custody. Upon the issuance of a warrant for the arrest of an offender charged with for failure to register, the sheriff must notify the State Law Enforcement Division (SLED) of the pending charge and SLED must indicate on the sex offender registry that the offender has failed to register and a warrant has been issued for his arrest.

**H.3358 *REVISIONS PERTAINING TO VULNERABLE ADULT ABUSE AND***

***NEGLECT* Rep. Harrison**  
Among other things, this bill revises definitions used in the Omnibus Adult Protection Act. The bill clarifies procedures for reporting cases in which there is a reasonable suspicion of criminal conduct. The bill establishes criminal penalties if a caregiver, due to reckless disregard for the health or safety of a vulnerable adult, neglects or causes great bodily injury or death to a vulnerable adult.

**H.3366** ***ELECTRIC SERVICE TO A PROPERTY OR FACILITY IN THIS STATE***

***THAT IS USED TO HOUSE, HOLD, DETAIN, OR INTERROGATE A***

***PERSON WHOM THE FEDERAL GOVERNMENT HAS DESIGNATED***

***AN "ENEMY COMBATANT"* Rep. Merrill**

This bill restricts electric service to a property located within the State used to house, detain, hold, interrogate, or otherwise keep a person designated by the federal government as an 'enemy combatant' or other similar term used to describe a person being detained by the federal government on suspicion of terrorism or related charges. Notwithstanding another provision of law, the Public Service Commission may reassign the service area of an electric utility, electric cooperative, or the South Carolina Public Service Authority (Santee Cooper) that provides electric service in violation of these provisions.

**H.3369** ***INCREASED PENALTY FOR CRIMINAL SOLICITATION OF A MINOR***

**Rep. T.R. Young**

Currently, a person found guilty for criminal solicitation of a minor is guilty of a felony and, upon conviction, must be fined not more than $5,000 thousand dollars or imprisoned for not more than ten years, or both. Under this bill, a person is guilty of a felony and, upon conviction, must be fined not more than$25,000 thousand dollars or imprisoned for not less than a mandatory minimum of five years nor more than 25 years, or both.

**H.3377 *NATIONAL PARK SERVICE RANGERS* Rep. Moss**

This bill provides that National Park Service Rangers are federal law enforcement officers who are authorized to enforce the State's criminal laws.

**H.3379** ***PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE***

***LIEUTENANT GOVERNOR* Rep. Scott**

This joint resolution proposes to amend the State Constitution so as to provide for the joint election of the Lieutenant Governor and the Governor. The joint resolution further provides that the General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected.

**H.3388** ***CANDIDATES NAMES PRINTED ON BALLOTS* Rep. Stringer**

This bill prohibits the name of a candidate for an election in this State, or for the Electoral College, from being printed on a ballot for an office unless that person shows conclusive evidence that he is a legal citizen of the United States.

**H.3389 *CANDIDATE NAMES FOR PRESIDENT OR VICE PRESIDENT OF THE***

***UNITED STATES PRINTED ON BALLOTS IN SOUTH CAROLINA***

**Rep. Stringer**

This bill prohibits the name of a candidate for President or Vice President of the United States from being printed on a ballot in South Carolina unless there is shown conclusive proof that the candidate is a natural born citizen of the United States.

**H.3390 *FILLING*** ***A VACANCY IN THE OFFICE OF UNITED STATES***

***SENATOR* Rep. Stringer**

This bill repeals the current statute relating to filling a vacancy in the office of United States Senator.

**LABOR, COMMERCE AND INDUSTRY**

**H.3318 *SPECIAL INSPECTOR LICENSE FOR PERFORMING BUILDING***

***INSPECTIONS IN MULTIPLE CONSTRUCTION TRADE DISCIPLINES***

**Rep. Sandifer**

This bill revises provisions for building codes enforcement officers by establishing a “special inspector” or “special inspection agency” to perform building inspections in one or more construction trade disciplines. The legislation provides the licensing procedure to require authorization for performing these inspections from the South Carolina Building Codes Council and the Department of Labor, Licensing and Regulation.

**H.3331 *financial statement DISCLOSURE REQUIREMENTS FOR***

***PRIVATELY OWNED PUBLIC UTILITIES CHANGING WATER OR***

***SEWER SERVICE RATES* Rep. Gullick**

This bill requires that, within five days after the filing of a new or changed rate schedule for water or sewer service provided by a privately owned public utility, the utility shall provide to the public, the Office of Regulatory Staff, and the Public Service Commission in a specified time and manner certain independently audited financial statements and consolidated financial statements.

**H.3354 *RESIDENTIAL PROPERTY OWNER’S DUTY TO COMPLY WITH***

***APPLICABLE BUILDING CODES AND STANDARDS WHEN MAKING***

***CERTAIN IMPROVEMENTS* Rep. Chalk**

This bill revises provisions relating to exemptions from statutes applicable to licensed contractors, so as to provide an owner of residential property who makes certain improvements to the property owes to a subsequent owner of the property the same duty as a licensed contractor to comply with applicable building codes and standards.

**H.3371 *RATES NEGOTIATED BY AN INDIVIDUAL HEALTH INSURER AND A***

***FORMER CONTRACT PROVIDER OF HEALTH CARE* Rep. Harvin**

This bill establishes limitations that apply when an issuer of individual health insurance negotiates rates with a provider of health care for covered health care services and then terminates or otherwise nonrenews the provider’s contract.

**H.3376 *RESTRICTIONS ON HEALTH INSURANCE CONDITIONS THAT VARY***

***BASED ON THE HEALTH CARE PROVIDER RENDERING A COVERED***

***SERVICE* Rep. Herbkersman**

This bill provides that an insurer that makes a reimbursement under a health insurance policy for a service covered by the policy must make the reimbursement at the same rate applied to a licensed health care provider in this state. The legislation provides that a group health insurance policy may not limit or condition a diagnosis, service, or treatment rendered by a health care provider or reimbursement to the provider for the diagnosis, service, or treatment rendered unless the policy also applies that limitation or condition to a licensed health care provider in this state. The legislation provides that a discrepancy must be corrected in favor of the lower to higher reimbursement rate or a reduction of the limits or restrictions on the affected health care provider. The legislation provides that a deductible may only be dictated by the plan obtained by the insured and may not vary based on the health care provider rendering the service.

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

**H.3309 *CHILDCARE SERVICES STUDY COMMITTEE* Rep. Erickson**

This joint resolution creates a study committee that will examine all policy, planning, and service delivery issues affecting both the cost and quality of childcare services available to working parents. This committee is composed of three members of the public at large appointed by the Governor; three members of the Senate; and three members of the House of Representatives. The committee shall be staffed by appropriate Senate and House of Representatives committees that oversee legislation affecting childcare facilities and childcare professionals. The committee shall submit its report to the General Assembly and Governor before January 1, 2010, at which time the study committee is abolished.

**H.3372 *STROKE SYSTEMS OF CARE STUDY COMMITTEE* Rep. Jefferson**

The legislation establishes the stroke systems of care study committee within the Department of Health and Environmental Control. This committee shall develop a plan for a statewide stroke system of care using the resources of both the public and private sectors incorporating flexibility to best fit the needs of each region or locality. The committee shall be composed of 15 representatives from the Department of Health and Environmental Control as well as from various medical fields and associations. The DHEC director shall appoint members and shall provide for staffing. The committee shall convene no later than sixty days after the effective date and at a time when at least a majority of the members have been appointed. The committee shall submit its report to the General Assembly and the Governor no later than December 31, 2010, at which time the study committee is abolished.

**H.3393 *PHARMACISTS* Rep Spires**

This joint resolution creates a joint pharmacist administered vaccines committee as an advisory committee to the Board of Medical Examiners and the Board of Pharmacy in establishing a written protocol for the purpose of authorizing pharmacists to administer certain vaccinations without an order of a practitioner. This advisory committee will consist of five members: two members from the Board of Medical Examiners; two members from the Board of Pharmacy; and one representative of the Department of Health and Environmental Control’s Immunization Division.

The joint resolution outlines that the written protocol must provide that a pharmacist seeking authorization must successfully complete a course of training complying with current CDC guidelines, as well as experiential training. The bill also increases the maximum amount of a legend drug that a physician in charge of an emergency room may dispense from seventy-two hour supply to a one-hundred forty four hour supply.

**H.3394 *PHARMACY TECHNICIANS* Rep. Spires**

The registration for pharmacy technicians requires an applicant to be seventeen years old or older and be a high school graduate. In addition, the legislation requires that pharmacy technician students be registered. The bill outlines that it is unlawful for a person who is not registered as a pharmacy technician, to perform the functions of a registered pharmacy technician. A pharmacy technician student who is enrolled in an approved training program may be placed in a pharmacy for the purpose of obtaining practical training. Among other things, beginning July 1, 2012, a person who wishes to work as a pharmacy technician must be certified after completing various requirements. The bill also allows for exemption of this certification for individuals who are registered before July 1, 2012.

**WAYS AND MEANS**

**H.3312 *SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT***

***EXTENSION* Rep. J. R. Smith**

This bill authorizes an extension of the South Carolina Community Economic Development Act by providing that the provisions of the act terminate on June 30, 2015, instead of June 30, 2010.

**H.3320 *TAXPAYER REPRESENTATION IN THE ADMINISTRATIVE TAX***

***PROCESS* Rep. Kirsh**

This bill allows a taxpayer to be represented in the administrative tax process by a licensed real estate broker-in-charge who holds a master’s degree in business administration or its equivalent. The legislation limits this representation to the administrative tax process as it relates to ad valorem tax on real property.

**H.3321 *ALTERNATE APPEALS PROCEDURE FOR PROPERTY TAXPAYERS***

***OBJECTING TO ASSESSMENT ISSUED BY COUNTY ASSESSORS***

**Rep. Kirsh**

This bill provides an alternate appeals procedure for a property taxpayer objecting to a property tax assessment issued by a county assessor, including issues relating to “agricultural” use classification, by allowing a direct appeal *de novo* to the circuit court. The legislation provides that the county shall pay the reasonable attorney’s fees and costs incurred by a taxpayer who prevails in an appeal brought by means of this alternate appeals procedure.

**H.3332 *TAXABLE RETIREMENT INCOME SUBJECTED TO A MAXIMUM***

***STATE INCOME TAX RATE OF TWO PERCENT* Rep. Gullick**

This bill revises provisions relating to the retirement income deduction and the deduction allowed taxpayers who have attained age sixty‑five, so as to subject otherwise taxable retirement income to a maximum state income tax rate of two percent.

**H.3334 *SALES AND USE TAX IMPOSED FOR THE PURCHASE OF***

***DEVELOPMENT RIGHTS, FOR ECONOMIC DEVELOPMENT,***

***CONSERVATION, BLIGHT REMEDIATION, OR MILITARY BASE***

***PROTECTION* Rep. Weeks**

This bill revises the requirements for an ordinance imposing a sales and use tax, so as to add that the tax may be imposed for the acquisition of interests in real estate, including the purchase of development rights, for economic development, conservation, blight remediation, or military base protection.

**H.3335 *LOCAL ACCOMMODATIONS AND HOSPITALITY TAX REVENUE***

***THAT MAY BE USED FOR OPERATIONS AND MAINTENANCE***

**Rep. Weeks**

This bill revises provisions establishing the uses that are allowed for the revenue of the local accommodations and local hospitality tax, so as to increase from twenty to fifty percent, in counties in which less than nine hundred thousand dollars in state accommodations tax is collected annually, the amount of the revenue of the local taxes that may be used for operations and maintenance.

**H.3345 *CENTERS OF EXCELLENCE MATCHING ENDOWMENT TO BE***

***FUNDED BY APPROPRIATIONS FROM THE GENERAL FUND***

**Rep. R. L. Brown**

This bill revises provisions for the Centers of Excellence Matching Endowment, so as to provide that the endowment must be funded by appropriations from the general fund rather than the South Carolina Education Lottery Account.

**H.3352 *SCHOOL FUNDING FLEXIBILTIY AND COST-SAVING MEASURES***

**Rep. Cooper**

This joint resolution allows local school districts and special schools to transfer funds among appropriated revenues in order to ensure the delivery of academic and arts instruction during the 2008‑2009 and 2009‑2010 fiscal years. The legislation allows school districts for fiscal years 2008‑2009 and 2009‑2010 to suspend certain professional staffing ratios, to transfer funds, to delay the date that teacher contracts are issued, and to negotiate salaries for retired and TERI teachers below minimum salary requirements. The legislation allows school districts for the 2008‑2009 and 2009‑2010 fiscal years to furlough teachers and school and district administrators upon certain conditions. The legislation provides certification and reporting requirements. The legislation establishes the authority to suspend certain formative assessments and allows school districts to purchase the most economical type of bus fuel for the 2008‑2009 and 2009‑2010 fiscal years.

**H.3357 *LEAVES OF ABSENCE FOR STATE AND LOCAL OFFICERS AND***

***EMPLOYEES TO BE ORGAN DONORS* Rep. Cooper**

This bill revises provisions for leaves of absence for state and local officers and employees to be organ donors, so as to provide that the aggregate limit for such leaves of absence shall be computed on a calendar year basis rather than a fiscal year basis.

**H.3365 *“HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE***

***POLICIES ACT”* Rep. Cooper**

This bill provides for the enactment of the “Higher Education Efficiency and Administrative Policies Act”.

**H.3368 *RETIRED JUDGES AND SOLICITORS ALLOWED TO RECEIVE A***

***RETIREMENT ALLOWANCE WHILE SERVING IN STATEWIDE OFFICE***

**Rep. Harrison**

This bill authorizes a retiree of the Retirement System for Judges and Solicitors to receive a retirement allowance while serving in statewide office and provides that this person does not become a member of, does not contribute to, and does not accrue service credit in the South Carolina Retirement System or South Carolina Police Officers Retirement System as a result of service in that statewide office.

**H.3378 *TERMS AND CONDITIONS OF MANDATORY STATE AGENCY***

***FURLOUGH PROGRAMS* Rep. Cooper**

This bill establishes the terms and conditions of mandatory state agency furlough programs and eliminates provisions of Act 310 of 2008 that relating to state agency furloughs.

**H.3381 *SOUTH CAROLINA STATE PORTS AUTHORITY STUDY***

***COMMITTEE* Rep. Merrill**

This House Resolution establishes a study committee to examine the South Carolina State Ports Authority including, but not limited to, its mission, structure, operation, business and management practices, and effectiveness and financial economy in achievement of its mission. The legislation provides for the study committee’s membership requires its findings and recommendations to be reported to the Speaker of the House of Representatives before June 1, 2010, at which time the study committee is abolished.

**H.3383 *UPDATE OF THE APPLICATION OF FEDERAL PROVISIONS TO***

***STATE TAX LAWS* Rep. Kirsh**

This bill revises references to the federal Internal Revenue Code in state tax laws so as to update them to the year 2008. The legislation makes additions to provisions relating to Internal Revenue Code sections not adopted by state law. The legislation provides that a taxpayer who follows section 3094 of the federal Housing Economic Recovery Act of 2008, for South Carolina purposes must not be penalized.

**H.3384 *SCHOOL DISTRICTS PROHIBITED FROM USING SCHOOL***

***OPERATING FUNDS TO DEFRAY COSTS OF PROFESSIONAL FEES***

***AND MEMBERSHIPS* Rep. Bowen**

This bill provides that a school district may not use funds appropriated for school operating purposes to defray the costs of professional fees and memberships on behalf of its teachers and administrators.

**H.3385 *SCHOOL DISTRICTS REQUIRED TO USE AT LEAST SEVENTY‑FIVE***

***PERCENT OF EDUCATION OPERATIONAL EXPENDITURES FOR***

***CLASSROOM INSTRUCTION* Rep. Bowen**

This bill provides that at least seventy‑five percent of the education operational expenditures of each school district must be used for classroom instructional expenditures. The legislation requires each school district to submit its proposed budget to the State Superintendent of Education with the actual percentage of its education operational expenditures used for classroom instruction. The legislation provides for a waiver. The legislation authorizes the governing body in a county to amend the fiscal year budget of a school district within the county upon a finding by the State Superintendent of Education that a school district has demonstrated blatant disregard for these requirements. The legislation provides that the Superintendent of Education shall develop model plans and the State Board of Education shall promulgate regulations to aid in the implementation of these requirements.

**H.3386 *REFERENDUM ON RAISING BONDED INDEBTEDNESS LIMITS OF***

***POLITICAL SUBDIVISIONS OR SCHOOL DISTRICTS REQUIRED TO BE***

***HELD AT THE GENERAL ELECTION* Rep. Bowen**

This bill provides that a referendum on the question of raising the bonded indebtedness limit of a political subdivision or school district must be held on the date established by law for the general election.

**H.3395 *GENERAL RESERVE FUND ENHANCEMENT* Rep. Harrell**

This bill revises statutory provisions for the General Reserve Fund to conform them to any amendments to the South Carolina Constitution that change the amount required to be held in the General Reserve Fund and the rate of replenishment of that amount.

**H.3396 *PROPOSED CONSTITUTIONAL AMENDMENT TO INCREASE THE***

***HOLDINGS REQUIREMENT OF THE GENERAL RESERVE FUND***

**Rep. Harrell**

This joint resolution proposes to amend the South Carolina Constitution by increasing from three to five percent the amount of state general fund revenue in the latest completed fiscal year required to be held in the General Reserve Fund.

**H.3397 *SPENDING LIMITATIONS* Rep. G. R. Smith**

This bill provides that the limit on general fund appropriations for a fiscal year is the total amount of the general fund revenue estimate as of February fifteenth for fiscal year 2009‑2010, increased annually and cumulatively by the lesser of six percent or a percentage determined by population increases and increases in the Consumer Price Index. The legislation establishes a procedure that allows the General Assembly to declare a financial emergency and suspend this spending limitation for any one fiscal year for a specific amount by a special vote. The legislation establishes the Spending Limit Reserve Fund to receive all surplus general fund revenues and provides for how appropriations are to be made to provide for fund replenishment. After all appropriations have been made from the Spending Limit Reserve Fund to satisfy replenishment requirements, any excess funds may be appropriated for or used to offset revenue reductions for: (1) temporary tax reductions; (2) infrastructure improvements including fixed transportation facilities such as highway, rail, water, and air, as well as basic facilities, services, and installations needed for the functioning of government such as water, sewer, and public sector communications; (3) school buildings; (4) school buses; and (5) expenses incurred by this State as a result of natural or other disasters declared by the President of the United States. The legislation provides that appropriations from the Spending Limit Reserve Fund must be made by means of a joint resolution originating in the House of Representatives.

**The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (http://www.scstatehouse.gov) and click on “*Publications*," then click on “*Legislative Update*.” This will list all of the *Legislative Updates* by date. Click on the date you need*.* Also available on the website is a bill summary index, where bills referenced in one or more issues of the Legislative Update are listed in numeric order. Links to the specific text of the *Legislative* Update issue are provided in the bill summary index.**

***NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON “BILL TRACKING & REPORTS” (UNDER “LEGISLATIVE RESOURCES”).***