



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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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 concurred in Senate amendments and adopted **H.4195**, a concurrent resolution **EXTENDING MANDATORY ADJOURNMENT OF THE GENERAL ASSEMBLY IN 2011**. The legislation authorizes the General Assembly to meet after the Thursday, June 2, 2011, deadline to allow the Senate and the House of Representatives to meet in statewide session on Tuesday, June 14, 2011, at 12:00 noon and to continue in statewide session, if necessary, until not later than 5:00 p.m. on Friday, July 1, 2011. During this extension, the General Assembly must limit itself to consideration of redistricting plans for the South Carolina House of Representatives, South Carolina Senate, and Congressional Districts and a list of other items including gubernatorial vetoes, state government budget legislation, confirmation of appointments, and conference and free conference reports. Additionally, the legislation includes authority for the General Assembly to stand in recess subject to the call of the Speaker of the House and the President Pro Tempore of the Senate and meet between July 1 and December 1, 2011, to consider specified matters.

The House concurred in Senate amendments to **H.3375**, the “**SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011**,” which establishes tort reform provisions, and enrolled the bill for ratification.

H.3375 establishes **caps for punitive damages** awarded in civil lawsuits. The legislation provides that an award of punitive damages may not exceed the greater of \$500,000 or three times the amount of compensatory damages, which address actual costs sustained by the plaintiff such as lost wages and medical expenses. In instances where the wrongful conduct is motivated primarily by unreasonable financial gain or could subject the defendant to a felony conviction, punitive damages are capped at \$2 million or four times the amount of compensatory damages, whichever is greater. No cap is placed on punitive damages in situations involving intentional harm, intoxication, or conviction of a felony criminal charge in the course of conduct that gives rise to the damages. The legislation provides that a claim for punitive damages must be specifically requested when they are sought. The plaintiff may only plead that punitive damages are sought and may not plead a specific amount of punitive damages. The legislation provides for a bifurcated trial format for actions tried before a jury involving punitive damages. In the first stage of a bifurcated trial, the jury shall determine liability for compensatory damages and the amount of compensatory or nominal damages. If compensatory or nominal damages have been awarded in the first stage of the trial and if the plaintiff proves by clear and convincing evidence that his harm was the result of the defendant’s willful, wanton, or reckless conduct, then the same jury shall determine, in the second stage of the bifurcated trial, if a defendant is liable for punitive damages and the amount of those damages. The legislation establishes a list of factors the jury may consider in determining the amount of punitive damages, including the severity of the harm and the defendant’s degree of culpability, past conduct, and ability to pay. If punitive damages are awarded, the trial court shall review the jury’s decision to ensure that the award is not excessive or the result of passion or prejudice.

H.3375 establishes a **cap on the bond a business must post to file an appeal in a civil lawsuit**. The legislation limits the amount of an appeal bond that a court can order posted to the amount of the judgment or \$25 million dollars for a large business or \$ 1

million for all others, whichever is less. Large businesses are defined based on gross receipts and number of employees.

H.3375 makes **revisions to the Statute of Repose**. The bill provides that building code violations do not constitute per se fraud, gross negligence or recklessness, but such violations may be introduced as evidence of fraud, gross negligence, or recklessness.

H.3375 establishes insurer **disclosure requirements on nonfleet private passenger automobile insurance coverage**.

H.3375 places **restrictions on the retention of outside counsel by solicitors**. A circuit solicitor may employ outside counsel, in his discretion, without approval of the Attorney General, for civil forfeiture proceedings arising from criminal activity or from estreatment of bail bonds. In any other matter, the circuit solicitor must obtain written approval of the Attorney General prior to retaining counsel to or filing a civil cause of action.

The House amended Senate amendments to **H.3700**, this year's **GENERAL APPROPRIATIONS BILL**, and **H.3701**, the joint resolution making appropriations from the **CAPITAL RESERVE FUND**, which together comprise the proposed **STATE GOVERNMENT BUDGET** for Fiscal Year 2011-2012. The legislation was amended back to the budget proposal approved by the House months ago, with certain exceptions. The legislation includes funds that have become available for appropriation in the months following House consideration of the budget because of state revenue estimates that have recently been revised upwardly by the Board of Economic Advisors. \$146 million in nonrecurring funds is devoted towards paying off the state's Unemployment Insurance Loan from the federal government. An additional \$56 million in nonrecurring funds is provided for Education Finance Act funding. The \$56 million in nonrecurring funds combined with an enhanced \$105 million in recurring funds for the EFA allows for the anticipated base student cost to be increased to \$1,876, \$88 more per student than in the original House-passed budget. Funds are included for implementation of the Voter Identification bill recently passed by the General Assembly and the illegal immigration initiatives under consideration. When the Senate subsequently nonconcurred in the amendments, a conference committee was appointed to work on compromise legislation.

The House concurred in Senate amendments to **S.36**, a bill **REVISING SALES TAX PROVISIONS**, and enrolled the bill for ratification. The legislation includes a provision relating to the order fulfillment center proposed for Lexington County by online retailer Amazon that establishes a temporary exemption from collecting and remitting state sales and use taxes for a distribution facility 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. In order to qualify for the exemption, retail sales must not occur at the distribution facility, an initial capital investment of at least \$125 million must be made, and at least 2,000 full-time jobs with comprehensive health plan benefits must be created. The exemption expires earlier than January 1, 2016 if the distribution facility does not maintain at least 1,500 full-time jobs with comprehensive health plan benefits 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

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have a substantial nexus with that state. The legislation includes requirements for notifying purchasers of South Carolina use taxes that they may owe on items bought online. 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 tangible personal property.

The House concurred in Senate amendments to **H.3762**, a bill revising employers' required contributions to the **UNEMPLOYMENT INSURANCE TRUST FUND** that is used to provide the state's jobless benefits, and enrolled the bill for ratification. The legislation adjusts Unemployment Insurance Trust Fund provisions to bring relief to businesses that have seen required contributions increase dramatically following recently enacted legislation designed to restore the fund to solvency. The legislation revises employer classifications in order to shield businesses with positive fund balances that have not contributed to the fund's shortfall from paying the highest rates. The legislation reduces the maximum potential benefits of any insured worker from a total of twenty-six weeks to twenty weeks. The legislation establishes new unemployment insurance claims provisions for seasonal employment that allow for the collection of unemployment compensation for lay-offs that occur during the work season, but not outside of the season. The legislation includes provisions to prevent unemployment that results from declared natural disasters from being attributed to individual employers. The Department of Employment and Workforce is directed to recalculate premium rates in light of the legislation's changes.

The House concurred in Senate amendments to **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, and enrolled the bill for ratification. The legislation revises current **POINT-OF-SALE REASSESSMENT** for commercial property, second homes, and all other parcels subject to the six percent property tax assessment ratio by providing for a tax exemption to offset dramatic fluctuations in tax liability. The legislation provides that whenever such property is sold or undergoes another assessable transfer of interest after 2010, there is allowed an exemption from property tax of an amount equal to twenty-five percent of the ATI fair market value of the parcel, which is the fair market value of a parcel of real property and any improvements as determined by appraisal at the time the parcel last underwent an assessable transfer of interest. However, the exemption value may not be less than current fair market value of the parcel. If the ATI fair market value of the parcel is less than the current fair market value, the exemption does not apply and the ATI fair market value applies. The legislation revises limitations on property tax millage increases to provide that there may be added to the operating millage increase any such increase, allowed but not previously imposed, for the three property tax years preceding the year to which the current limit applies. The legislation also allows for a blended property tax millage in instances where a municipality extends into multiple counties that conduct countywide appraisal and equalization programs at different times.

The House concurred in Senate amendments to **S.588**, the "**STROKE PREVENTION ACT OF 2011**", and enrolled the bill for ratification. Based upon recommendations 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 to advise DHEC on the development and implementation of a statewide system of stroke care. The legislation establishes a Stroke Registry Task Force, as a subcommittee of the Stroke System of Care Advisory Council, to maintain a statewide stroke registry database that compiles information and statistics on stroke care.

The House concurred in Senate amendments to **H.3748**, a bill providing for **DELAYED IMPLEMENTATION OF THE EDUCATION AND ECONOMIC DEVELOPMENT ACT**, and enrolled the bill for ratification. The legislation extends the date by which the act must be implemented fully from July 1, 2011 to July 1, 2012.

The House concurred in Senate amendments to **H.4119** and enrolled the bill for ratification. This bill revises provisions relating to the **DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE**, so as to define a sound recording, and to provide certain exemptions and remedies, including injunctions and fines for violations.

The House concurred in Senate amendments to **H.3584** and enrolled the bill for ratification. The legislation revises provisions relating to **FINANCING AGREEMENTS FOR THE INSTALLATION OF ENERGY-EFFICIENCY AND CONSERVATION IMPROVEMENTS**, so as to limit liability in instances where an electricity or natural gas provider contracts with a third party to perform administrative or financing functions.

The House concurred in Senate amendments to **H.3249**, legislation pertaining to the **TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE**, and enrolled the bill for ratification. This bill clarifies what qualifies as a luggage compartment or cargo area in which one may lawfully transport a container of alcoholic liquor with a broken or opened seal or cap. Also, the bill states that section 61-6-4290 (suspension of driver's license) and 61-6-4300 (seizure of alcoholic liquors or vehicle, vessel or aircraft) do not apply to violations of this provision.

The House concurred in Senate amendments to **S.594** and enrolled the bill for ratification. This legislation expands the dimensions of a **TEMPORARY WORK ZONE** to include the area adjacent to a roadway identified by orange work zone signs or equipment with flashing lights, and the presence of workers on the scene.

The House amended Senate amendments to **H.3660**, a bill providing **ENHANCED ENFORCEMENT PROVISIONS FOR THEFT OF COPPER** and other nonferrous metals, and returned the legislation to the Senate. The legislation revises the penalties for unlawfully obtaining nonferrous metals, which are metals not containing significant quantities of iron or steel, including copper, aluminum, catalytic converters, and stainless steel beer kegs or containers. This legislation eliminates a misdemeanor offense with \$2,000 as the maximum amount of property damage involved in the offense and revises property damage amounts for the remaining felony penalties. Under this legislation, a person may not sell copper to another person or entity without first receiving a permit issued by a sheriff. The legislation requires a secondary metals recycler to display certain signs in his place of business. The legislation revises the penalties for purchasing nonferrous metals unlawfully. A person who purchases copper from a seller that does not have a permit in order to resell the copper under his own permit is guilty of

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a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. With certain exceptions, the bill provides that it is unlawful for a person to transport or have in the person's possession on the highways of this State nonferrous metals of an aggregate of more than ten pounds in a vehicle other than a vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals. The legislation requires secondary metals recyclers to obtain a valid purchase permit provided by the sheriff of the county in which each of the secondary metals recycler's fixed sites are located. The purchase permit must be renewed every two years. Each biennial purchase permit costs \$200 paid to and retained by the sheriff's department providing the permit. The legislation includes eligibility requirements to obtain and renew the purchase permit. The legislation prohibits certain cash transactions by requiring a secondary metals recycler to purchase copper, catalytic converters, and beer kegs by check alone.

The House returned **S.336**, pertaining to **UNIFORM TRAFFIC TICKETS AND TRAFFIC CAMERAS**, to the Senate with amendments. This legislation provides that a law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or traffic laws relating to speeding or disregarding a traffic control device must do so incident to and contemporaneous with a traffic stop. 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 mailing, electronically transferring, or utilizing any other means of sending 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 House adopted the conference committee report on **H.3295**, a bill revising **ALCOHOLIC LIQUOR** provisions. The legislation provides authority for certain homeowners associations, chartered as a nonprofit organization by the Secretary of

State, to obtain a license to sell alcoholic liquors by the drink. The legislation revises provisions governing the issuance of temporary permits for the sale of beer and wine and alcoholic liquors by the drink. The legislation authorizes the issuance of a temporary permit to sell beer and wine for on-premises consumption for a period not to exceed twenty-four hours without regard to the days or hours of these sales. This permit shall be considered a biennial temporary permit, and may be issued to those holders of a permit to sell beer and wine for off-premises consumption during periods other than Sunday who have within the licensed premises a separate food service establishment serving prepared food for on-premises consumption. The permit to sell beer and wine for on-premises consumption during the twenty-four hour period shall apply only to this separate food service establishment. The legislation provides that an establishment possessing a beer and wine permit that is located in a county or municipality that has conducted a favorable referendum allowing the sale and consumption of alcoholic liquors by the drink on Sunday under the provisions of Section 61-6-2010, during those same hours authorized by permits issued under Section 61-6-2010, may sell, possess, and permit the consumption of beer and wine on the premises. The legislation revises provisions relating to the conduct of authorized liquor samplings and tastings. The legislation includes provisions for the issuance of temporary permits to a business establishment located within a building on the grounds of an international airport in this State where the possession, sale, and consumption of alcoholic liquors by the drink is permitted on its licensed premises.

The House amended, approved, and sent to the Senate **H.3385**, relating to limitations on the **SALE OF ALCOHOLIC LIQUORS**. The legislation removes the statutory prohibition on selling alcoholic liquors on statewide election days and provides that it is unlawful for retail liquor stores to sell alcoholic liquors on Christmas Day and Thanksgiving Day. The legislation revises the Governor's authority to proclaim periods when liquor sales are prohibited, retaining the language allowing such proclamations to be made in the interest of law and order and eliminating the language authorizing proclamations to be made in the interest of public morals and decorum. The legislation also provides that an establishment possessing a beer and wine permit that is located in a county or municipality that has conducted a favorable referendum allowing the sale and consumption of alcoholic liquors by the drink on Sunday, during those same permitted hours, may sell, possess, and permit the consumption of beer and wine on the premises.

The House amended Senate amendments to **H.3178** and returned the bill to the Senate. The legislation revises provisions relating to the conduct of authorized **LIQUOR SAMPLINGS AND TASTINGS**.

The House did not concur in Senate amendments to **S.172**, a bill requiring **ONLINE POSTING OF STATE GOVERNMENT FINANCES**, to the Senate with amendments. This bill requires all agencies, departments, and institutions of state government to be responsible for providing on its Internet website a link to the any other Internet website that posts its monthly state procurement card statements or reports. The legislation requires each public institution of higher learning to maintain a transaction register that includes a complete record of all funds expended, from whatever source for whatever purpose. The register must be prominently posted on the institution's Internet website and made available for public viewing and downloading. The legislation also includes the "**SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011**" which grants administrative relief to the state's public institutions of higher learning from certain legislatively required procedures. The

administrative areas addressed in the bill include facilities and capital expenditures, real property transactions, financing and administration, procurement, and tuition board actions.

The House did not concur in Senate amendments to **S.30**, relating to **ARREST WARRANTS AND COURTESY SUMMONS**.

The House continued **S.391**, which makes **ELECTION LAW REVISIONS**. As passed by the Senate, the legislation includes provisions for an early voting period preceding election day.

The House continued **H.3863**, the “**UTILIZATION OF UNUSED PRESCRIPTION DRUGS ACT**”.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.461 PERMIT OR LICENSE TO ALL ON PREMISES CONSUMPTION OF BEER, WINE OR ALCOHOLIC LIQUOR Sen. Cleary

A person applying for or renewing a permit or license to allow on premises consumption of beer, wine, or alcoholic liquor by the drink must include in the application or renewal a written certification that there is a site specific recycling plan for the location on the permit application or renewal.

H.4299 ETHANOL-BLENDED GASOLINE FOR RETAIL SALE Rep. Loftis

This bill provides that ethanol-blended gasoline offered for retail sale in this state must be labeled in a manner that indicates the percentage of ethanol by volume.

H.4341 COASTAL ZONE MANAGEMENT Rep. Murphy

In the coastal zone outside a critical area, the Department of Health and Environmental Control shall have no regulatory authority over activities for which a permit is required by the United State Army Corps of Engineers.

H.4348 MINING FEES Rep. Lucas

The bill outlines that the Department of Health and Environmental Control shall set a schedule of fees that must be assessed and collected relating to certain mining activities.

EDUCATION AND PUBLIC WORKS

H.4298 TECHNICAL ASSISTANCE VISITS TO SCHOOLS IMPLEMENTING THE 'HIGH SCHOOLS THAT WORK' ORGANIZATIONAL MODEL Rep. Loftis

With funds appropriated by the General Assembly for this purpose, this legislation requires the State Department of Education to make technical assistance visits to schools implementing the 'High Schools that Work' organizational model in middle schools, high schools, and technology centers. The purpose of the technical assistance visits is to determine the extent to which a school is implementing key research-based practices and to determine the degree in which the school has put into place key conditions that support improved student achievement. The visit must result in a report to the school summarizing the findings of the visit and recommended actions for the school to address priority areas identified in this visit. A copy of this report must be provided to members of the General Assembly representing the school districts in which the visited school is located.

H.4309 PROHIBITING SCHOOL ADMINISTRATORS ASSOCIATIONS AND SCHOOL BOARD ASSOCIATIONS THAT RECEIVE STATE OR PUBLIC FUNDS FROM HIRING, RETAINING, OR CONTRACTING WITH A PERSON WHOSE ACTIVITIES INCLUDE LOBBYING Rep. Viers

This legislation prohibits school administrators associations and school board associations that receive state or public funds to hire, retain, or contract with a person whose activities include lobbying.

H.4310 ORIENTATION FOR SCHOOL BOARDS OF TRUSTEES Rep. Viers
This legislation requires orientation for school boards of trustees to be conducted by the State Department of Education.

H.4351 SUPPLEMENTAL DRIVER TRAINING FOR SAFE OPERATION AROUND LARGE COMMERCIAL VEHICLES Rep. Daning
This legislation provides that supplemental driver training for safe operation around large commercial vehicles must be included in all public and private driving education/training courses. The Department of Motor Vehicles shall incorporate additional comprehensive safety educational material relative to standard passenger vehicle operation on the road with commercial motor vehicles in the driver safety manual and other medium. The legislation provides that a holder of a commercial driver's license who has been convicted of certain moving violations must complete an online remedial training course. The legislation also provides that a person under the age of twenty-five who has been convicted of certain moving violations which contributed to a collision involving certain commercial motor vehicles must complete an online remedial training course. The legislation further provides that motor carriers that are covered by the federal Motor Carrier Safety Act new entrant program must complete a Department of Public Safety and Department of Motor Vehicles approved training course.

JUDICIARY

S.79 CONTRIBUTIONS MADE IN A PRIMARY RUNOFF AND PROHIBITION OF CERTAIN POLITICAL ACTION COMMITTEES Sen. Hayes
Relating to contributions within a specified period after primary, special, or general election attributed to the primary or election, this legislation provides specific provisions for contributions made in a primary runoff. The legislation also prohibits a political action committee organized by or on behalf of the Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, or a director of

deputy director of a state department appointed by the Governor. Any political action committee prohibited by this section in existence on the effective date of this legislation must distribute all unexpended contributions in the manner provided for in Section 8-13-1370(C). A political action committee does not include a candidate committee.

S.119 STATEMENTS TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES Sen. Campsen

Upon receipt of the required notice, this legislation provides that the victim of the crime for which the prisoner has been sentenced and members of the victim's immediate family may submit written statements to the Board of Probation, Parole and Pardon Services. The statements must be considered by the board in making its determination of parole. The statements must be retained by the board. At subsequent parole hearings, the statements must be submitted again if the department verifies that it has contacted the submitting person since the prisoner's most recent parole hearing and that the submitting person declares that the statement still represents the person's present position. Nothing in this section shall be construed to prohibit submission of information in other forms as provided by law.

H.4316 CHANGING THE NAME OF THE COUNCIL-SUPERVISOR FORM OF COUNTY-GOVERNMENT TO THE COUNCIL-CHIEF EXECUTIVE FORM OF COUNTY GOVERNMENT Rep. McLeod

This legislation changes the name of the council-supervisor form of county government to the council-chief executive form of county government.

H.4350 APPOINTMENT OF INVESTIGATORS BY THE ATTORNEY GENERAL Rep. Clemmons

This legislation allows the Attorney General to appoint investigators as he deems necessary. Notwithstanding any other statutory provisions, any investigator employed and commissioned by the Office of the Attorney General with a Class 1 law enforcement certification shall have full statewide police power to exercise his duties within the State of South Carolina and is required to post bond and take an oath to faithfully perform and execute his duties.

H.4355 FAMILY COURT TO DESIGNATE IN CERTAIN ORDERS THE PARENT ENTITLED TO CLAIM THE DEPENDENT CHILD OR CHILDREN FOR INCOME TAX PURPOSES Rep. Mitchell

In all divorce, separate maintenance, custody, visitation, and paternity actions in which the parties have a child or children in common, this legislation requires the family court, consistent with applicable provisions of the Internal Revenue Code of 1986, as defined in Section [12-6-40\(A\)](#), to designate in its order the parent entitled to claim the dependent child or children for income tax purposes and to order the appropriate parent to execute the federal forms necessary for the implementation of the order.

H.4357 PROPOSED STATE CONSTITUTIONAL AMENDMENT RELATING TO THE PROHIBITION OF PUBLIC OFFICERS GAMBLING OR BETTING ON GAMES OF CHANCE Rep. Whipper

This legislation proposes to amend the State Constitution relating to the prohibition of public officers gambling or betting on games of chance. This proposed amendment provides that the prohibition does not apply to participation in lotteries conducted by the State of South Carolina; except that the following officeholders may not participate in

lotteries conducted by this State: Governor, Lieutenant Governor, other constitutional officers, members elected to the General Assembly, and judges sitting on the State Supreme Court or the South Carolina Court of Appeals. The proposed amendment must be submitted to the qualified electors at the next election for representatives.

**H.4358 DRUG TEST AS A CONDITION OF ELIGIBILITY TO RECEIVE
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES Rep.**

Young

This legislation requires applicants for benefits under Temporary Assistance for Needy Families to undergo a drug test as a condition of eligibility to receive these benefits. The legislation provides that an individual who tests positive for drugs is ineligible to receive these benefits for one year unless the person successfully completes a substance abuse treatment program. The legislation provides certain limited exceptions and specifies the procedures for conducting these tests and providing these benefits. Relating to the definition of terms used in the South Carolina Family Independence Act, this legislation includes "temporary assistance for needy families" in the definition of "family independence".

LABOR, COMMERCE AND INDUSTRY

**S.580 DIGITAL FORENSIC SERVICES EXEMPTED FROM PRIVATE
SECURITY**

AGENCY LICENSURE AND REGULATION Sen. Setzler

This bill provides that provisions governing the licensure and regulation of private security and investigation agencies do not apply to a person based solely on his being engaged in computer or digital forensic services, the acquisition, review, or analysis of digital or computer-based information, or system vulnerability testing.

**S.929 "BENJI'S LAW" PERMIT REQUIREMENTS FOR MINIATURE TRAINS
Sen. Peeler**

This bill enacts "Benji's Law" to provide permit requirements for miniature trains operated for the use of the public as an amusement device in an amusement park.

H.4311 RESIDENTIAL TORNADO SHELTER REQUIREMENTS Sen. Gilliard

This bill establishes requirements for the construction of a tornado shelter in new residential subdivisions and new manufactured home parks.

**H.4349 DISCLOSURE REQUIREMENTS FOR WATER OR SEWER SERVICE
RATE SCHEDULE CHANGES OF PRIVATELY OWNED PUBLIC
UTILITIES Rep. Quinn**

This bill establishes disclosure requirements under which, within five days after the filing of a new or changed rate schedule for water or sewer service provided by a privately owned public utility, the utility shall make available certain independently audited financial statements and consolidated financial statements for public inspection.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.510 EXEMPTIONS FROM THE ACUPUNCTURE ACT OF SOUTH CAROLINA Sen. Sheheen

The bill adds that physicians who have successfully completed an acupuncture program that have been approved by the board are added to the list of exemptions.

H.4330 "SOUTH CAROLINA MEDAL OF HONOR ACT OF 2011" Rep. White

This bill establishes the South Carolina Medal of Honor to be awarded to a South Carolinian, or an individual with certain ties to South Carolina, who was killed either while serving in or deploying to a combat zone. The South Carolina Medal of Honor is awarded on behalf of the people of the State of South Carolina and is presented to the families of these fallen service members. The bill also outlines the award criteria.

H.4352 URGENT CARE FACILITY Rep. Howard

The bill adds that an urgent care facility may not refuse to treat an individual who has an outstanding debt with the facility who presents with a medical condition that may, without immediate treatment, result in harm to or endanger the life of the individual if the condition and treatment of the condition are within the facility's scope of treatment. "Urgent Care facility" means the delivery of ambulatory care in a facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis.

H.4353 STATE BOARD OF MEDICAL EXAMINERS Rep. Barfield

The bill provides that members of the State Board of Medical Examiners must be elected by the General Assembly and screened by the Board of Medical Examiners Selection Commission, rather than being appointed by the Governor. The bill also creates the Board of Medical Examiners Selection Commission and provides for its members, powers and duties.

H.4354 STUDY TO DETERMINE THE LEVELS OF POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) PRESENT IN URBAN AND RURAL INDUSTRIAL AND NONINDUSTRIAL SOILS Rep. Mitchell

The Department of Health and Environmental Control shall conduct a study to determine the levels of polycyclic aromatic hydrocarbons (PAHs) in appropriate urban and rural industrial and nonindustrial soils in representative areas across the State and to evaluate the impact, and potential impact, of PAHs on the health and quality of life of residents in these areas. The department shall submit a report of its findings and recommendations to the General Assembly before January 1, 2013.

WAYS AND MEANS

H.4317 "HOME VISITATION ACCOUNTABILITY ACT OF 2012" Rep. Allison

This bill enacts the "Home Visitation Accountability Act of 2012" to provide criteria for home visitation programs and oversight of these programs. The legislation establishes the Home Visitation Board, provides for its membership, powers, and duties, and requires the board to develop data content and collection requirements. The legislation requires the State Budget and Control Board to evaluate home visitation programs and specifies allocation of state funding for home visitation programs.

H.4331 RETENTION OF OWNER-OCCUPIED RESIDENTIAL PROPERTY TAX

STATUS BY ACTIVE DUTY MILITARY PERSONNEL Rep. Pitts

This bill provides that residential property owned by an active duty member of the armed forces of the United States eligible for and receiving the special four percent property tax assessment ratio allowed owner-occupied residential property retains that assessment ratio and exemptions based on that classification for so long as the owner remains on active duty regardless of duty station and does not claim the special four percent assessment ratio on any other residential property owned by the service member or a member of his household in this state. The legislation provides that this retaining of the special four percent assessment ratio must be construed as a property tax exemption.

H.4337 "TRAVEL AGENT TAX FAIRNESS ACT" Rep. Edge

This bill provide that the accommodations tax shall apply solely to amounts received by the operator of hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration, and shall not be applied to a travel agent or intermediary.

H.4359 FUNDING RESTRICTIONS FOR THE MEDICAL SCHOOL AT THE UNIVERSITY OF SOUTH CAROLINA IN GREENVILLE Rep. Merrill

This bill provides that no general funds may be appropriated for the medical school at the University of South Carolina in Greenville. In addition, no state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South Carolina in Greenville.

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