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**HOUSE WEEK IN REVIEW**

The House of Representatives amended, approved, and sent to the Senate **H.3581**, a joint resolution revising **LOCAL GOVERNMENT FUNDING** provisions. The legislation suspends for fiscal year 2009‑2010 the statutory requirement that any revision in state aid to political subdivisions be effected through separate legislation devoted exclusively to that purpose. The legislation also provides that, for the 2008‑2009 and 2009‑2010 fiscal years, counties may transfer among appropriated state revenues as needed to ensure the delivery of services.

The House approved and sent to the Senate **H.3418**, a bill establishing a **PHOTOGRAPH IDENTIFICATION REQUIREMENT 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, or a passport or military identification issued by the federal government. The bill requires one of the managers to compare the photograph contained on the required identification with the person presenting himself to vote and verify that the photograph is that of the person seeking to vote. If the elector cannot produce a valid South Carolina driver’s license or other approved form of identification, 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 prior to certification by the county board of canvassers. 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.

The House approved and sent to the Senate **H.3067**, a bill relating to **METHODS OF NOMINATING CANDIDATES (FUSION VOTING)** and the **ELIMINATION OF THE BALLOT’S STRAIGHT PARTY TICKET VOTING OPTION**. This bill prohibits a candidate from filing more than one statement of intention of candidacy for a single election. The bill prohibits a candidate from being nominated by more than one political party for a single office in an election. The bill further prohibits a candidate’s name from appearing on the ballot more than once for any single office for the same election. The legislation also eliminates provisions for straight party ticket voting on the ballot, providing instead that only those candidates for whom the voting square is marked shall receive a vote.

The House approved **S.289**, providing for the **CONTINUATION OF THE CRIMINAL DOMESTIC VIOLENCE STUDY COMMITTEE**, and enrolled the joint resolution for ratification. 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. The committee shall make a report of its recommendations to the General Assembly no later than January 31, 2011, at which time the committee must be dissolved.

The House amended, approved, and sent to the Senate **H.3270**, a bill revising renewal fees for **UNDERGROUND PETROLEUM STORAGE TANKS** under the State Underground Petroleum Environmental Response Bank Act. The legislation provides that, beginning January 1, 2010, the annual renewal fee for each underground petroleum storage tank will increase to $200; and will continue to increase by $100 each year until 2013. The additional revenue generated from the increases must be deposited into the SUPERB account, which is the account that assists with the payment of usual, customary and reasonable costs for underground storage tank site rehabilitation. When the SUPERB account reaches an additional thirty-six million dollars from the increase of tank fees, general appropriations, settlements, or other sources of funds, or declared insolvent, the tank registration fee shall revert to one hundred dollars for each tank beginning January 1st of the next year. No portion of the increases may be used by the Department of Health and Environmental Control for administration of the program.

The House approved and sent to the Senate **H.3627**, a bill revising provisions relating to the use of **BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION** for the transportation of school children from islands to mainland schools by certain other persons, so as establish new conditions for operating these boats on Sandy Island that allow for the transportation of Sandy Island residents as well as non-residents when accompanied by island residents.

The House approved and sent to the Senate **H.3616**, a bill that authorizes the **YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS** and provides for its powers and duties.

**HOUSE COMMITTEE ACTION**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

**EDUCATION AND PUBLIC WORKS**

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

**JUDICIARY**

The Judiciary Committee met on Tuesday, March 3, 2009.

**H.3161** received a favorable report from the Judiciary Committee. This bill requires the **OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT** to employ at least five hearing officers, an attorney to advise the hearing officers and support staff in the performance of their duties, and other support and supervisory staff as deemed necessary by the chief judge. Relating to the filing fee to request an administrative hearing, the bill increases the filing fee from $150 to $200 dollars and provides these funds first must be used to meet the expenses of the Office of Motor Vehicle Hearings, including the salaries of its employees, as directed by the chief judge of the Administrative Law Court.

The committee gave a favorable with amendment recommendation to **H.3442**. This bill establishes the **DEPARTMENT OF WORKFORCE** under the executive branch of government. The South Carolina Department of Workforce must be managed and operated by a director appointed by the Governor, upon the advice and consent of the Senate. The bill also creates the **WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE**, which is separate and distinct from the department's divisions. The sole purpose of the panel is to hear and decide appeals from decisions of the department's divisions. The panel consists of the three members of the South Carolina Employment Security Commission serving at the effective date of this legislation. They may serve until their terms expire in 2012, at which time the Workforce Department Appellate Panel shall dissolve. A vacancy must be filled by the Governor through a temporary appointment until the next session of the General Assembly, at which time a joint session of the General Assembly shall elect a panel member to fill the unexpired term. A panel member must receive an annual salary determined by the General Assembly and payable in monthly installments. Until the panel dissolves, a party only may appeal from a decision of the department directly to the panel. A party only may appeal a decision of the panel to the Court of Appeals and Supreme Court pursuant to Appellate Court rules for administrative appeals. After the panel dissolves, a party only may appeal a decision of the department directly to the Administrative Law Court. A party only may appeal a decision of the Administrative Law Court to the Court of Appeals and Supreme Court pursuant to Appellate Court rules for administrative appeals. This bill provides that a filing fee is not required for a notice of appeal or hearing request resulting from a decision of the Department of Workforce. The Workforce Investment Act program created by the Workforce Investment Act of 1988 and transferred to the Department of Commerce by Executive Order 2005-09 is transferred to the Department of Workforce. Numerous other code sections are amended to conform to these changes.

**H.3442** was also amended to include provisions providing for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS.** In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. Each committee must conduct oversight studies and investigations at least once every five years on all agencies within the committee's jurisdiction. Also a standing committee may by a one third vote initiate a study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action.

The committee gave a favorable with amendment recommendation to **H.3314** relating to the **DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**. Beginning July 1, 2009, this bill provides that the department must be headed and governed by a director appointed by the Governor, with the advice and consent of the Senate. The director serves at the pleasure of the Governor and may be removed pursuant to section 1-3-240(b). The director may appoint and remove other officers and employees of the department in his discretion. The bill further provides that on this date the South Carolina Commission on Disabilities and Special Needs shall become an advisory board to the department. Numerous other code sections are amended to conform to these changes. The bill was also amended to include provisions for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS** as was also included in **H.3442.**

**S.289**, providing for the **CONTINUATION OF THE DOMESTIC VIOLENCE STUDY COMMITTEE**, received a favorable report from the Judiciary Committee. 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. The committee shall make a report of its recommendations to the General Assembly no later than January 31, 2011, at which time the committee must be dissolved.

The Judiciary Committee gave a favorable with amendment report to **H.3022**, the **“UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS ACT”.** This legislation provides a uniform procedure for how applications for expungement of all criminal records must be administered by the solicitor’s office in each circuit of the State. The applicant is responsible for payment to the solicitor’s office of a nonrefundable, administrative fee of $250 dollars per individual order. The solicitor's office prosecuting the case in a court of general sessions, at no cost to the accused person, shall cause an order for expungement to be issued for a person who is found not guilty or who has his charges dismissed or nolle prossed unless the: (1) accused person has other charges pending; (2) solicitor believes that the evidence in the case needs to be preserved and notifies the accused person in writing at the address listed on his bond form, or through his attorney, no later than 30 days after the person is found not guilty or his charges are dismissed or nolle prossed; or (3) accused person's charges were dismissed as a part of a plea agreement. The solicitor’s office shall implement policies and procedures to ensure that the expungement process is properly conducted. The legislation includes similar provisions when criminal provisions are brought in a summary court and the accused person is found not guilty or the charges are dismissed or nolle prossed; however, the presiding judge of summary court has responsibility for the process. The legislation requires the solicitor to prove a copy of the completed expungement order to the applicant or his attorney. The State Law Enforcement Division (SLED) shall verify and document that the criminal charges in all cases are appropriate for expungement, and SLED shall receive a $25 dollar fee for each verification request from the solicitor on behalf of the applicant. However, in the case of juvenile expungements, verification and documentation that the charge is statutorily appropriate for expungment must first be accomplished by the Department of Juvenile Justice and then SLED. The applicant is also responsible to the clerk of court for the filing fee per individual order; however, if the charge is determined to be statutorily ineligible for expungement this prepaid clerk of court filing fee must be refunded to the applicant by the solicitor. Also, a filing fee may not be charged by the clerk’s office to an applicant when the charge was discharged, dismissed, nolle prossed, or the applicant was acquitted. Each expungement order may contain only one charge sought to be expunged, except in those circumstances when expungment is sought for multiple charges occurring out of a single incident. An applicant may seek relief in circuit court when a solicitor, in his discretion, does not consent to expungement. The solicitor may waive the fee when it is determined that a person has been falsely accused of a crime as a result of identify theft. Under this bill, a person who intentionally retains the arrest and booking record, files, mugshots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed is guilty of contempt of court. This bill reduces the timeframe following a first offense conviction as a youthful offender the defendant may apply for an expungement order from fifteen years from the date of conviction to five years from the date of completion of the sentence, including probation and parole. Relating to conditional discharge of certain first time drug offenses, this bill removes the current requirement that the person not be over twenty-five years of age at the time of the offense.

The Judiciary Committee adjourned debate on **H.3030**, which makes**REVISIONS TO THE YOUTHFUL OFFENDER ACT**.

**H.3311** received a favorable with amendment report from the committee. The bill establishes the **RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES**. The purpose of this registry is to provide notice of adoption or petition for termination of parental rights proceedings to unmarried biological fathers who affirmatively assume responsibility for children they may have fathered by registering. No unmarried biological father who fails to file a claim of paternity with the registry is entitled to notification of any adoption proceeding or any termination of parental rights proceeding concerning the unmarried biological father’s child. The registry is not available for public inspection and is not subject to disclosure under the Freedom of Information Act; however, under certain circumstances outlined in the legislation the information may be disclosed. Any unauthorized use, or attempted unauthorized use, of the registry is expressly prohibited, and any person or organization seeking, receiving, using, or publishing, or attempting to do so, of any information contained in the registry in violation of these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than $500 dollars or imprisoned for not more than six months, or both. A person who knowingly, maliciously, or in bad faith files a false claim of paternity with the registry is guilty of a misdemeanor and, upon conviction, must be fined not more than $500 dollars or imprisoned for not more than six months, or both. 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 provides 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.

**LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce and Industry Committee met on Tuesday, March 3, and reported out two bills.

The committee gave a favorable report on **H.3438**, a bill that revises **INSURANCE PROVISIONS** to bring them into compliance with the accreditation standards of the National Association of Insurance Commissioners which allow South Carolina’s insurance provisions to enjoy reciprocity with those of other states. The bill enacts provisions requiring certain insurers to file a statement of actuarial opinion and actuarial opinion summary annually and provide for the confidentiality of these documents. The legislation revises provisions relating to the revocation or suspension of license of an insurer and its officers and agents for the publication of the notice, so as to provide a procedure for an aggrieved insurer to request a hearing before the director or his designee and provide recourse through judicial review. The legislation redefines the term “company action level event”. The legislation revises provisions relating to approval for acquisition of a domestic insurer by a controlling producer in another state, so as to eliminate the applicability to foreign producers and correct certain references.

The committee gave a favorable report on **H.3562**, a bill that revises **INSURANCE PRODUCER PROVISIONS** to bring them into compliance with the National Association of Insurance Commissioners’ Producers Licensing Model Act which allows South Carolina’s insurance provisions to enjoy reciprocity with those of other states. The bill revises insurance provisions. The legislation adds definitions of “general appointment”, “local appointment”, “special appointment”, “crop insurance”, and “travel insurance”, corrects archaic language, and makes conforming amendments. The legislation revises provisions relating to premium service companies, so as to provide that the fee for licensure to engage in servicing insurance premiums in this state is due on a biennial rather than on an annual basis. The legislation revises provisions for license fees for insurance producers and agencies, so as to provide for a biennial producer license renewal fee of twenty‑five dollars, increase the initial producer license renewal fee from twenty dollars to twenty‑five dollars, and provide for the requirements relating to the payment of appointment fees. The legislation revises continuing education requirements for insurance producers, so as to provide that the biennial compliance period is based on the licensee’s month and year of birth. The legislation insurance producer’s license provisions, so as to provide that individual licenses must be renewed biennially based on the licensee’s month and year of birth and provide for the requirements relating to renewal. The legislation eliminates existing provisions relating to the prohibition on splitting commissions with an unlicensed person by an insurance producer, and provides for requirements relating to the splitting and sharing of commissions. The legislation revises provisions relating to the definitions of an insurance broker, so as to provide for the qualifying duties and provide for exceptions. The legislation revises provisions relating to the requirements for licensure as an insurance broker, so as to eliminate the requirements that a broker hold at least one appointment.

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

The full committee did not meet this week.

**WAYS AND MEANS**

On Tuesday, March 3, the committee briefed the Members of the House on the details of the state government budget proposed for fiscal year 2009-2010.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

**H.3651 *FORESTRY ACTIVITIES* Rep. Duncan**

This bill outlines that a county or municipality shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates either forestry activity on forestland that is taxed on the basis of its present use value or forestry activity that is conducted in accordance with a forest management plan. The bill also outlines terms and conditions of certain permitted regulations.

**EDUCATION AND PUBLIC WORKS**

**H.3645 *COMPULSARY SCHOOL ATTENDANCE UNTIL AGE EIGHTEEN AND MINIMUM AGE OF EIGHTEEN FOR ISSUANCE OF A DRIVER’S***

***LICENSE* Rep. T. R. Young**

This bill provides that a driver's license may not be issued to a person who is under eighteen years old. Under this bill, school attendance conditions apply to the issuance or reinstatement of a beginner's permit, conditional driver's license, special restricted driver's license, and a regular driver's license issued to a person less than eighteen years of age. The bill further provides for the suspension of a person's permit or license if he fails to comply with these conditions and requires that the suspension remains in effect until the person has demonstrated compliance with these conditions for one full semester subsequent to the semester during which his permit or license was suspended. Relating to compulsory school attendance, this bill requires a child to attend school until he attains the age of eighteen. Relating to definitions of the Children's Code, this bill define "child" for the purpose of truancy as a person who is less than eighteen years of age. Relating to prehearing inquiry and investigation in proceedings against a child, this bill specifies how court documents for truancy petitions must be titled. Relating to suspension or restriction of a child's driver's license, this bill provides that a court may restrict the driver's license of a child who is adjudicated delinquent for truancy. Relating to commitment of a child, this bill provides that a child may be committed for a violation of a court order to attend school prior to the child's eighteenth birthday.

**H.3660 *CAREER AND TECHNOLOGY COURSES* Rep. Gilliard**

Beginning with the 2010-2011 school year, this bill requires every public middle school and public high school of this State each to offer at least five career and technology courses to their respective students for elective credit. “Career and technology course” means a course that provides practical experience in a particular occupational field.

**H.3662** ***CHARTER SCHOOLS* Rep. Hutto**

This legislation allows for single sex charter schools.

**JUDICIARY**

**H.3641 *LAW ENFORCEMENT'S AUTHORITY AND RESPONSIBILITIES WITH***

***REGARD TO ARRESTS IN AND INVESTIGATIONS OF CRIMINAL***

***DOMESTIC VIOLENCE* Rep. Cobb-Hunter**

This bill requires the investigating law enforcement agency to document a criminal domestic violence investigation and to maintain the investigation report.

**H.3642** ***CRIMINAL DOMESTIC VIOLENCE PROSECUTIONS* Rep. Cobb-Hunter**

The bill provides that a judge may proceed with the prosecution of a criminal domestic violence case if the victim is not present. The bill further provides that before dismissing a criminal domestic violence case, the judge shall make written findings as to whether the prosecuting official is prepared to prosecute the case and the type of evidence that will be presented.

**H.3643** ***STRANGULATION AND SMOTHERING OFFENSES* Rep. Cobb-Hunter**

This bill establishes the criminal felony offense of strangulation and the criminal felony offense of smothering. This bill provides that strangulation and smothering when seriously bodily injury or death occurs are also criminal domestic violence of a high and aggravated nature.

**H.3648** ***BIRTH CERTIFICATES FOR ADOPTED CHILDREN OR ADULTS***

***INCLUDING FOREIGN ADOPTIONS* Rep. Crawford**

This bill deletes the provision requiring a statement on a certificate of foreign birth that the certificate is not evidence of United States citizenship.

**H.3652 *"SOUTH CAROLINA WELL-REGULATED MILITIA ACT"* Rep. Duncan**

Relating to the name of the act that allows the State Law Enforcement Division to issue concealed weapon permits, this bill changes the name of the act from the "Law Abiding Citizens Self-Defense Act of 1996" to the "South Carolina Well-Regulated Militia Act".

**H.3653 *MUNICIPAL COURT JURY LISTS* Rep. McLeod**

This is a joint resolution to delay implementation of the provisions of Act 270 of 2008, relating to the requirement that municipal court jury lists include otherwise qualified residents of the municipality who hold a valid South Carolina driver's license or identification card, so as to postpone this expansion of the municipal court jury list until December 31, 2009.

**H.3658** ***STATE TREASURER QUALFICIATIONS* Rep. Gullick**

In addition to all other requirements of law, this bill requires the State Treasurer to also be a certified public accountant.

**H.3659** ***WEAPONS VIOLATIONS* Rep. Gilliard**

Relating to penalties for violations of certain offenses involving weapons, this bill includes assault weapons in the purview of the statute. The bill also increases the penalties for a weapons violation and creates a two-tiered penalty scheme.

**H.3661 *HANDICAPPED PARKING VIOLATIONS* Rep. Gilliard**

This bill allows a political subdivision to appoint volunteers to issue parking tickets to vehicles and persons who violate the State's handicapped parking laws.

**H.3663 *CIVIL PENALTIES FOR FAILURE TO REPORT CHILD ABUSE OR NEGLECT WHEN A PERSON IS MANDATED TO MAKE THESE***

***REPORTS* Rep. Hutto**

A person required to report a case of child abuse or neglect who negligently fails to do so under this bill is liable for any civil damages proximately caused by the failure to report.

**H.3668 *REQUIRED BID ON BEHALF OF FORFEITED LAND COMMISSION***

***WHEN PROPERTY SOLD FOR AD VALOREM TAXES* Rep. Umphlett**

Relating to the required bid on behalf of a county Forfeited Land Commission by the official conducting a delinquent property tax sale, this bill allows but does not require a bid. The bill also conforms bidding provisions with respect to contaminated property.

**H.3670 *VIDEO RECORDED CONFESSIONS* Rep. Rutherford**

Under this bill, all confessions obtained by a law enforcement agency must be video recorded.

**H.3672 *CHANGE OF VENUE IN CERTAIN CRIMINAL DOMESTIC VIOLENCE***

***PROCEEDINGS* Rep. Cobb-Hunter**

This bill provides that if a person charged with a criminal offense is a law enforcement officer, magistrate, or circuit judge, it is rebuttably presumed that a fair and impartial trial cannot be obtained in the county in which the defendant served and that the venue in such a case must be changed to another county.

**LABOR, COMMERCE AND INDUSTRY**

**H.3650 *ALCOHOL EXCLUSION PROVISIONS NOT APPLICABLE TO***

***MEDICAL EXPENSE INSURANCE POLICIES* Rep. Gullick**

This bill provides that the optional alcohol exclusion provision contained in certain insurance policies that require the replication of exact language does not apply to a medical expense policy. Under the legislation, a medical expense policy is an accident and sickness insurance policy that provides hospital, medical, and surgical expense coverage.

**WAYS AND MEANS**

**H.3654 *REDUCTIONS IN ANNUAL STATE SALARY SUPPLEMENTS FOR***

***COUNTY GOVERNMENT OFFICIALS* Rep. Scott**

This bill revises provisions relating to annual state salary supplements for county government officials to provide that the governing body of a county may reduce the expenditures in the operation of the offices of these officials without a corresponding reduction in the county’s state aid to subdivisions distribution if the reduction is being applied uniformly to all offices, agencies, and departments of county government.

**H.3669 *STATE MINIMUM WAGE* Rep. Hart**

This bill establishes a state minimum wage under which an employer is required to pay to an employee who performs work in a workweek a wage of at least seven dollars each hour or the minimum wage as provided in Section 6 of the federal Fair Labor Standards Act of 1938, whichever is higher. The legislation allows a one‑time tax credit to certain eligible employers who pay the increased minimum wage. The legislation prohibits a political subdivision from requiring a minimum wage lower than the state minimum wage.

**H.3671 *EXEMPTION OF COUNTIES FROM BLUE LAW PROVISIONS***

***REGULATING ACTIVITIES ON SUNDAYS* Rep. G. M. Smith**

This bill reduces from nine hundred thousand dollars to nine dollars the required amount of accommodations tax revenues collected in a county during a fiscal year which exempts a county from Blue Law provisions regulating activities on Sundays.

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