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

**HOUSE WEEK IN REVIEW**

The House of Representatives amended, approved, and sent to the Senate **H.3301**, a bill establishing new restrictions for deferred presentment transactions, commonly referred to as **PAYDAY LENDING**. Under the legislation, an individual is limited to having no more than one deferred presentment transaction at any one time. The legislation provides that, in order to be licensed to engage in deferred presentment, a business must submit to the Consumer Finance Division of the Board of Financial Institutions, for its approval, an extended payment plan to be offered, at no additional charge, to a customer who is unable to repay a deferred presentment transaction when originally due. If a customer enters into an extended payment plan, that customer is not eligible to enter into a subsequent deferred presentment transaction until repayment in full of the original deferred presentment transaction. In order to prevent an individual from having multiple deferred presentment transactions at any one time, the legislation requires the Consumer Finance Division to implement a common database with real‑time access through an Internet connection that compiles information on all deferred presentment transactions and extended payment plans. Deferred presentment providers must consult this database prior to entering into a transaction and may not enter into a deferred presentment transaction with a person who has an outstanding deferred presentment transaction with any licensee or who has entered into an extended payment plan. The legislation imposes reporting requirements on deferred presentment providers to keep the database updated regarding all transactions, establishes conditions for the release of database information, and allows for the charging of a database verification fee. The legislation provides that after a person has completed ten successive deferred presentment transactions, no licensee may enter another deferred presentment transaction with that person for a period of days equal to the person's pay period. The legislation provides that the total amount advanced to a customer for deferred presentment or deposit, excluding authorized fees, may not exceed six hundred dollars. The legislation provides that a person may not engage in the business of deferred presentment services with a customer residing in this state, whether or not that person has a location in South Carolina, without obtaining a license in this state and complying with this state’s legal requirements. The legislation doubles the amounts of licensure and renewal fees and provides for half of the fees collected to be distributed to the Attorney General’s Office in order to establish and maintain a division for the enforcement of deferred presentment provisions.

The House amended, approved, and sent to the Senate **H.3299**, the **“CUSTOMER CHOICE AND TECHNOLOGY INVESTMENT ACT OF 2009”**. The legislation responds to the rapidly-evolving array of new options for telecommunication services resulting from competition among traditional telephone service providers, cable companies offering communications services, voice over Internet protocol (VoIP) providers, wireless communications service providers, and other communications service providers by establishing a mechanism for alternative regulation that a qualifying local exchange carrier may choose which relaxes certain restrictions to relieve customers of unnecessary costs and burdens, encourage investment, and promote timely deployment of more innovative offerings at competitive prices. This optional alternative regulation is offered as a means of making the full range of competitive options and offerings available to customers of communications services while maintaining inflation‑based price controls for those existing customers who wish to continue receiving only stand‑alone basic residential lines from traditional telephone companies, and, at the same time, ensuring that customers in rural areas of the State continue to have access to basic local exchange service at affordable rates.

The House approved and sent to the Senate **H.3378**, a bill establishing new **TERMS AND CONDITIONS FOR MANDATORY STATE AGENCY FURLOUGH PROGRAMS** during budget shortfalls. The legislation provides that, in a fiscal year in which the general funds appropriated for a state agency are less than what was appropriated in the prior fiscal year, or whenever the General Assembly or the State Budget and Control Board implements a midyear across‑the‑board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program, regardless of source of funds or place of work, and must include all classified and unclassified employees in the designated area. However, a furlough program may also be implemented based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department. Employees who provide direct patient or client care and front‑line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely. During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. The implementation of a furlough program shall be on an agency‑by‑agency basis. Agencies may allocate the employee’s reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The State Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement these provisions of this section. State agencies shall report information regarding furloughs to the Office of Human Resources of the State Budget and Control Board.

The House amended, approved, and sent to the Senate **H.3171,** the **“MILITARY PARENT EQUAL PROTECTION ACT”**.This legislation outlines provisions for the modification of a custody or visitation order if one of the parents is in the military service. If a military parent is called to military service, either parent may file a notice of activation of military service and petition to modify a support order. The legislation also includes provisions for the temporary modification of support order. Except for modifying a child support obligation during military service pursuant to these provisions, a military parent's income during military service must not be used to determine the military parent's income or earning capacity. As military necessity may preclude court adjudication before mobilization, the legislation encourages the parties to negotiate mutually agreeable arrangements prior to mobilization. The legislation includes provisions for the award of attorney's fees. The legislation further provides that a service member who is entitled to a stay in civil proceedings pursuant to the federal Service Members Civil Relief Act may elect to proceed while the service member is reasonably unavailable to appear in the geographical location in which the litigation is pursued and may seek relief and provide evidence through video-conferencing, internet camera, email, or another reasonable electronic means. Testimony presented must be made under oath, in a manner viewable by all parties, and in the presence of a court reporter. In matters when a party who is physically present in the State is permitted to use affidavits or seek temporary relief, the service member may submit testimony by affidavit. The court must allow a party to proceed unless an opposing party establishes a compelling reason not to proceed by clear and convincing evidence. The court must allow a party to present evidence pursuant to a method provided by this section unless an opposing party established that the method will cause a substantial injustice, deny effective cross examination, deny the right to confront the witness, or abridge another constitutional right.

The House approved and sent to the Senate **H.3040**, a bill creating a permanent ten-member joint committee of the General Assembly to be known as the **JOINT MILITARY AFFAIRS REVIEW COMMITTEE** to study, monitor, and make appropriate recommendations on all issues, legislation, and other actions necessary to sustain and develop South Carolina's military installations, communities, and defense-related businesses. The President Pro Tempore of the Senate shall appoint five members from the membership of the Senate, and the Speaker of the House of Representatives shall appoint five members from the membership of the House of Representatives.

The House approved and sent to the Senate **H.3452**, a bill revising provisions relating to regulation of manufacturers of alcoholic liquors, so as to include **REGULATION OF MICRO-DISTILLERS** of alcoholic liquors on licensed premises. The legislation provides for a biennial distillery license fee and establishes procedures for obtaining a license. The legislation also establishes procedures for holding tastings. Penalties are provided for violations.

The House approved and sent to the Senate **H.3463**, a bill that eliminates the provisions that require **ELECTRONIC TRAFFIC TICKETS** to be printed in specific colors.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

**EDUCATION AND PUBLIC WORKS**

The full committee did not meet this week.

**JUDICIARY**

The full Judiciary Committee met on Tuesday, February 10, 2009.

**H.3040** received a favorable report from the full committee. This bill creates a permanent ten-member joint committee of the General Assembly to be known as the **JOINT MILITARY AFFAIRS REVIEW COMMITTEE** to study, monitor, and make appropriate recommendations on all issues, legislation, and other actions necessary to sustain and develop South Carolina's military installations, communities, and defense-related businesses. The President Pro Tempore of the Senate shall appoint five members from the membership of the Senate, and the Speaker of the House of Representatives shall appoint five members from the membership of the House of Representatives.

The Judiciary Committee gave a favorable recommendation to **H.3342**, the **‘BORN-ALIVE’ LEGISLATION.** 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, 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 term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion. Nothing in this legislation may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being 'born alive' as defined in this legislation.

**H.3333** received a favorable report from the Judiciary Committee. 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.

The full committee gave a favorable with amendment report to **H.3418,** which requires **PHOTOGRAPH IDENTIFICATION FOR VOTING.** Under this bill, when a person presents himself to vote, he shall produce a valid South Carolina driver’s license, other form of identification containing a photograph issued by the Department of Motor Vehicles, a passport or a military identification issued by the federal government. The bill also requires one of the managers to compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. If the elector cannot produce the required form of identification containing a photograph, the elector may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the board of voter registration within ten days after the election. The legislation extends the time for the meeting and organization of the county board of canvassers until ten days from the date of the general election, and the Board of State Canvassers shall meet at the office of the Election Commission no more than five days after the commissioners of election meet pursuant to Section 7-17-10. The legislation also provides that the Department of Motor Vehicles shall issue a special identification card at no charge; currently, there is a fee for the issuance of this special identification card.

**H.3171, “MILITARY PARENT EQUAL PROTECTION ACT,”** received a favorable with amendment report. This legislation outlines provisions for the modification of a custody or visitation order if one of the parents is in the military service. If a military parent is called to military service, either parent may file a notice of activation of military service and petition to modify a support order. The legislation also includes provisions for the temporary modification of support order. Except for modifying a child support obligation during military service pursuant to these provisions, a military parent's income during military service must not be used to determine the military parent's income or earning capacity. As military necessity may preclude court adjudication before mobilization, the legislation encourages the parties to negotiate mutually agreeable arrangements prior to mobilization. The legislation includes provisions for the award of attorney's fees. The legislation further provides that a service member who is entitled to a stay in civil proceedings pursuant to the federal Service Members Civil Relief Act may elect to proceed while the service member is reasonably unavailable to appear in the geographical location in which the litigation is pursued and may seek relief and provide evidence through video-conferencing, internet camera, email, or another reasonable electronic means. Testimony presented must be made under oath, in a manner viewable by all parties, and in the presence of a court reporter. In matters when a party who is physically present in the State is permitted to use affidavits or seek temporary relief, the service member may submit testimony by affidavit. The court must allow a party to proceed unless an opposing party establishes a compelling reason not to proceed by clear and convincing evidence. The court must allow a party to present evidence pursuant to a method provided by this section unless an opposing party established that the method will cause a substantial injustice, deny effective cross examination, deny the right to confront the witness, or abridge another constitutional right.

**LABOR, COMMERCE AND INDUSTRY**

The full committee did not meet this week.

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

The full Medical, Military, Public and Municipal Affairs Committee met on Wednesday, February 11, 2009.

The committee gave favorable with amendment report relating to **H.3170 JOINT ELECTRONIC HEALTHCARE STUDY COMMITTEE**. This bill creates the Joint Electronic Health Information Study Committee. This committee shall study factors affecting the adoption of health information technology in South Carolina, including but not limited to, the current rate of use of health information technology and electronic personal health records and factors impeding the increased use of health information. The committee is comprised of 12 members of whom six members are appointed by the Governor including a physician, a hospital administrator, a pharmacist, a consumer, a health insurance industry representative, an information technology sector representative who is knowledgeable about privacy issues, and a member of the public; three are appointed by the House of Representatives and three appointed by Senate. The committee’s findings and recommendations are to be provided to the General Assembly before January 1, 2010, at which time the study committee is abolished.

**WAYS AND MEANS**

The full Ways and Means Committee met during the week to report out two pieces of legislation and commence work on the Fiscal Year 2009-2010 general appropriations act.

The committee gave a report of favorable with amendments on **H.3352**, a joint resolution providing temporary **FUNDING FLEXIBILITY PROVISIONS FOR SCHOOL DISTRICTS** and special schools. The legislation provides that, for the 2008‑2009 and 2009‑2010 fiscal years, school districts and special schools of this State may transfer among appropriated state revenues, excluding lottery funds, as needed to ensure the delivery of academic and arts instruction to students. The legislation provides for the 2008‑2009 and 2009‑2010 fiscal years, school districts must be granted: (1) suspension from professional staffing ratios and subfund level expenditure regulations and guidelines; (2) permission to transfer funds among funding categories, including capital funds from the Children’s Education Endowment Fund and excluding funds required for debt service or bonded indebtedness; (3) permission to delay from April fifteenth to May fifteenth the date that contracts are issued to teachers; (4) permission to negotiate salaries below the minimum salary requirements for retired teachers if specified in the contract or otherwise authorized by law. If specified in the contract or if the district is otherwise authorized by law to furlough teachers, a district may furlough teachers for up to five noninstructional days provided that school and district administrators are furloughed for an equivalent number of days. All other program regulations, guidelines, reporting, and audit requirements remain in effect. To further ensure resources are maximized, districts are encouraged to limit the number of low enrollment courses, expand virtual instruction, and, to the extent possible, develop schedules to minimize transportation costs of extracurricular and academic competitions. Prior to implementing these flexibility provisions, school districts must provide to public charter schools the per pupil allocation due to the charter schools for each categorical program. The legislation requires written certification reports from school districts implementing these funding flexibility measures. The legislation provides that, for the 2008‑2009 and 2009‑2010 fiscal years, implementation of formative assessments for grades one, two, and nine, the foreign language program assessment, the physical education assessment, and new textbook adoptions must be suspended. Additionally, school districts and the State Department of Education must be granted permission to purchase the most economical type of bus fuel.

The committee gave a favorable report on **H.3378**, a bill establishing new **TERMS AND CONDITIONS FOR MANDATORY STATE AGENCY FURLOUGH PROGRAMS** during budget shortfalls. The legislation provides that, in a fiscal year in which the general funds appropriated for a state agency are less than what was appropriated in the prior fiscal year, or whenever the General Assembly or the State Budget and Control Board implements a midyear across‑the‑board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program, regardless of source of funds or place of work, and must include all classified and unclassified employees in the designated area. However, a furlough program may also be implemented based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department. Employees who provide direct patient or client care and front‑line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely. During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. The implementation of a furlough program shall be on an agency‑by‑agency basis. Agencies may allocate the employee’s reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The State Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement these provisions of this section. State agencies shall report information regarding furloughs to the Office of Human Resources of the State Budget and Control Board.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

**H.3483 *PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO***

***HUNTING AND FISHING* Rep. White**  
This joint resolution proposes submit to the electors at the next general election whether or not to amend the State Constitution so as to provide that consistent with the responsibility of the State to protect, conserve, and replenish the natural resources of this State, the people of South Carolina have the right to hunt, fish, and take game subject to reasonable restrictions prescribed by law relating to methods, times, and locations of hunting, fishing, and taking game, the rights of the owners of real property affected by hunting, fishing, and taking game, and the health and safety of the people of the State.

**H.3517 *LANDFILLS* Rep. Neilson**

This bill creates a statewide tipping fee of five dollars a ton on the disposal of solid waste in a landfill. Tipping fee means a charge levied for the disposal of a given quantity of waste at a landfill or other waste processing facility. The bill outlines program guidelines and procedures for landfill owners and operators. The Department of Agriculture shall deposit fees collected to the Solid Waste Management Trust Fund.

**H.3522 *COASTAL ZONE MANAGEMENT APPELLATE PANEL***

**Rep. A. D. Young**

This bill repeals the provisions for the Coastal Zone Management Appellate Panel.

**EDUCATION AND PUBLIC WORKS**

**H.3530 *MOTOR VEHICLE DEALERS* Rep. Bannister**

This bill authorizes the Department of Motor Vehicles (DMV) to impose and collect administrative fines against licensed motor vehicle dealers who violate certain provisions of law relating to dealers, and it allows the DMV to employ the staff necessary to enforce these provisions.

**JUDICIARY**

**S.4 *"SOUTH CAROLINA TEACHER PROTECTION ACT OF 2009"***

**Sen. McConnell**

This legislation allows a teacher to bring a civil action against a student who commits a criminal offense against the teacher if the offense occurs on school grounds or at a school-related event, or if the offense is directly related to the teacher's professional responsibilities. No teacher has civil liability to a student or to a party acting in the interest of the student for an act or omission by the teacher that occurs while the teacher is acting within the scope of the teacher’s employment and if the teacher meets certain other criteria. Relating to the offense of a student committing assault and battery against a person affiliated with a school in an official capacity, this bill establishes misdemeanor as well as felony offenses. Under this legislation, if an injury prevents a person from returning to his former position within the school district, he must be allowed to continue to participate in all retirement, insurance and deferred compensation programs he was enrolled in at the time of the injury. Also, the district must continue to make employer contributions. The legislation requires school administrators to report incidents to law enforcement for investigation.

**S.155 *"MILITARY PARENT EQUAL PROTECTION ACT"* Sen. Campsen**

This bill provides that military service shall not be considered a change in circumstance for purposes of child custody and visitation. The bill further provides that the custodial nonmilitary parent must reasonably accommodate the military parent's leave schedule. The bill authorizes family court to hold an expedited temporary hearing to ensure that the military parent has access to a minor child, and it provides that an increase or decrease in earning capacity due to military service is not considered a permanent change. Under the bill, a service member entitled to a stay pursuant to the Service Members Civil Relief Act may seek relief and provide testimony by electronic means under certain conditions.

**S.198 *MISREPRESENTATION OF THE GEOGRAPHICAL LOCATION OF A***

***BUSINESS* Sen. McConnell**

Under this bill, it is an unlawful trade practice for a person, firm, or corporation that is in the business of supplying a service or a product intentionally to misrepresent the geographical location of the business in the listing of the business in a telephone directory or other directory assistance database. It is also an unlawful trade practice for a person, firm, or corporation that is in the business of supplying a service or a product intentionally to misrepresent the geographical location of the business in print advertisement. A person, firm, or corporation that misrepresents the geographical location of the business is not in violation of these provisions if a conspicuous notice in the listing or in the print advertisement states the municipality and state in which the business is located and identifies the municipality and state as the location of the business. A provider of telephone, telecommunications, or other communications services, a provider of a telephone directory or directory assistance service, and an officer, employee, or agent of any such provider shall not be liable for publishing the advertisement or for listing a person or entity in its directory or directory assistance database unless the provider is the same person or entity as the person or entity that is the subject of the advertisement or listing.

**H.3481 *DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE***

***APPRAISED AND WHAT AN ASSESSABLE TRANSFER OF INTEREST***

***IN REAL PROPERTY INCLUDES* Rep. Edge**

Relating to determining when a parcel of real property must be appraised and what an assessable transfer of interest in real property includes, this bill deletes certain circumstances that constitute assessable transfers of interest and adds other circumstances.

**H.3489 *“SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2009”***

**Rep. Harrell**

As part of the “South Carolina Damage Awards Fairness Act,” this bill provides limits on the award of noneconomic and punitive damages in all personal injury actions, and it provides for certain procedures and requirements relating to the award of these damages. The legislation establishes the "Private Attorney Retention Sunshine Act" to govern the retention of private attorneys by the Attorney General or a solicitor, and it provides terms and conditions governing the retainer agreement including limits on the compensation of outside counsel in contingency fee cases. Relating to limitations on actions based on unsafe or defective improvements to real property, this bill provides that the violation of a building code does not constitute per se fraud, gross negligence, or recklessness. This bill provides a rebuttable presumption that a manufacturer or seller is not liable for a product if it is manufactured or sold in a manner approved by a government agency. The bill outlines requirements and procedures to bring, maintain, and certify class actions. Relating to liability of the seller for a defective product, this bill provides that the seller is not liable for damage caused only to the product itself. Relating to the effect of a notice of appeal on the execution of judgment, this bill provides limits for appeal bonds. Relating to corporations and limited liability companies, this bill provides that a judgment against a corporation or limited liability company is a prerequisite to an alter ego claim to pierce the corporate veil. Relating to unfair methods of competition and unfair or deceptive acts or practices, this bill provides actions or transactions otherwise permitted or regulated by the Federal Trade Commission or another regulatory body or office acting under statutory authority of this State or the United States are not covered by the legislation. Relating to an action for damages arising out of an unfair or deceptive trade practice, this bill provides that a person seeking damages shall pay "out-of-pocket expenses". Relating to the penalties for the mandatory use of seatbelts, this bill provides that a violation may be considered in a civil action as evidence of comparative negligence or as evidence of failure to mitigate damages. The legislation also repeals certain statutes relating to noneconomic damages and procedures regarding the limitation and collection of noneconomic damages.

**H.3490 *BOND HEARINGS* Rep. Rutherford**

Under this bill, a county must provide a bond hearing to a person charged with a bailable offense within 24 hours of his arrest. The bill further provides a county must release a person charged with a bailable offense within a specific time period depending on the type of bond posted. A county shall pay a penalty to the public defender's office for a violation of these provisions and monthly shall notify the director of the South Carolina Office of Court Administration of the total violations that occurred the previous month.

**H.3498 *LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS***

**Rep. J. E. Smith**

This bill requires organization and reorganization of executive departments and dissolution of agency divisions to be approved by the General Assembly by statute. Among other things, the bill deletes certain obsolete provisions, requires agencies to report recommendations for more efficient agency administration to the Governor and General Assembly or report that it has no recommendations. The legislation requires agencies to submit five-year plans to the Governor and General Assembly. Relating to the definition of report for the purposes of the employment protection for reports of violations of state or federal law or regulation, this legislation provides that a report may be a written or oral allegation or testimony to a legislative committee. The legislation also provides that a summary of the provisions contained in law protecting employees for reports of violations of state or federal law or regulation must be posted on the internet website of each public body subject to the law. Under this bill, the standing committees of the General Assembly have a duty to review and study the operations of the state agencies within the committee's jurisdiction. The bill establishes committee oversight jurisdiction, provides for the process by which a committee may initiate an oversight study or investigation, provides for the manner in which an investigating committee may acquire evidence or information related to the study or investigation, provides for program evaluation reports, the manner in which they are requested, and the contents of the reports. All testimony given to an investigating committee must be given under oath. Witnesses testifying in front of an investigating committee may be represented by counsel, and witnesses are given the benefit of any privilege which the witness could have claimed in court as a party to a civil action.

**H.3500 *EXECUTION OF A JUDGMENT FOR EJECTMENT/REMOVAL OF AN***

***EVICTED TENANT’S PERSONAL PROPERTY* Rep. Gilliard**

Under this bill, the execution of a judgment for ejectment may not occur until at least seven days lapse from the date on which the magistrate issued the order or, if the judgment is stayed, until at least seven days lapse from the date on which the order is lifted. During the seven day period the tenant may remove his personal property from the premises without interference from the landlord. Relating to removal of an evicted tenant's personal property from the rental premises, this bill further provides the party removing the personal property shall retain possession of the personal property for 30 days, during which time the tenant may recover the personal property.

**H.3518 *PROPOSED CONSTITUTUIONAL AMENDMENT RELATING TO***

***PUBLIC FIANCE OF CAMPAIGNS* Rep. J. H. Neal**

This joint resolution proposes to amend the State Constitution so as to authorize a procedure by which a candidate for elective office may finance his campaign with public funds as the General Assembly may determine.

**H.3519 *SOUTH CAROLINA CLEAN ELECTIONS STUDY COMMITTEE***

**Rep. J. H. Neal**

This joint resolution creates the South Carolina Clean Elections Study Committee to study other states' systems of publicly financed campaigns. The legislation provides for the committee’s membership, staff and reporting requirements.

**H.3520 *"SOUTH CAROLINA CLEAN ELECTIONS ACT"* Rep. J. H. Neal**

This legislation provides a procedure by which certain candidates for office who agree to limitations on contributions receive a predetermined amount of public funds for campaigns. It also requires electronic disclosures for all campaign contributions to candidates and political committees.

**H.3521 *COMMITTEE TO REVIEW THE EVENTS OF FEBRUARY 8, 1968,***

***REFERRED TO AS THE "ORANGEBURG MASSACRE"* Rep. Sellers**

This joint resolution establishes a committee to review the events of February 8, 1968, referred to as the "Orangeburg Massacre". The committee is to make a report to the General Assembly and the Governor ascertaining the actual events of that day and concerning the historical, social, and ethical ramifications of those events. The legislation provides for the committee's membership, staff and reporting requirements.

**H.3523 *PROHIBITIONS ON SMOKING* Rep. Skelton**

This bill provides that smoking is prohibited in all public indoor places. However, these provisions do not apply to a private club or other establishment not open to the general public.

**H.3526 *"RIGHT TO LIFE ACT OF SOUTH CAROLINA"* Rep. Barfield**

This legislation enacts the "Right to Life Act of South Carolina" which establishes that the right to life for each born and preborn human being vests at fertilization, and that the rights of due process and equal protection, guaranteed by Article I, Section 3 of the State Constitution vest at fertilization for each born and preborn human person.

**H.3527 *SOUTH CAROLINA UNBORN CHILDREN'S MONUMENT***

***COMMISSION* Rep. Barfield**

This joint resolution creates the South Carolina Unborn Children's Monument Commission to erect a monument on the State House grounds as a memorial to South Carolina children whose lives ended before their birth. The legislation provides for the powers and duties of the commission, and it requires private funding for the establishment of this monument.

**H.3531 *LIMITED LIABILITY PARTNERSHIPS* Rep. Sandifer**

This bill deletes the filing fee for a renewal application for a limited liability partnership.

**H.3536 *QUALIFICATIONS OF CORONERS* Rep. J. E. Smith**

Relating to the qualifications of coroners, this bill increases those qualifications by requiring those persons with high school diplomas to also have at least six years experience in the field, by requiring those persons with a two year associate degree to also have four years of experience in the field, and by requiring those persons with a four year baccalaureate degree to also have at least two years of experience in the field. The bill further requires a candidate for coroner to file a sworn affidavit with the county executive committee of the person's political party under specified time frames. The bill provides for the filing of the affidavit by petition candidates, and it delineates the information that the affidavit must contain.

**LABOR, COMMERCE AND INDUSTRY**

**H.3492 *PARAMETERS FOR THE LICENSURE AND REGULATION OF***

***RESIDENTIAL HOME BUILDERS* Rep. Kennedy**

This bill increases from five thousand dollars to fifteen thousand dollars the amount that a person may undertake in the construction, repair, or improvement of a residential building without being considered a residential home builder subject to licensure and regulations by the South Carolina Residential Builders Commission.

**H.3497 *DEBT COLLECTION AND RECOVERY AGENCY STUDY COMMITTEE***

**Rep. Gullick**

This joint resolution establishes a study committee to review, study, and make recommendations concerning the practice of debt collection and recovery agencies. The legislation provides for the study committee’s membership, and requires the study committee to report its findings and recommendations to the General Assembly no later than January 19, 2010, at which time the study committee is abolished.

**H.3525 *CABLE COMPANIES REQUIRED TO OFFER A SERVICE TIER THAT***

***ALLOWS SUBSCRIBERS TO CHOOSE CHANNELS ON AN***

***INDIVIDUAL PER‑CHANNEL BASIS* Rep. Hamilton**

This bill all cable television companies operating in the State shall offer a basic cable service tier comprised of required local, public, educational, and governmental channels and channels offered on an individual per‑channel basis rather than solely as part of a package or tier of programming. Nothing in the legislation prevents a cable television company from offering tiers or packages of service that contain any or all channels offered on an individual per‑channel basis.

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

**H.3468 *EMERGENCY MEDICAL SERVICES FOR CHILDREN* Rep. Crawford**

This legislation outlines that the Emergency Medical Services for Children Program must include guidelines for designation of pediatric emergency rooms. The legislation further requires guidelines for disaster responses to children and their families, as well as guidelines for pediatric disaster preparedness training and pediatric surge disaster plan strategies. The legislation also establishes the Emergency Medical Services for Children Advisory Committee and provide for its membership and purpose.

**H.3488 *STUDY COMMITTEE FOR VETERANS’ AFFAIRS* Rep. J. E. Smith**

This bill establishes a study committee to project the veteran population in South Carolina during the next twenty years; to study the advisability and feasibility of constructing an additional state veterans’ nursing home in the state; and to study veterans’ access to existing nursing facilities and adult daycare facilities and the availability of these facilities. The committee is comprised of three members of the Senate and three members of the House of Representatives. The committee shall elect a chairman and a vice chairman and shall meet as often and at any locale in the state. The committee shall render a written report of its findings and recommendations to the General Assembly and to the Governor not later than April 1, 2010, at which time the committee shall be dissolved and this joint resolution shall expire.

**H.3491 *DONATION OF HUMAN BODIES* Rep. Harvin**

The legislation deletes the provision stating that a donor designation on a driver’s license does not constitute a gift under the Revised Uniform Anatomical Gift Act. The bill amends the Uniform Anatomical Gift Act by changing the name to Revised Uniform Anatomical Gift Act. Among many things, the legislation revises the definition of “anatomical gift” to mean a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research, or education. The legislation outlines donor eligibility, revocation procedures and the priority order to give consent. The legislation establishes procedures for refusal to make an anatomical gift. It requires certain law enforcement, hospital personnel and organ procurement organizations to make reasonable searches for donor information. The legislation also provides that a physician who attended a person at death or who determines the time of death may not participate in removal or transplantation procedures. The bill establishes criminal penalties for selling or purchasing organs and for obtaining financial gain by falsifying or defacing a donation document.

**H.3499 *NURSE WORK SCHEDULE* Rep. Gillard**

Under this bill, a hospital that schedules a nurse to work a specific number of hours in a shift may not reduce the number of hours the nurse may work during the shift within twenty-four hours of when the shift begins, unless the hospital compensates the nurse for the entire number of scheduled hours.

**H.3524 *FOOD ITEM RECALL* Rep. Limehouse**

This bill states that a grocery store must, upon notice of a recall of a food item, use its customer database to contact customers by phone or by mail that purchased the food item within thirty days of the issuance of the recall. Contact must be made within ten days of the grocery store receiving notice of the recall.

**WAYS AND MEANS**

**S.13 *MOTOR VEHICLE FEES PLACED IN THE STATE HIGHWAY ACCOUNT***

***OF THE TRANSPORTATION INFRASTRUCTURE BANK***

**Sen. Leatherman**

This bill provides for motor vehicle fees and penalties to be placed in the State Highway Account of the Transportation Infrastructure Bank instead of the Department of Transportation.

**S.327 *JASPER COUNTY SCHOOL DISTRICT RESIDENTIAL DEVELOPMENT***

***IMPACT FEE* Sen. Pinckney**

This bill authorizes the Board of Education for the Jasper County School District to impose an impact fee on any developer for each new residential dwelling unit constructed by the developer within the school district. The legislation provides that 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 legislation provides that 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 facilities.

**H.3467 *PAYROLL DEDUCTION FOR DUES OF THE SOUTH CAROLINA***

***FRATERNAL ORDER OF POLICE* Rep. Spires**

This bill authorizes a state employee payroll deduction for dues of the South Carolina Fraternal Order of Police.

**H.3469 *OUT‑OF‑STATE USE OF LIFE, HOPE, OR PALMETTO FELLOWS***

***SCHOLARSHIPS FOR MAJORS NOT OFFERED IN-STATE***

**Rep. Clyburn**

This bill a South Carolina resident who otherwise qualifies for the LIFE, HOPE, or Palmetto Fellows Scholarships, but who attends school in another state because no public college or university offers his chosen major, shall receive the scholarship for which he qualifies to be used for payment of tuition at the out‑of‑state institution.

**H.3470 *CIGARETTE TAX INCREASE FOR MEDICAID TRUST FUND, HEALTH***

***CARE TRUST FUND, PALMETTO HEALTH CARE SAFETY NET TRUST***

***FUND, PALMETTO HEALTH CARE PREMIUM ASSISTANCE***

***PROGRAM, SMOKING PREVENTION AND CESSATION TRUST FUND***

***AND MARKETING STATE‑GROWN CROPS* Rep. Skelton**

This bill imposes a surtax on each cigarette in an amount of two and one‑half cents, and provides for the crediting of the revenue from the surtax to the Smoking Prevention and Cessation Trust Fund, the Department of Agriculture for marketing state‑grown crops, the Medicaid Trust Fund, and the Health Care Trust Fund. The legislation creates in the State Treasury the Smoking Prevention and Cessation Trust Fund, the Medicaid Trust Fund, the Health Care Trust Fund, and the Palmetto Health Care Safety Net Trust Fund, all so as to receive deposits of the revenues from the cigarette surtax as specified. The legislation provides for use of the Medicaid Trust Fund for Medicaid services to low income families with incomes up to one hundred percent of the prevailing poverty level, and provides for additional coverage for the State Children’s Health Insurance Program and the Aged, Blind, and Disabled Program with any excess funds. The legislation requires annual reports on the Medicaid trust fund. The legislation redirects to the Health Care Trust Fund cigarette tax revenues otherwise required to be credited to the Medicaid Trust Fund for a fiscal year which succeeds a fiscal year in which state general fund revenues were 7.5 billion dollars or more. The legislation establishes the Palmetto Health Care Premium Assistance Program, to provide for premium assistance in the average amount of two thousand dollars to an eligible individual toward the purchase of a qualifying individually or employer‑sponsored health insurance plan. The legislation creates the Palmetto Health Care Safety Net Program, to establish a self‑sustaining and financially independent portion of the premium assistance pool. The legislation prohibits the excessive purchase of cigarettes for resale in anticipation of the application of the surtax. The legislation creates a Study Committee on Health Care Access and Affordability, provides for its membership, and requires a report on its findings and recommendations by January 1, 2011.

**H.3471 *CIGARETTE TAX INCREASE FOR COMMUNITY MENTAL HEALTH***

***FUND AND A TAX CREDIT FOR A QUALIFYING HEALTH SAVINGS***

***ACCOUNT* Rep. Chalk**

This bill imposes an additional tax on cigarettes equal to 2.25 cents on each cigarette. The legislation creates the Community Mental Health Fund for the South Carolina Department of Mental Health, provides for its sources of revenue including the revenues of the new cigarette tax, and provides for the uses of fund revenues. The legislation provides for a tax credit up to five hundred dollars against the state income tax for an individual who maintains a qualifying health savings account. The legislation offsets revenues lost as a result of the health savings account tax credit. The legislation requires that the balance of the revenues of the additional cigarette tax first be credited to the General Reserve Fund and thereafter to the General Fund of the state.

**H.3478 *CLASSROOM TEACHER BONUS PROGRAM* Rep. Bowen**

This bill provides that the State Department of Education must develop a classroom teacher bonus program to reward exemplary classroom teachers for outstanding performance. The legislation provides that the bonus may not exceed five percent of the teacher’s salary for the previous fiscal year. The legislation requires each school district to maintain a separate account for the funding of this program with funds drawn from the operating account of the school district.

**H.3479 *FORMULA FOR CALCULATION OF PROPERTY TAX ROLLBACK MILLAGE* Rep. G. R. Smith**

This bill provides a formula for the calculation of rollback millage for property tax purposes.

**H.3480 *FAIR MARKET VALUE OF REAL PROPERTY FOR PROPERTY TAX***

***PURPOSES* Rep. Edge**

This bill revises the manner for determining the fair market value of real property for property tax purposes.

**H.3482 *PROPERTY TAX EXEMPTION FOR COMPANIES ENGAGED IN AIR***

***TRANSPORT OF SPECIALIZED CARGO* Rep. Harrell**

This bill exempts from property taxes all personal property, including aircraft, of a company engaged in air transport of specialized cargo.

**H.3486 *CIGARETTE TAX INCREASE FOR MEDICAID TRUST FUND, HEALTH***

***CARE TRUST FUND, PALMETTO HEALTH CARE SAFETY NET TRUST***

***FUND, PALMETTO HEALTH CARE PREMIUM ASSISTANCE***

***PROGRAM, SMOKING PREVENTION AND CESSATION TRUST FUND***

***AND MARKETING STATE‑GROWN CROPS* Rep. G. E. Smith**

This bill imposes a surtax on each cigarette in an amount that would raise the total tax for each pack of cigarettes to that of the southeastern average tax, and provides for the crediting of the revenue from the surtax to the Smoking Prevention and Cessation Trust Fund, the Department of Agriculture for marketing state‑grown crops, the Medicaid Trust Fund, and the Health Care Trust Fund. The legislation creates in the State Treasury the Smoking Prevention and Cessation Trust Fund, the Medicaid Trust Fund, the Health Care Trust Fund, and the Palmetto Health Care Safety Net Trust Fund, all so as to receive deposits of the revenues from the cigarette surtax as specified. The legislation provides for use of the Medicaid Trust Fund for Medicaid services to low income families with incomes up to one hundred percent of the prevailing poverty level, and provides for additional coverage for the State Children’s Health Insurance Program and the Aged, Blind, and Disabled Program with any excess funds. The legislation requires annual reports on the Medicaid trust fund. The legislation establishes the Palmetto Health Care Premium Assistance Program, to provide for premium assistance in the average amount of two thousand dollars to an eligible individual toward the purchase of a qualifying individually or employer‑sponsored health insurance plan. The legislation creates the Palmetto Health Care Safety Net Program, to establish a self‑sustaining and financially independent portion of the premium assistance pool. The legislation prohibits the excessive purchase of cigarettes for resale in anticipation of the application of the surtax. The legislation creates a Study Committee on Health Care Access and Affordability, provides for its membership, and requires a report on its findings and recommendations by January 1, 2012.

**H.3487 *STATE EMPLOYEES LEAVE TRANSFER PROGRAM* Rep. J. E. Smith**

This bill provides that a leave donor under the State Employees Leave Transfer Program also may donate sick leave and/or annual leave to a specific leave recipient rather than to the leave pool account in the manner the Human Resource Management Division shall direct.

**H.3501 *DISASTER ASSISTANCE TRUST FUND* Rep. Loftis**

This bill establishes the Disaster Assistance Trust Fund and provides for its purpose, source of funding, interest earnings, and administration. The legislation provides for the use of monies within the fund and that the fund must be held harmless from budget reductions. The legislation allows government agencies to develop volunteer programs to include emergency support function volunteers. The legislation establishes the circumstances under which emergency support volunteers shall receive mileage, liability insurance, sovereign immunity, and workers’ compensation coverage for service to the state as volunteers. The legislation revises provisions relating to an account for matching disaster assistance funds, so as to establish the name of the fund as the Disaster Assistance Trust Fund and provide for the purpose of the fund. The legislation provide for further responsibilities of the South Carolina Emergency Management Division of the Office of the Adjutant General. The legislation revises provisions relating to powers and duties of the Governor during a declared emergency, so as to provide that his authority to provide timing and termination requirements for his authority to compel an evacuation. The legislation provides for the average weekly wage calculation for emergency function volunteers. The legislation revises provisions relating to construction, improvement, and renovation of public schools, so as to require the appointment of a representative of the Emergency Management Division to the committee charged with updating the construction standards guide.

**H.3516 *COMPETITIVE ONLINE BIDDING UNDER THE CONSOLIDATED***

***PROCUREMENT CODE* Rep. Barfield**

This bill provides that a solicitation by competitive online bidding may not be used for term contracts under the Consolidated Procurement Code.

**H.3528 *ONE YEAR PROPERTY TAX EXEMPTION FOR RESIDENCE OF***

***DEPLOYED MEMBER OF THE ARMED FORCES* Rep. G. R. Smith**

This bill exempts from property taxes for one property tax year one hundred percent of the fair market value of owner‑occupied residential property owned in whole or in part by a member of the Armed Forces of the United States if the owner was deployed during any part of the property tax year to a combat zone.

**H.3529 *“SOUTH CAROLINA CLASSROOM PRIORITY ACT”* Rep. Stavrinakis**

This bill enacts the “South Carolina Classroom Priority Act”, so as to provide that at least sixty‑five percent of the education operational expenditures of each school district must be used for classroom instructional expenditures. The legislation provides that each school district shall 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 establishes conditions for a waiver. The legislation provides that the governing body in a county may 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.3532 “*LONG-TERM CARE INCOME TAX CREDIT ACT”* Rep. T. R. Young**

This bill enacts the “Long-Term Care Income Tax Credit Act” to allow a state individual income tax credit of twenty‑five percent of the total amount of premiums paid by a taxpayer pursuant to a long‑term care insurance contract, up to one thousand dollars for each taxable year for each contract. The legislation prohibits a double benefit, and makes this credit retroactive for taxable years beginning after 2007.

**H.3533 *SPENDING LIMITATIONS* Rep. Thompson**

This bill reenacts provisions of the “Carnell‑Felder” spending limit, limiting annual general fund appropriations by the General Assembly to the lesser of general fund revenues for the upcoming fiscal year as estimated by the Board of Economic Advisors or actual general fund revenues for the current fiscal year increased by an amount equal to seventy‑five percent of the amount that the estimate for the upcoming fiscal year exceeds current year general fund revenues. The legislation provide for circumstances when this limit must be adjusted.

**H.3537 *SCHOOL DISTRICT MANAGEMENT PERFORMANCE AUDIT***

**Rep. Millwood**

This bill provides that the Legislative Audit Council shall conduct a management performance audit of one‑fifth of the school districts in South Carolina selected at random by the State Department of Education. The legislation provides that the cost of the audit must be reimbursed by the school district. The legislation provides that the council may contract with an independent firm at the expense of the district.

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