



South Carolina House of Representatives

Legislative Update

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

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CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	06
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	15

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 returned **S.36**, a bill **REVISING SALES TAX PROVISIONS**, to the Senate with amendments. The legislation includes provisions relating to the Amazon.com order fulfillment center proposed for Lexington County that establish a temporary exemption from collecting and remitting state sales and use taxes for a distribution center meeting criteria that include minimum job creation and capital investment requirements. Under the legislation, a qualifying distribution center is not to be considered a physical presence in South Carolina sufficient to establish a nexus with the state for sales and use tax purposes until January 1, 2016. The exemption expires earlier if the facility engages in retail sales or fails to meet its other requirements or if the United States Congress enacts new federal legislation allowing a state to require that its sales tax be collected and remitted even if the taxpayer does not have a substantial nexus with that state. This legislation also revises the schedule for phasing in the sales tax exemption for durable medical equipment contingent upon sufficient state revenue growth. The legislation further provides for those instances where sales and use tax applies in connection with warranties and service maintenance contracts sold in connection with the sale of tangible personal property.

The House amended, approved, and sent to the Senate **H.3164**, which provides for the **SUSPENSION OF DRIVING PRIVILEGES FOR SCHOOL DROPOUTS**. The legislation provides that school attendance or participation in an adult education program leading to a regular high school diploma or equivalency diploma (GED) is a condition for holding a beginner's permit, conditional driver's license, special restricted driver's license, and a regular driver's license for a person who is less than eighteen years of age. The legislation requires school district boards of trustees, governing bodies of private schools, and officials of the home school association to provide electronic notification within twenty-eight days to the Department of Motor Vehicles (DMV) when an enrolled student who is at least fifteen but less than eighteen years of age has accumulated ten or more total unlawful absences, been expelled, or dropped out of school. The DMV must, in turn, notify the minor of the suspension of his license and driving privileges within ten days. The legislation establishes a procedure for appealing a suspension and allows a personal or family hardship waiver to be granted by the Office of Motor Vehicle Hearings if there is a medical condition of the student or a member of his immediate family that requires that he maintain a driver's license to receive or transport an immediate family member for treatments, or employment requiring the student to maintain a driver's license to support himself or his immediate family. A waiver is also granted in instances where a student who is seventeen years old has joined a branch of the United States Armed Forces, active or reserve. Unless waiver criteria are met, the suspension of driving privileges ends upon the date of the minor's eighteenth birthday. Penalties are established for a minor who drives while his privileges are suspended by this legislation.

The House approved and sent to the Senate **H.3713**, a bill revising the provision of the South Carolina Real Property Valuation Reform Act of 2006 that requires the assessed value of real property to be determined for tax purposes at the time the property is sold. The legislation eliminates **POINT-OF-SALE REASSESSMENT** by postponing reassessment for a parcel of real property that is sold or undergoes another assessable transfer of interest until the property tax year of implementation of the next countywide

assessment program. Reassessment is not postponed when improvements have made to the property since the time of the most recent countywide reassessment. The legislation takes effect upon approval by the Governor and applies for property tax years beginning after 2010.

The House amended, approved, and sent to the Senate **H.3028**. This legislation **INCREASES THE INDUCTION CONTRACT PERIOD FOR TEACHERS FROM ONE YEAR TO THREE YEARS**. The legislation provides that at the end of the first two years of the three-year induction period, the district may employ the teacher under another induction contract or may terminate the teacher's employment. If employment is terminated, the teacher may seek employment in another district at the induction contract level.

The House amended, approved, and sent to the Senate **H.3266**, a bill revising the procedure for **ADDING AND REMOVING ROADS FROM THE STATE HIGHWAY SYSTEM**. Under the legislation, a county or municipality and the Department of Transportation (DOT) may by mutual consent agree to transfer a road from the county or municipal road system to the state highway system. The transfer may be of the road 'as is', without further improvement to the road or upon such terms and conditions as the parties mutually agree. Notification of the transfer must be given to the county's legislative delegation. If the department determines that a road in the county or municipal road system is necessary for the interconnectivity of the state highway system, and the municipality or county does not consent to the transfer, the department may initiate a condemnation action to acquire the road, or a portion of it, and the county or municipality is not required to make any further improvements to it. The legislation authorizes DOT to transfer from the state highway secondary system any road under its jurisdiction determined to be of low traffic importance to a county or municipality, a school, a governmental agency, a nongovernmental entity, or a person, with mutual consent. A county or municipality shall have first right of refusal to accept roads into their maintenance responsibility when roads are considered for transfer from the secondary highway system to a non-governmental entity or person. The legislation includes provisions about when maintenance jurisdiction begins for transferred roads. The legislation also repeals a provision relating to belt lines and spurs.

The House amended, approved, and sent to the Senate **H.3083**, which provides a ten-year **EXTENSION FOR THE SOUTH CAROLINA CONSERVATION BANK ACT**. The legislation extends the July 1, 2013, sunset date for the South Carolina Conservation Bank until July 1, 2023. The legislation also expands the Conservation Bank's governing board from twelve members to fifteen members, adding three members to the board who are to be elected from the state at large by a joint vote of the General Assembly.

The House amended, approved, and sent to the Senate **H.3921**. This bill establishes a protocol for **UNCLAIMED CREMATED REMAINS OF A VETERAN** that allows for the proper disposition of these remains in cases where there are no next of kin without liability to the funeral home, funeral establishment, or mortuary involved.

The House amended and gave second reading approval to **H.3658**, the "**SOUTH CAROLINA EMPLOYER FREE SPEECH ACT**". This legislation provides that an employer in this State is not required to post, physically, electronically, or otherwise, notices informing employees of their rights under the National Labor Relations Act, court

decisions implementing those rights, or information pertaining to the enforcement of those rights.

The House amended and gave second reading approval to **S.211** the “**I-95 CORRIDOR AUTHORITY ACT**”. The legislation establishes the I-95 Corridor Authority to carry out economic development and educational enhancement activities to improve the economic conditions in its member counties located along Interstate 95. The legislation provides for the composition of the authority. In addition to any available state funding, the authority is authorized to solicit and accept private and public donations, grants, gifts, and federal funds which must be held in a distinct I-95 Corridor Authority Fund and distributed as grants. The authority, in consultation with the South Carolina Research Authority, shall develop a process by which the I-95 Corridor Authority may execute recommendations of the I-95 Corridor Human Needs Assessment regarding technology-based economic development.

The House amended and gave second reading approval to **H.3688** a bill authorizing a **SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT EXPANSION**. This bill expands the scope of the South Carolina Textiles Communities Revitalization Act, legislation originally enacted to provide economic development incentives to encourage the rehabilitation of abandoned textile mill sites, to make the act’s provisions also apply to communities with properties that have been abandoned by state and local government.

The House amended, approved, and sent to the Senate **H.3604**. This concurrent resolution encourages the South Carolina Council of Governments to draft model ordinances intended to enable the **RETROFITTING OF SHOPPING MALLS AND SHOPPING CENTERS** into dense, walkable, mixed-use town centers, and to encourage other measures to promote a human habitat that is hospitable and accessible to more South Carolinians while lessening environmental impacts on the state.

The House returned **S.693** to the Senate with amendments. This bill revises the **APPEALS PROCESS FOR FIRE MARSHAL DECISIONS**, by increasing from twenty-four hours to thirty days the amount of time that an occupant or owner may appeal the decision of a deputy or resident fire marshal to the State Fire Marshall. The legislation provides that the State Fire Marshal’s decision must be filed within ten days of receiving the notice of appeal. The legislation provides that an order or affirmed order of the State Fire Marshal may be appealed to an administrative law judge within thirty days rather than the current five days.

The House approved and sent to the Senate **H.4042**. This bill provides that it is an unlawful trade practice for a **MOTOR VEHICLE GLASS REPAIR** business actively engaged in the repair of motor vehicle glass, or a person or entity with a ten percent or more ownership interest in that business, and acting as a third party administrator of insurance claims made pursuant to insurance coverage for motor vehicle glass repair to:(1) refer or steer, or cause to be referred or steered, an insured’s motor vehicle glass repair business to itself; or (2) use consumer information obtained in the process of acting in that dual capacity to solicit motor vehicle glass repair business.

The House approved **S.766** and enrolled the legislation for ratification. This bill revises provisions relating to distribution of excess revenue to South Carolina’s electric and telephone cooperatives’ members, so as to authorize South Carolina electric and

telephone cooperatives to retain **ABANDONED PATRONAGE CAPITAL** for specified purposes that benefit the local community. Electric cooperatives must utilize these funds for: (1) energy efficiency programs and education; (2) renewable energy initiatives; or (3) educational or charitable purposes. Telephone cooperatives must utilize the funds for: (1) educational purposes; (2) charitable purposes; or (3) economic development purposes in the telephone cooperative's service area. The abandoned patronage capital is removed from the provisions of the Uniform Unclaimed Property Act.

The House approved and sent to the Senate **H.3055**, a bill relating to the **ESTIMATION OF TAXPAYER LIABILITY** by the Department of Revenue. The legislation provides for what constitutes the best available information that the Department of Revenue must consider when making an estimate of the taxpayer's tax liability in cases where frivolous tax returns have been filed or the taxpayer has failed to submit required reports or returns. In estimating tax liability in these circumstances, the legislation requires the Department of Revenue to use either previous returns filed by the taxpayer, if any, or information supplied by the taxpayer upon request of the department sent by first class mail, return receipt requested, if no previous returns have been filed.

The House amended, approved, and sent to the Senate **H.3630**. This bill revises provisions for the **SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA** by eliminating the requirement that a majority of the juice used in the wine be derived from fruit or berries grown in this state.

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 Judiciary Committee met on Tuesday, May 17, and reported out the following bills.

H.3789 received a favorable report from the Judiciary Committee. Relating to the **JURISDICTION OF A LAW ENFORCEMENT OFFICER IN PURSUIT OF AN OFFENDER**, this legislation increases the limit where the town or city's jurisdiction ceases from three miles to five miles of the corporate limits.

The full committee gave a favorable recommendation to **S.568**, relating to **TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV)**. This bill further clarifies offenders who must be tested and the time frame that testing must be conducted as well as provides for follow-up testing for HIV when medically appropriate.

S.30, relating to **ARREST WARRANTS AND COURTESY SUMMONS**, received a favorable with amendment report. This legislation provides that an arrest warrant may not be issued for the arrest of a person unless sought by a law enforcement officer acting in his official capacity. If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons. If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed.

S.336, pertaining to **UNIFORM TRAFFIC TICKETS AND TRAFFIC CAMERAS**, received a favorable with amendment report from the Judiciary Committee. Among other things, this legislation provides that a uniform traffic ticket may only be issued for violating a local ordinance or the traffic laws relating to speeding or disregarding a traffic control device by a law enforcement officer incident to and contemporaneous with a traffic stop for the offense. A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense. The legislation prohibits a law enforcement agency from utilizing other means to send the operator or owner of a motor vehicle or motorcycle a uniform traffic citation alleging a violation of a local ordinance of the traffic laws relating to speeding or disregarding a traffic control device. This does not prohibit the law enforcement agency from responding to a request from an owner or operator for an additional copy of the citation. This legislation provides that a uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to speeding or disregarding a traffic control device may not be issued based in whole or in part upon photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense. There is an exception for toll collection. In a declared emergency, a person who receives a citation for violating traffic laws relating to speeding or disregarding traffic control devices based in whole or in part on photographic evidence must be served in person with notice of the violation within one hour of the occurrence unless a collision occurred and fault cannot be determined immediately or the party who caused the collision is not immediately accessible due to medical treatment. This legislation also establishes the South Carolina Traffic Camera Enforcement Commission to conduct a comprehensive study concerning the use of traffic enforcement camera systems and develop criteria for assessing the use of traffic enforcement cameras. The legislation outlines the powers and duties of the commission and provides for its membership. The

committee must conclude its business and report its findings to the General Assembly on or before November 1, 2011. The legislation includes issues that the report must consider and address. The members of the commission shall serve without compensation.

The full committee gave a favorable with amendment report to **H.3308**, which enacts "**JAIDON'S LAW**". This legislation makes **REVISIONS PERTAINING TO THE DEPARTMENT OF SOCIAL SERVICES (DSS)** and how the agency and the courts handle certain matters related to a child removed from the custody of his parents. This legislation allows DSS to move before the family court for termination or suspension of visits between the parent or guardian and the child. The family court may order termination or suspension of the visits if ongoing contact between the parent or guardian and the child would be contrary to the best interests of the child. The legislation provides that a court shall order, without possibility of waiver by DSS, that a person's name be entered in the Central Registry of Abuse and Neglect if the court finds that there is a preponderance of evidence that certain abuses occurred or willful or reckless neglect occurred or if a child at birth tested positive for drugs. When the conditions justifying removal include abuse by the parent of controlled substances, this legislation requires the court to include treatment and random drug testing of the parent and certain other adults living in the home as part of the placement plan. This legislation allows DSS to file a petition to terminate parental rights in instances of (1) homicide by child abuse of another child of the parent (or aided, abetted, conspired or solicited to commit homicide by child abuse of another child of the parent), (2) a parent has failed three hair-strand drug tests over a period of nine months, with a minimum of three months between the tests, or (3) if a court of competent jurisdiction has found the parent to be in willful contempt on two occasions over a twelve month period for failure to comply with the terms of the treatment plan or placement plan. This legislation provides if the abuse or neglect led to a child being hospitalized for a period greater than fourteen days, there is a rebuttable presumption that the abuse or neglect was severe and repetitive. Among other things, this legislation allows a court to terminate a parent's parental rights if the parent of the child pleads guilty or no contest or is convicted of murder, voluntary manslaughter, or homicide by child abuse of another child of the parent. Relating to termination of parental rights, the legislation also makes it clear that a diagnosable condition unlikely to change within a reasonable period of time includes prescription medication abuse.

H.3400, relating to **TERMINATION OF A CHILD SUPPORT OBLIGATION**, received a favorable with amendment report. Among other things, this legislation provides that when child support is terminated due to the child turning eighteen years of age, graduating from high school, or reaching the end of the school year when the child is nineteen, no arrearage may be incurred as to that child after the date of the child's eighteenth birthday, the date of the child's graduation from high school, or the last day of the school year when the child is nineteen, whichever date terminated the child support obligation.

H.3385, relating to the **SALE OF ALCOHOLIC LIQUORS**, received a favorable with amendment recommendation from the full committee. This legislation provides that it is unlawful to sell alcoholic liquors on Sunday except as authorized by law, or during periods proclaimed by the Governor in the interest of law and order. The legislation further provides that it is unlawful for retail liquor stores to sell alcoholic liquors on Christmas Day.

S.404 received a favorable report. This legislation enacts the "**SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT**". This legislation provides that a qualified elector who is eligible to vote as provided by the federal Uniformed and Overseas Citizens Absentee Voter Act may apply not earlier than 90 days before an election for a special write-in absentee ballot. This legislation allows a qualified absentee elector to alternatively submit a federal write-in absentee ballot for any federal, state, local office or state or local ballot measure. If a qualified elector requests a ballot within the 45 day period before an election, an absentee ballot must be sent to the elector no later than the close of the next business day following receipt of the request. Relating to absentee ballots as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act, the legislation makes the provisions applicable to federal, state, and local offices. Pertaining to oaths necessary to receive an absentee ballot, this legislation provides an exemption from witness requirements for qualified voters under the federal Uniformed and Overseas Citizens Absentee Voters Act. This legislation also makes revisions to section 7-15-320, relating to persons qualified to vote by absentee ballot.

The Judiciary Committee gave a favorable with amendment report to **S.391**, which makes **ELECTION LAW REVISIONS**. Relating to the required notice for general, municipal, special, and primary elections, this legislation (1) changes the posted time at which absentee ballots may begin to be examined from 2:00 p.m. to 9:00 a.m., and (2) provides in the event the election is postponed, the election shall be held on the first Tuesday after the originally scheduled election day. Relating to the date by which the party chairman, vice chairman, or secretary must provide written certification of the candidates' names to the State Election Commission, this legislation changes the date from April ninth to April fifth. Relating to special elections, this legislation provides that if the Governor declares a state of emergency covering an entire jurisdiction holding an election, the election must be postponed and held on the following Tuesday. Relating to the certification of candidates, this legislation changes the date by which candidates for President and Vice President must be certified to the State Election Commission from September tenth to the first Tuesday following the first Monday in September.

S.391 also includes provisions which enact the "**SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT**". This legislation provides that a qualified elector who is eligible to vote as provided by the federal Uniformed and Overseas Citizens Absentee Voter Act may apply not earlier than 90 days before an election for a special write-in absentee ballot. This legislation allows a qualified absentee elector to alternatively submit a federal write-in absentee ballot for any federal, state, local office or state or local ballot measure. If a qualified elector requests a ballot within the 45 day period before an election, an absentee ballot must be sent to the elector no later than the close of the next business day following receipt of the request. Relating to absentee ballots as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act, the legislation makes the provisions applicable to federal, state, and local offices. Pertaining to oaths necessary to receive an absentee ballot, this legislation provides an exemption from witness requirements for qualified voters under the federal Uniformed and Overseas Citizens Absentee Voters Act. This legislation also makes revisions to section 7-15-320, relating to persons qualified to vote by absentee ballot.

S.420, relating to **REGULATIONS**, received a favorable report. If the underlying federal law which constituted the basis for the exemption of a regulation from General Assembly review is vacated, repealed, or otherwise does not have the force and effect of law, this legislation provides that the state regulation is deemed repealed and without legal force and effect as of the date the promulgating state agency publishes notice in the State Register that the regulation is deemed repealed. The agency must publish the notice in the State Register no later than 60 days from the effective date the underlying federal law was rendered without legal force and effect. Upon publication of the notice, the prior version of the state regulation, if any, is reinstated and effective as a matter of law. The notice published in the State Register shall identify the specific provisions of the state regulation that are repealed as a result of the invalidity of the underlying federal law and shall provide the text of the prior regulation, if any, which is reinstated. The agency may promulgate additional amendments to the regulation by complying with the applicable requirements.

The Judiciary Committee gave a favorable with amendment report to **H.3676**. This legislation enacts the “**SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011**”. A community land trust is a nonprofit community organization that safeguards land in order to provide affordable housing opportunities. The legislation provides that a community land trust must have as its primary purpose to hold legal and equitable title to land and the leasing of land for the purpose of preserving the long-term affordability of housing created for predominately low income and moderate income households. The legislation makes certain findings and provides the manner in which community land trusts are funded and provides the process by which community land trusts operate.

S.592, legislation which makes **REVISIONS TO THE MILITARY CODE**, received a favorable with amendment recommendation. This comprehensive legislation updates the Military Code. Among other things, the legislation adds the offense of fraternization.

S.20 received a favorable with amendment recommendation from the full committee. This legislation makes various revisions pertaining to **IMMIGRATION**. Among other things, the legislation includes the following:

- This legislation allows a resident of a political subdivision to bring a civil action to enjoin the enactment of certain ordinances or policies pertaining to immigration that limit public officials or law enforcement from fully enforcing state laws related to immigration. The legislation allows the court to impose a fine, if the court finds that the political subdivision has intentionally violated certain provisions. The proceeds from any such judgment must be used to reimburse the resident's reasonable attorney's fees. Any remaining proceeds must be used to cover the administrative costs of enforcing current immigration law.
- This legislation allows a person to present a valid United States passport or United States military identification card as an acceptable form of identification to gain employment with a public employer.
- This legislation expands the current criminal offense of harboring or transporting an illegal alien to include an illegal alien who seeks to be “harbored” or transported. The same felony criminal provisions apply to both crimes.

Legislative Update, May 24, 2011

- This legislation requires a person eighteen or older to carry any alien registration documentation he is issued pursuant to federal law. A violation is a misdemeanor punishable by up to a \$100 fine or 30 days in jail, or both.
- This legislation allows a law enforcement officer who lawfully stops, detains, investigates, or arrests a person for a criminal offense to make a reasonable effort to determine whether that person is lawfully present in the United States, if the officer has reasonable suspicion to believe that the person is unlawfully present. The officer shall make these efforts during the stop or arrest, unless doing so would hinder the investigation.

If the person presents a driver's license or picture identification issued by the South Carolina Department of Motor Vehicles or another state; a picture identification issued by the United States; or a tribal picture identification, or if the officer is able to verify that the person has been issued one of these documents, he is presumed to be lawfully present in the country. Also, the bill makes it a crime to present fraudulent identification for the purpose of offering proof of the person's lawful presence in the United States.

If this presumption is not met, the officer shall make a reasonable effort to verify the person's presence in the country by one of the following methods: contacting the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety; submitting an Immigration Alien Query through the International Justice and Public Safety Network; contacting the United States Immigration and Customs Enforcement's Law Enforcement Support Network; or contacting the United States Immigration and Customs Enforcement's local field office.

If the officer cannot verify the person's lawful presence in the United States by one of the methods described above, the officer may not further stop, detain, investigate, or arrest the person based solely on his lawful presence in the United States. If the officer determines that the person is unlawfully present in the United States, he shall determine whether he shall retain custody of the person for the underlying criminal offense, or whether the Illegal Immigration Enforcement Unit within the Department of Public Safety or the United States Immigration and Customs Enforcement shall assume custody.

Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made and the officer contacts the Illegal Immigration Unit within the Department of Public Safety, the officer who initiated the stop must complete a data collection form.

- This legislation allows a jailer to transport a prisoner who is an illegal alien to a federal facility during the time he is serving his sentence. The legislation requires a jailer to transport a prisoner who is an illegal alien to a federal facility at the conclusion of his sentence.
- This legislation amends portions of the 2008 employer verification law. Among other things, the provisions reduce the number of days by which an employer who uses E-Verify must verify a new hire from five to three. It mirrors federal law as to what is acceptable identification for employment in South Carolina. It

removes the 72 hour “grace period” that the Department of Labor, Licensing and Regulation (LLR) has for violations of Section 41-8-20 and adds up to a \$1,000 fine for those violations. Among other things, the fine will be based on the degree of non-compliance and good faith of the private employer. It authorizes LLR to issue civil penalties if the agency’s administrative orders regarding the imputed business license are not followed. Also, a contractor must keep the contact name and phone number of subcontractors and sub-subcontractors. Additionally, the legislation allows a business to have its name removed from LLR’s website after a year of compliance with the law that requires it to verify employees’ legal status.

- This legislation provides that it is unlawful for a person to make, issue, or sell, or offer to make, issue, or sell, a false, fictitious, fraudulent, or counterfeit picture identification that is for use by an alien who is unlawfully present in the United States. A person who violates these provisions is guilty of a felony, and, upon conviction, must be fined \$25,000 or imprisoned for not more than five years, or both.
- The legislation establishes a task force within the Department of Public Safety to enforce immigration law. The legislation provides that the task force is established upon receiving funding and authorization to enforce federal immigration law.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Thursday, May 19, and passed out two bills.

The committee gave a favorable report on **S.694**, a bill pertaining to **LEGAL REMEDIES FOR EMPLOYEES CLAIMING WRONGFUL REPRISALS FOLLOWING HEALTH AND OCCUPATIONAL SAFETY COMPLAINTS**. This legislation relates to remedies for an employee charging certain unlawful discharge or discrimination related to his involvement in complaints or proceedings concerning health and occupational safety law. This legislation provides when a private sector employee makes these allegations to the Director of the Department of Labor, Licensing and Regulation, the director shall immediately forward the complaint to the United States Department of Labor whistleblower program. Any public sector employee believing that he has been discharged or otherwise discriminated against in violation of state law prohibiting discrimination against an employee for making complaints and initiating proceedings may proceed with a civil action under the state statutes in Chapter 27, Title 8 which address employment protection for reports of violations of state or federal law or regulation.

The committee gave a report of favorable with amendments on **H.3474**. The legislation revises the procedure by which the South Carolina Building Codes Council adopts **EMERGENCY MODIFICATIONS OF BUILDING CODES** and the steps that must be taken in order for emergency modifications to become permanent.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, May 17, 2011, and reported out the following bills.

The full committee gave a favorable recommendation with amendment to **S.241**, legislation establishing the **SOUTH CAROLINA DYSLEXIA TASK FORCE**. The task force must study and evaluate practices for diagnosing, treating, and educating children with dyslexia and to examine how current statutes and regulations affect these students. The task force will consist of 13 members composed of the following: the Superintendent of the South Carolina Department of Education; one person upon recommendation of the South Carolina Chapter of the Learning Disabilities Association of America; one person upon recommendation of the South Carolina Branch of the International Dyslexia Association; one person upon recommendation of the South Carolina Speech-Language-Hearing Association; one person upon the recommendation of the South Carolina Education Association; one person upon the recommendation of the Palmetto State Teachers' Association, and one member of the public at large; three members shall be appointed by the President Pro Tempore of the Senate and three members shall be appointed by the Speaker of the House of Representatives.

The findings and recommendations of the task force shall be reported to the Governor and the General Assembly no later than twelve months after the initial meeting. The report shall include any proposed legislation that the task force recommends for adoption by the General Assembly. The task force shall dissolve immediately after submitting its report to the Governor and the General Assembly.

The full committee gave a favorable recommendation with amendment to **S.295**, the **SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE**. This joint resolution establishes a South Carolina Summer Camp Study Committee to study the summer camps in the state and to recommend legislation, if appropriate, relating to the licensing and regulation of summer camps. The committee must be composed of the following: the Director of the Department of Social Services; the Commissioner of the Department of Health and Environmental Control ; the Director of the South Carolina Law Enforcement Division; one member of the Joint Citizens and Legislative Committee on Children (JCLCC); one member representing the YMCA; one member representing the South Carolina Recreation and Parks Association ; one member representing the South Carolina Afterschool Care Alliance (SCACA); two members appointed by the Speaker of the House of Representatives of which at least one member must be from a religious affiliated group that operates summer camp programs in South Carolina; two members appointed by the President Pro Tempore of the Senate of which at least one member must be from a religious-affiliated group that operates summer camp programs in South Carolina; and one member appointed by the Chairman of the Commission on Higher Education.

The study committee must complete and render a written public report detailing its findings and recommendations, to include any recommended legislation, to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives by January 31, 2012, at which time the study committee must be dissolved. The staffing for the committee must be provided by the South Carolina Department of Social Services.

S.494, regarding **DENTISTS AND DENTAL HYGIENISTS**, received a favorable recommendation from the full committee. The bill outlines that an intern or a resident enrolled in an oral surgery training program at an accredited institution of higher education is authorized to treat conditions required by the training program under the supervision of a licensed physician or licensed dentist. The treatment may include prescribing appropriate drugs or services under the supervision of a licensed physician or dentist. The bill also adds that a pharmacist may fill a prescription issued by an intern or resident while participating in a training program.

The full committee gave a favorable with an amendment recommendation to **S.588**, the bill enacting the “**STROKE PREVENTION ACT OF 2011**”. As a result of the Stroke System of Care Study Committee established in 2009, this legislation requires the Department of Health and Environmental Control to identify hospitals as primary stroke centers and stroke enabled centers through telemedicine. The bill establishes a Stroke System of Care Advisory Council to be appointed by the director of the South Carolina Department of Health and Environmental Control. The Council must be as geographically diverse as possible and composed of, but not limited to, knowledgeable and experienced individuals. The Stroke Advisory Council is responsible for advising the DHEC on the development and implementation of a statewide system of stroke care.

The full committee gave a favorable recommendation to **S.687**, addressing a definition change under the “**STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT**”. The bill replaces the term “mental retardation” with “intellectual disability” and the term “mentally retarded” with “persons with intellectual disability”. This bill brings South Carolina in line with new federal regulations and cleans up the language in all state laws and codes.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

EDUCATION AND PUBLIC WORKS

H.4210 *HIRING OF TEACHERS WITH AMERICAN BOARD FOR THE CERTIFICATION OF TEACHER EXCELLENCE CERTIFICATION*
Rep. Cooper

This bill allows a school district to hire a teacher with American Board for the Certification of Teacher Excellence certification to teach at the middle school level.

H.4211 OFFICE OF THE STATE DEPARTMENT OF EDUCATION MUST BE OPEN ON CERTAIN STATE HOLIDAYS Rep. Tallon

If any school district is open on a state holiday, this legislation requires the office of the State Department of Education to also be open on the state holiday.

H.4220 DEPARTMENT OF TRANSPORTATION'S MANAGEMENT OF VEGETATION ALONG INTERSTATE HIGHWAYS Rep. Huggins

This legislation relates to the Department of Transportation's management of vegetation along interstate highways. This legislation increase the width of a median that shall have its mowable area mowed in its entirety, and it provides that these widths may be increased as outlined in agreements entered into by the department to perform mowing and maintenance responsibilities either by the department or another governmental entity. The legislation also repeals various code sections relating to roadside vegetation management along various portions of the state's interstate highway system.

JUDICIARY

H.4212 RESTRICTIVE COVENANTS, CONFIDENTIAL INFORMATION AND TRADE SECRETS Rep. Bannister

This legislation provides enforcement provisions, pleading requirements, and presumptions to be made by a court of law when considering restrictive covenants of a contract that restrict or prohibit competition or the solicitation of prospective or existing customers, patients, or clients. This legislation includes a definition for confidential information as it pertains to trade secrets. This legislation distinguishes a duty not to divulge a trade secret or confidential information from a covenant not to compete. The legislation provides presumptions to be made by a court of law when considering a duty not to divulge a trade secret or confidential information.

H.4213 TRANSFER OF THE STATE ENERGY DEPARTMENT TO THE DEPARTMENT OF COMMERCE Rep. Loftis

This legislation transfers the State Energy Department from the State Budget and Control Board to the South Carolina Department of Commerce.

H.4224 CREATION OF THE OFFENSES OF USE OF A WATERCRAFT OR AN OUTBOARD MOTOR WITHOUT PERMISSION AND DAMAGING OR TAMPERING WITH A WATERCRAFT OR AN OUTBOARD MOTOR

Rep. Murphy

This legislation provides that it is unlawful for a person: (1) not entitled to possession of a watercraft or an outboard motor to take or use a watercraft or an outboard motor, without the consent of the owner and with the intent to deprive him of the watercraft or outboard motor or its possession; or (2) to damage a watercraft or an outboard motor or remove any of their parts or components or to tamper with a watercraft or an outboard motor or attempt to set them in motion without right to do so and with the intent to commit a crime. A person who violates these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 or imprisoned not more than three years. If the deprivation of the owner was for a temporary purpose only and was unconnected with the commission of or intent to commit a crime other than the temporary taking of a watercraft or an outboard motor, the person is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 or imprisoned not more than one year, or both.

H.4237 BAIL BONDSMEN AND RUNNERS Rep. King

This legislation provides that a bail bondsman or runner may assist another bail bondsman in the apprehension, arrest, and surrender of the defendant even if the assisting bail bondsman or runner is not employed or appointed by the bail bondsman who is surety for the defendant.

H.4239 HATE CRIMES Rep. King

This legislation provides penalties for a person convicted of certain crimes with the intent to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin, or sexual orientation. This bill provides additional penalties for persons who maliciously injure personal or real property of another person with the intent to assault, intimidate, or threaten that person because of his race, religion, color, sex, age, national origin, or sexual orientation.

H.4242 PROBATE JUDGES Rep. Viers

Relating to the requirement that the governing body of each county provide the judge of probate with the necessary office equipment, books, office space, and personnel for the operation of the court, this legislation provides that these judges have control over these matters, including use of budgeted funds, employee classifications, compensation, and promotions.

**H.4244 PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR
RECALL OF PUBLIC OFFICIALS Rep. Sandifer**

This joint resolution proposes to amend the State Constitution so as to provide that the General Assembly by law shall provide for the recall of state or local popularly elected public officials upon petition of the qualified electors equal in number to twenty-five percent of the number of persons voting in the last preceding election for the office of Governor in the electoral district or area of the official sought to be recalled. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.4245 RECALL ELECTIONS Rep. Sandifer

This legislation provides the procedures, requirements, circumstances, and conditions for the recall of state or local popularly elected public officials.

LABOR, COMMERCE AND INDUSTRY

**H.4222 BUILDING CODE MODIFICATIONS AFFECTING HOME
CONSTRUCTION REQUIREMENTS Rep. Sandifer**

This bill revises the requirement that the Building Code Council promulgate regulations under the Administrative Procedures Act concerning any building code affecting construction requirements for one-family and two-family dwellings, so as to clarify that such promulgation is of code provisions that have been adopted pursuant to building code adoption requirements. The legislation clarifies that if a modification is requested to be made to a regulation pursuant to the Administrative Procedures Act, the council is not required to also comply with the code adoption requirements. The legislation provides that in the case of an emergency requiring a modification of a regulation, the council may proceed under the Administrative Procedures Act or building code emergency requirements, or both, and provides that the council must comply with the requirements of both in order to modify the regulation permanently.

H.4238 HIGH SPEED RAIL SYSTEM COMMISSION Rep. Stavrinakis

This bill establishes a High Speed Rail System Commission to examine and develop a plan for action for a high speed rail system in this state. The legislation provides for the membership and duties of the commission, and requires a report of its findings and recommendations to the General Assembly by January 1, 2013.

**H.4246 COMMISSION FOR PUBLIC WORKS REQUIRED TO CHARGE THE
SAME WATER SERVICE RATES FOR ALL CUSTOMER Rep. Nanney**

This bill requires a commission for public works to charge the same rate for a water service to each customer regardless of whether the customer is located within or outside of the city limits of the municipality of the commission.

WAYS AND MEANS

H.4221 TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM REPEALED Rep. Viers

This bill provides that the Teacher and Employee Retention Incentive (TERI) Program is closed to new participants effective July 1, 2011, and is repealed effective July 1, 2015, for all purposes except the distribution of program accounts existing on that date. The legislation specifies that its provisions may not be amended or repealed except in separate legislation enacted solely for that purpose which has received at least an affirmative two-thirds recorded vote of the total membership of each house of the General Assembly.

H.4223 LIMITATIONS ON PAY RAISES FOR SOUTH CAROLINA PUBLIC SERVICE AUTHORITY EXECUTIVES Rep. Merrill

This bill provides that the fifteen highest paid employees, including officers and executives, of the South Carolina Public Service Authority may not receive any increase in compensation, including fringe benefits, in a state fiscal year in which state employees do not receive a cost-of-living pay increase.

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