



South Carolina House of Representatives

Legislative Update

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

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PREFILED BILLS INTRODUCED

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IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3045 COMMERCIAL AND RECREATIONAL SALTWATER FISHING LICENSE FEES FOR NONRESIDENTS Rep. H. B. Brown

This bill increases the nonresident license fees for commercial and recreational saltwater fishing. The legislation outlines that the increase will be used for general operations of the Department of Natural Resources.

H.3046 ANNUAL PERMIT FEES FOR DOCK, PIER, OR BOATHOUSE Rep. H. B. Brown

This bill adds that the owner of a dock, pier, or boathouse extending in whole or in part over a public body of water or a public wetland shall pay an additional ten dollar annual permit fee. The legislation provides for the distribution of these fees.

H.3048 HUNTING AND FISHING LICENSES AUTHORIZED FOR SALE Rep. H. B. Brown

This bill increases hunting fees for certain nonresident licenses and provides for the use of the increased revenue.

H.3049 DEPARTMENT OF NATURAL RESOURCES Rep. Clemmons

The legislation states that beginning July 1, 2011, the Department of Natural Resources Director will be appointed by the Governor, upon advice and consent of the Senate. It also outlines that the current Department of Wildlife and Natural Resources Board will become an advisory board. The legislation repeals the sections that relate to the new provisions outlined.

H.3105 TRANSFERRING OF THE LAND RESOURCES AND CONSERVATION DISTRICTS DIVISION Rep. Pitts

This bill transfers the Land Resources and Conservation Districts Division of the Department of Natural Resources to the Department of Agriculture. The powers, duties and function are conveyed with this transfer. The bill further outlines that this Division and any Soil and Conservation Districts created will be solely under the direction of the Commissioner of Agriculture.

H.3113 DEER HUNTING Rep. Clemmons

The bill revises the dates for open season for deer hunting in Game Zone 4 (Chesterfield/Marlboro Counties).

H.3114 ANIMAL EUTHANASIA AND TRANQUILIZATION Rep. Huggins

The bill removes barbituric acid derivatives and carbon monoxide gases as allowable methods for euthanizing animals. Sodium pentobarbital, or a derivative of it, may be used to kill animals impounded or quarantined in animal shelters. The legislation allows

that an animal may be tranquilized with an approved and humane substance before euthanasia is performed.

H.3125 STATE VETERINARIAN Rep. Pitts

As of July 1, 2011, the State Veterinarian is transferred from Clemson University to the Department of Agriculture and will be under the sole direction of the Commissioner of Agriculture. The powers, duties and function of the State Veterinarian are conveyed with this transfer.

H.3189 LITTER CONTROL Rep. Cobb-Hunter

This legislation establishes a joint project on litter, where the Department of Health and Environmental Control, the Department of Corrections, the Department of Transportation, Palmetto Pride, and local correctional facilities shall cooperate in the eradication of litter.

EDUCATION AND PUBLIC WORKS

H.3013 SCHOOL DISTRICT EXEMPTION FROM CERTAIN STATE STATUTES AND REGULATIONS Rep. Cooper

This legislation provides a mechanism for a local school district to be exempt from statutes and regulations relating to the Education Accountability Act upon meeting certain conditions. The district must apply to the State Board of Education for exemption. The legislation specifies what the application must include and how the application must be made. The State Board of Education must adopt rules and promulgate regulations regarding application procedures. A local school district that receives an exemption must be evaluated by the State Board after three years to ensure that it continues to meet the needs of the students of the district. The legislation provides for suspension of the exemption upon certain conditions. Also, the legislation repeals two other code sections pertaining to exemptions.

H.3014 HIGH SCHOOL DIPLOMAS Rep. Cooper

Relating to issuance of diplomas by accredited high schools, this bill provides that the number of units required for a high school diploma is twenty. The bill designates a twenty-four credit diploma as an advanced diploma. Also, the bill requires the State Board of Education to adopt rules and promulgate regulations necessary to effectuate a modified high school diploma for students with an Individualized Education Plan.

H.3017 TEACHERS Rep. Bowen

This bill revises the definition of the term “teacher” by requiring certain minimum time in the classroom among other criteria.

H.3018 ADMINISTRATORS IN CLASSROOMS Rep. Bowen

This legislation requires an administrator of a school that maintains an average daily membership of 500 students or less to spend at least 30 hours a week in a classroom as the primary instructor and to spend at least 30 consecutive minutes in the classroom with the same group of students for the periods of instruction related to a particular subject or course. Principals, career counselors, and guidance counselors are excluded from these requirements.

H.3024 SCHOOL ATTENDANCE BY CHILDREN OF CERTAIN PUBLIC OFFICIALS Rep. Rutherford

This legislation allows a child of a public official who is required to live on state property in order to execute the responsibilities of his office to continue to attend schools within the school district he attended prior to the move of the public official to state property.

H.3025 SOUTH CAROLINA COLLEGE AND UNIVERSITY BOARD OF REGENTS Rep. G. M. Smith

In order to foster the development of a coordinated system of higher education, to improve the quality of education, to extend its benefits, and to encourage an economical use of the state's resources, this legislation redefines the South Carolina system of higher education. Among other things, this bill establishes the South Carolina College and University Board of Regents and provides for its membership, powers, duties, and responsibilities. Constituent institutions are defined as all two-year and four-year colleges and universities in this state including technical colleges.

H.3027 SCHOOL DISTRICT ADMINISTRATIVE EMPLOYEE COMPENSATION Rep. H. B. Brown

This legislation prohibits a school district from offering a compensation package to a district administrative employee that exceeds \$99,000 dollars.

H.3028 INDUCTION CONTRACT PERIOD FOR TEACHERS Rep. Clemmons

This legislation increases the induction contract period for teachers from one year to five years.

H.3030 SWIMMING LESSONS Rep. Gilliard

If a school district has within a ten-mile radius of its boundaries a public swimming pool, this legislation requires the district to offer swimming lessons to students. The bill requires students enrolled in the district to complete two years of swimming instruction in order to graduate from a high school within the school district.

H.3031 CAREER AND TECHNOLOGY COURSES Rep. Gilliard

This bill requires every public middle school and public high school each to offer at least five career and technology courses to their respective students for elective credit.

H.3032 SCHOOL DISTRICT SIZE REQUIREMENT TO RECEIVE STATE APPROPRIATIONS Rep. Young

This bill requires a school district to be comprised of at least 2,500 students enrolled in the schools of the district in order to receive state appropriations. This provision does not apply to a school district that is the only school district in a county and has less than 2,500 students.

H.3034 HIGH SCHOOL EXIT EXAM EXEMPTION Rep. Erickson

The bill requires the Department of Education to promulgate regulations that provide an exemption from the administration of the high school exit exam for students who achieve certain high scores on the Scholastic Aptitude Test or American College Test.

H.3035 LENGTH OF SCHOOL TERM Rep. Erickson

This legislation allows a local school district to establish its calendar based on a statutory term of 180 days of instruction or the equivalent number of instructional hours.

H.3036 SOUTH CAROLINA COLLEGE AND UNIVERSITY BOARD OF REGENTS Rep. H. B. Brown

In order to foster the development of a coordinated system of higher education, to improve the quality of education, to extend its benefits, and to encourage an economical use of the state's resources, this legislation redefines the South Carolina system of higher education. Among other things, this bill establishes the South Carolina College and University Board of Regents and provides for its membership, powers, duties, and responsibilities. Constituent institutions are defined as all four-year colleges and universities in this state including the Medical University of South Carolina; technical colleges are excluded.

H.3037 CAREER AND TECHNOLOGY COURSES Rep. Gilliard

This bill requires every public middle school and public high school that is located within a school district that is located within a county which has a port to offer at least five career and technology courses to their respective students for elective credit.

H.3039 SCHOOL CONSTRUCTION Rep. Umphlett

This legislation provides that new construction of elementary, middle, and high school facilities must comply with specified design and architectural requirements imposed by a committee of the State Department of Education. This committee shall create three standard architectural plans for elementary schools, middle schools, and high schools to which all new construction must comply unless prior approval for adaptation is received by the committee. Standard plans are the property of the department upon adoption. A school district may not be charged for use of the plans but may be charged for adaptations to standard plans.

H.3040 REQUIREMENTS FOR PARTICIPATION ON A SCHOOL-SPONSORED ATHLETIC TEAM Rep. King

In order for a student to participate on a school-sponsored athletic team, this legislation requires the student to undergo a preparticipation physical, during which time an electrocardiogram test and a test to determine if the student has sickle cell anemia or carries the sickle cell anemia trait must be administered. The doctor who administers the tests must clear the student for participation on the team before the student is eligible to participate.

H.3042 OFFICIAL MASCOT FOR LITERACY Rep. G. R. Smith

This legislation designates Schmooney, the main character in 'The Schmooney Trilogies', as the official mascot for literacy in South Carolina.

H.3043 REQUIREMENTS TO RECEIVE A GENERAL EQUIVALENCY DIPLOMA Rep. Loftis

Under this legislation, the State Board of Education shall require a general equivalency diploma (GED) candidate to participate in the Work Keys program or another similar work skills program chosen by the board and pass any related assessments before he is eligible to receive a GED.

H.3047 CAROLINA-CLEMSON DAY Rep. H. B. Brown

The last Saturday in November of each year, or in the alternative, the date of the annual football game between the University of South Carolina and Clemson University is designated under this legislation as 'Carolina-Clemson Day' in South Carolina.

H.3057 INTERSCHOLASTIC ATHLETIC ACTIVITIES Rep. Merrill

Effective July 1, 2011, this legislation provides that the Superintendent of Education has responsibility for and jurisdiction over all interscholastic athletic activities of public high schools. The superintendent may delegate a portion of these responsibilities to local school boards of trustees. The superintendent shall appoint a diverse advisory board of school superintendents, athletic directors, and coaches, including women and minority members, to advise him in regard to his duties and responsibilities. The legislation further provides that a public high school may not join or affiliate with any jurisdictional body or entity that operates outside the authority of the Superintendent of Education.

H.3078 MOTOR VEHICLE PROPERTY TAX EXEMPTIONS FOR SURVIVING SPOUSE OF ELIGIBLE DISABLED VETERANS Rep. Delleney

This legislation extends the property tax exemption for a private passenger motor vehicle owned by or leased to an eligible disabled veteran to such a vehicle owned or leased by the surviving spouse of the veteran.

H.3093 "MUSIC THERAPY PRACTICE ACT" Rep. Allison

This legislation enacts the "Music Therapy Practice Act" to regulate the practice of music therapy. Among other things, this legislation provides definitions, creates the South Carolina Board of Music Therapy to assist the Department of Labor, Licensing and Regulation (LLR) on all matters pertaining to the education, examination, licensure, and continuing education of licensed music therapists and the practice of music therapy. The bill also prohibits the practice of music therapy without a license, and it requires LLR to provide administrative, fiscal, investigative, inspectional, clerical, secretarial, and license renewal operations and activities of the board. The bill outlines duties and responsibilities of the board. The legislation provides criteria for licensure as well as provides for the use of a professional designation.

H.3112 HANDICAPPED PARKING PLACARD SLEEVES Rep. Allison

This bill pertains to placards issued by the Department of Motor Vehicles (DMV) for handicapped parking. This bill requires the DMV to issue a sleeve with a placard to allow the user to cover the photograph on the placard from public view; however, the photograph must be shown when it is requested by a law enforcement agency or its agents.

H.3115 PROHIBITIONS ON TEXTING WHILE DRIVING Rep. Gilliard

This bill makes it unlawful for a person to operate a motor vehicle in motion while text messaging or receiving text messages, or using any form of electronic reading device. The bill includes criminal penalties for violations.

H.3117 'DR. MARTIN LUTHER KING, JR. MEMORIAL BOULEVARD' IN THE CITY OF ROCK HILL Rep. King

This concurrent resolution requests that the Department of Transportation name a portion of Constitution Boulevard in the City of Rock Hill 'Dr. Martin Luther King, Jr. Memorial Boulevard' and erect appropriate markers or signs along this portion of highway.

**H.3119 PROHIBITING TEXT MESSAGING WHILE DRIVING AND
PROHIBITING TEXT MESSAGING AND MOBILE TELEPHONE USE
BY SCHOOL BUS DRIVERS Rep. McEachern**

The legislation provides that a person may not use a text messaging device to read, or to manually write or send, a written communication, including a text message or electronic mail, while operating a motor vehicle in motion or in the travel portion of the roadway. The legislation includes certain exceptions. A violator is guilty of a misdemeanor and is subject to a twenty-five dollar fine. The legislation provides for the division of fines collected with fifty percent distributed evenly among the state's Level I trauma centers, twenty-five percent to the South Carolina State Trauma Care Fund to be used by the Department of Health and Environmental Control, and twenty-five percent to the Office of Highway Safety in the Department of Public Safety to fund highway safety education programs highlighting the dangers of distracted driving. A vehicle, driver, or occupant in a vehicle may not be searched, nor may consent to search be requested by a law enforcement officer, solely because of a text messaging violation. Neither a law enforcement agency nor the court may confiscate a text messaging device, mobile telephone, or any other wireless telecommunications device that was used in violation of this legislation. A law enforcement agency may not obtain telephone, cellular telephone, e-mail, text communication, or other electronic communications records, messages, or any data associated with a violation of this legislation as evidence to obtain a conviction. A violation may be introduced as evidence of comparative negligence in a civil action. The Department of Motor Vehicles may not report a violation to a driver's motor vehicle insurance carrier. The legislation also establishes separate provisions prohibiting text messaging and mobile telephone use by school bus drivers. Under the legislation, a person may not use a text messaging device to manually write or send a text message; or a mobile telephone, radio or other communication device whether hands-free or otherwise; while operating a school bus in motion or in the travel portion of a roadway or while monitoring the loading and unloading of students. For a first offense resulting in no great bodily injury or death, a violator is guilty of a misdemeanor, must be fined \$250 dollars, have two points assessed against his driving record, and lose his school bus driver's certification for one year. For a second or subsequent offense or any offense resulting in great bodily injury or death, a violator is guilty of a misdemeanor and must be fined \$500 dollars. The violator's school bus driver's certification must be revoked and the person becomes permanently ineligible to apply for certification. The violator shall have triple the points assessed against his driving record as are otherwise assessed. A violation may be introduced as evidence of comparative negligence in a civil action. Notice of these provisions must be posted in school buses.

H.3120 VEGETATION MANAGEMENT Rep. McEachern

This legislation provides that the Town of Blythewood shall conduct vegetation management along a portion of Interstate 77.

H.3121 GOLF CARTS Rep. McEachern

This bill allows an agent or employee of an owner of a golf cart who possesses a valid driver's license to operate the vehicle along certain highways and streets.

**H.3122 ISSUANCE OF SPECIAL PERMITS TO MOVE VEHICLES DURING AN
EMERGENCY Rep. J. M. Neal**

Relating to the Department of Motor Vehicles issuance of special permits to move vehicles during an emergency, this bill deletes the term "move" and replaces it with the

term "operate". The bill deletes the provision that restricts the issuance of the permits to emergency situations, removes the restriction placed on the number of permits that may be issued for a vehicle, and revises the information that must be specified on the permit.

H.3123 REVISING THE DEFINITION OF THE TERM "MOPED" Rep. J. M. Neal

Currently, various statutes in Title 56 (Motor Vehicles) have different definitions for the term "moped". This bill provides one definition for moped. Under this legislation, the term "moped" means a cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

H.3124 ISSUANCE OF SPECIAL LICENSE PLATES Rep. Pitts

This legislation provides for the issuance of the following license plates: 'Distinguished Service Medal' Special License Plate; 'Second Amendment' Special License Plate; 'Historic' automobile special motor vehicle license plate for use on a private passenger motor vehicle or a motorcycle that is 25 years or older; 'Distinguished Service Cross' Special License Plate; 'Department of the Navy' Special License Plate; 'Parents and Spouses of Active Duty Overseas Veterans' Special License Plates; 'State Flag' Special License Plates; 'South Carolina Highway Patrol-Retired' Special License Plates; 'Eagle Scouts of America' Special License Plates; 'I Support Libraries' Special License Plates; 'South Carolina Educator' Special License Plates; 'Coon Hunters' Special License Plates; 'Beach Music' Special License Plates; Citadel Alumni Association 'Big Red' Special License Plates; 'Largemouth Bass' Special License Plates; High School Special License Plates; and 'South Carolina Wildlife Federation' Special License Plates. The legislation allows a coroner to be issued two special license plates. The legislation allows frames for license plates. With regards to the existing Veteran's special license plate, this bill allows qualified persons to have the wheelchair symbol placed on this plate as well as allows qualified individuals to have the word 'disabled' placed on this plate. The bill allows for the issuance of a third Purple Heart License Plate upon payment of the regular registration fee and a special fee. The bill raises the fee requirements for special license plates to a non-profit. The bill also allows the Department of Motor Vehicles to set \$10 dollar special license plate fee if the sponsoring entity does not set fee.

H.3128 MOTOR VEHICLE SUNSCREEN DEVICES Rep. Rutherford

The bill revises the permitted level of light transmission for suncreening devices installed on the windshield, side windows and rear window of a motor vehicle.

H.3142 VIOLATIONS OF THE SAFE SCHOOLS CLIMATE ACT Rep. Govan

This bill provides a penalty for a violation of the Safe Schools Climate Act regarding harassment, intimidation, or bullying. A person convicted of this offense is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for not more than one year.

H.3156 COMMERCIAL ADVERTISEMENTS ON BENCHES Rep. Rutherford

Relating to the Department of Transportation's issuance of permits that allow the installation and maintenance of benches upon which commercial advertisements may be placed, this bill provides that the permits must be renewed annually.

H.3158 *SPEED LIMITS* Rep. Rutherford

This bill increases the maximum speed limit that may be posted along interstate highways and freeways from 70 to 80 miles an hour.

H.3160 *UNLAWFUL TO USE A HANDHELD WIRELESS COMMUNICATIONS DEVICE WHILE DRIVING* Rep. Sellers

This legislation makes it unlawful for a person to use a handheld wireless communications device while driving a motor vehicle. A person who violates this provision shall have two points assessed against his driving record and be fined \$125 dollars.

H.3162 *"DON'T TREAD ON ME" SPECIAL LICENSE PLATES* Rep. Stringer

This legislation provides for the issuance of "Don't Tread on Me" special license plates by the Department of Motor Vehicles.

H.3163 *REVISING THE DEFINITION OF THE TERM "MOTOR VEHICLE"* Rep. Tallon

This bill revises the definition of the term "motor vehicle" so as to include mopeds in the term's definition.

H.3164 *SUSPENSION OF DRIVING PRIVILEGES FOR SCHOOL DROPOUTS* Rep. Young

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, or 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 fourteen 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 seven or more total unexcused 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 person who has appealed a suspension of his privilege to operate a motor vehicle may, upon payment of a one hundred dollar fee, obtain a special route-restricted driver's license that is valid until the final disposition of his appeal. The suspension of driving privileges ends upon the date of the minor's eighteenth birthday.

H.3185 *"SOUTH CAROLINA HIGHER EDUCATION TRANSPARENCY ACT OF 2011"* Rep. Harrell

This legislation enacts the "South Carolina Higher Education Transparency Act of 2011". The legislation requires each public institution of higher learning to maintain a detailed

transaction register of all funds expended each month and post that register online. The register must be searchable and updated once a month. The legislation outlines requirements for implementation and provides certain exceptions. Also, each public institution of higher learning must post online all of its monthly credit card statements and the credit card statements for credit cards issued to its officers and employees for official use. If the Comptroller General's office posts the same credit card information on its website, the institution may provide information on how to access its credit card information on the Comptroller General's website in lieu of complying with the these requirements.

H.3186 SCHOOL BOND ELECTIONS Rep. J. R. Smith

This legislation requires a school bond election to be held on the date of a general election or on the date of a primary election.

H.3188 PROHIBITED ACTS OF ATHLETE AGENTS Rep. Cobb-Hunter

This legislation provides that an athlete agent or a person associated with him or acting on his behalf, including runners, scouts, advisors, and coaches, may not knowingly do anything which is a violation of the rules of the institution the student athlete attends or the rules of the sanctioning body of the sport participated in by the student athlete which would or may make him ineligible to participate as a student athlete in that sport.

H.3202 PROHIBITIONS ON SMOKING WHILE CERTAIN CHILDREN ARE IN THE VEHICLE Rep. Brady

This legislation provides that it is unlawful for a driver or occupant of a fully enclosed private or public passenger motor vehicle to smoke a tobacco product while a child in a rear-facing safety seat, forward facing safety seat, or belt-positioning booster seat is in the motor vehicle. Penalties are provided for violations. Relating to child passenger restraint systems, the legislation deletes the term "this article" and replaces it with "section 56-5-6410" throughout the article.

H.3204 SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE Rep. Brady

This joint resolution creates a committee to study summer camps and make recommendations to the legislature related to licensing and regulation of summer camps. The legislation provides for the membership and method of appointment for the membership, outlines the duties of the study committee, provides for the staffing of the study committee, and dissolves the study committee after a report of its findings is provided to officials.

H.3214 SCHOOL SNACKS, FOOD AND BEVERAGES Rep. Sellers

This bill provides that each district's Coordinated School Health Advisory Council shall determine which snacks and beverages may be sold for student consumption during the regular school day. The bill outlines nutritional guidelines for snacks and beverages sold for student consumption. There are different nutritional guidelines for beverages sold in elementary, middle and high schools. Snacks and beverages offered for student consumption in vending machines in middle and high schools must conform to the same nutritional standards. Snacks and beverages may not be offered for sale for student consumption in vending machines in elementary schools. At least 50% of nonmilk beverages offered for sale for student consumption in elementary, middle, and high schools must be water and zero calorie or low calorie options. Beginning with the 2011-2012 school year, the legislation outlines certain nutritional guidelines that food served to

a student in an elementary, middle, or high school during the regular school day that is not a 'full meal' must contain. Portion size for a la carte sales in a cafeteria must not exceed the serving size of the food served in the National School Lunch Program or School Breakfast Program. These provisions may not be construed to prohibit or limit the school approved sale or distribution by students, teachers, or groups, of any food or beverage item for fundraising purposes.

H.3236 *COMPULSORY EDUCATION* Rep. Daning

Relating to compulsory education for schoolchildren and the exception to the requirement, respectively, this legislation includes the South Carolina Association of Christian Schools as an authorizer of schools that children may attend within the compulsory education requirement.

H.3238 *COUNTYWIDE SCHOOL DISTRICTS* Rep. Herbkersman

This legislation provides that on July 1, 2013, the area of each county of this state also must be constituted as a school district, and a county may not have multiple school districts within its boundaries. The legislation further provides that the General Assembly by local law before July 1, 2013, shall provide for the governance, fiscal authority, and administrative and operational responsibilities for a countywide school district where no provisions of law now apply. All acts or parts of acts relating to a school district that is not a countywide school district are repealed as of July 1, 2013.

H. 3241 *CHARTER SCHOOLS* Rep. Owens

The legislation outlines a charter school sponsor's authority and responsibilities. The legislation requires charter schools to provide to their sponsor specified notification of the charter school's enrollment procedures, of the dates of the enrollment period, and of regular charter school board meetings. The State Charter District and local charter school sponsors are authorized to retain up to two percent of the total state and local appropriations for each charter school they sponsor to cover the costs for overseeing the school. The legislation establishes in the state treasury a revolving facilities loan program for construction, purchase, renovation, and maintenance of public charter school facilities; this provision does not require a state appropriation. The legislation authorizes single gender charter schools. The legislation allows charter schools to give enrollment priority to an unlimited number of siblings of a pupil currently or previously enrolled in the school and allows enrollment priority for children of charter school employees and of the charter committee. However, these two categories of enrollment priority together may not exceed 20% of the total enrollment of the school. The legislation requires that at least 1/3 of the board positions at a charter school must be open for election annually, allowing for staggered terms of no more than three years. Board members may be reelected for consecutive terms as allowed by the charter school's bylaws. The legislation provides that charter schools are eligible for federal-and state-sponsored leagues, competitions, awards, scholarships, grants, etc. to the same extent as all other public schools. The legislation authorizes and provides for charter school students to compete for participation in extracurricular activities, only at the student's resident school and only if the activities are not available at the charter school. The legislation removes the South Carolina Association of Public Charter Schools' two representatives from the Charter School Advisory Committee (CSAC) and replaces them with one charter principal and one charter school board member. The legislation increases from 60 days to 90 days after receipt, the time by which the CSAC must determine if an application is in compliance; it increases from 30 days to 45 days the time by which a local school board from which the applicant is seeking sponsorship must

rule on the charter application in a public hearing. The legislation revises the parental vote necessary to convert a traditional public school to a charter school, to a majority of returned pre-mailed ballots issued to those parents/guardians who are eligible to vote. The legislation provides that students who reside within the former attendance area of a converted public school must be given enrollment priority at that charter school. For the duration of a converted charter school's contract with a sponsor, the legislation gives the converted school the right to use the facility and equipment, etc. in the same manner as before the school converted with no additional fees or charges. The legislation provides funding for state-sponsored charter school students as follows: The state will provide to the State Charter District, on behalf of state-sponsored charter students, the same state funds the child would have generated were he enrolled in his resident public school. Local school districts will remit to the State Charter District, on behalf of students who reside in that local district and who attend state-sponsored "brick and mortar" charter schools, the full amount of local funding provided to other students who reside in that local district. For virtual charter school students, the state will provide to the State Charter District, on behalf of these students, 75% of the state funds the child would have generated were he enrolled in his resident public school; the student's resident local district will provide to the State Charter District 75% of the local funds provided to other students who reside in that district. The legislation also removes the two representatives of the South Carolina Association of Public Charter Schools from the board of the State Charter School District.

H.3242 CREATION OF PROGRAM WHEREBY A PERSON MAY BE AWARDED A HIGH SCHOOL EQUIVALENCY DIPLOMA FOR EARNING COLLEGE CREDITS Rep. G. R. Smith

This legislation requires the Department of Education to create a program whereby a person may be awarded a high school equivalency diploma if he earns 24 credits at a public or private institution of higher learning in this state. The department shall determine college courses a person shall take to earn applicable credits and shall develop a framework for participating institutions of higher learning for identifying and selecting potential program participants.

H.3244 COMPULSORY ATTENDANCE UNTIL AGE EIGHTEEN Rep. G. R. Smith

Currently, a parent or guardian has a responsibility to cause the child to attend school until age seventeen or the child graduates from high school. This bill requires compulsory attendance until age eighteen.

H.3245 LENGTH OF SCHOOL TERM Rep. Cooper

Relating to beginning and length of school term and school make-up days, this legislation allows a local school district to establish its calendar based on a statutory term of 1,080 instructional hours. The legislation reduces the amount of staff development days a school district shall schedule and allows a school district to propose an alternative school schedule that provides for the operation of schools on a four-day weekly calendar.

H.3252 RECREATIONAL VEHICLES OFFERED FOR SALE THROUGH CONSIGNMENT Rep. Brantley

Currently, it is unlawful to sale or mortgage a vehicle that is required to be registered and licensed or a mobile home unless a certificate of title has been issued. The bill exempts certain recreational vehicles offered for sale through consignment from this provision.

H.3254 VEGETATION MANAGEMENT Rep. Daning

Relating to roadside vegetation management at Exit 199 along Interstate Highway 26 in Berkeley County, this bill provides that both the Department of Transportation and the Town of Summerville may mow beyond 30 feet from the pavement roadside vegetation adjacent to Interstate 26 at this location.

H.3255 MOPED OPERATORS AND PASSENGERS MUST WEAR SAFETY YELLOW REFLECTIVE VESTS Rep. Dillard

This bill requires a person, while operating a moped, and his passengers to wear safety yellow reflective vests.

H.3257 UNITED STATES MARINE CORPS SPECIAL LICENSE PLATES Rep. Herbkersman

This bill allows the Department of Motor Vehicles to issue United States Marine Corps Special License Plates.

H.3258 UNITED STATES NAVAL ACADEMY SPECIAL LICENSE PLATES MAY BE ISSUED TO A SURVIVING SPOUSE OF A GRADUATE Rep. Herbkersman

This bill allows a widow or widower of a graduate of the United States Naval Academy to also be issued this special license plate.

H.3259 OPERATING GOLF CARTS ALONG THE STATE'S HIGHWAYS Rep. Herbkersman

The legislation provides that when a golf cart owner's residence is located within a gated community, the two-mile limit for operating the golf cart on a secondary highway or street must be measured from the community's primary entrance and not from the owner's residence. The legislation also includes provisions for the operation of a golf cart along a secondary highway or street on a sea island.

H.3260 DEPARTMENT OF MOTOR VEHICLES' ACCEPTANCE OF UNCERTIFIED CHECKS Rep. Huggins

This bill provides that the Department of Motor Vehicles may accept uncertified checks as payment for any service that it provides. However, if an uncertified check is returned for any cause, the department may suspend or cancel the person's driver's license, motor vehicle registration and license plate and repossess the registration card, license plate or other documents issued by the department.

H.3261 "UNIVERSITY OF SOUTH CAROLINA GAMECOCKS 2010 NCAA COLLEGE WORLD SERIES BASEBALL NATIONAL CHAMPIONSHIP" SPECIAL LICENSE PLATES Rep. Huggins

This bill allows the Department of Motor Vehicles to issue "University of South Carolina Gamecocks 2010 NCAA College World Series Baseball National Championship" special license plates.

H.3264 UNLAWFUL FOR AN ALL TERRAIN VEHICLE TO BE OPERATED ALONG PUBLIC ROADS AND HIGHWAYS Rep. D. C. Moss

This bill provides that it is unlawful for an all terrain vehicle to be operated along the state's public roads and highways. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars.

H.3266 STATE HIGHWAY SYSTEM Rep. Owens

This bill provides that all highways in the state highway system must be built according to state standards and that the Department of Transportation (DOT) may use certain funds to maintain the state highway system. The bill allows DOT to add county and municipal roads to the state highway system when necessary for the interconnectivity of the state highway system. The bill also revises the procedure for the removal of roads from the state highway system when a governmental agency agrees to accept the road into its own highway system. The bill repeals a provision relating to belt lines and spurs.

JUDICIARY

**H.3003 PHOTOGRAPH IDENTIFICATION REQUIREMENT FOR VOTING
Rep. Clemmons**

The legislation establishes a photograph identification requirement for voting. The State Elections Commission is required to implement a system for issuing voter registration cards with a photograph of the elector and to establish a voter education program concerning the new provisions. The legislation requires the Department of Motor Vehicles (DMV) to issue a special identification card to a person who is at least seventeen years old at no charge; currently, there is a fee for the issuance of this special identification card. The State Election Commission is directed to create a list of all registered voters that do not have a form of identification with a photograph issued by the DMV. This list must be made available to registered voters upon request. The commission may charge a reasonable fee for the provision of the list in order to recover costs of producing the list. The DMV shall provide a list of persons issued identification with a photograph at no cost to the commission. Among other duties, the legislation requires the executive director of the State Election Commission to enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election. If an elector loses or defaces his registration, he may obtain a duplicate notification from his county board of registration upon request. Also, the legislation includes factors to consider in determining a person's intention regarding domicile. Under the legislation, 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 DMV, a passport, a military photo identification issued by the federal government, or a South Carolina voter registration card containing a photograph. The legislation 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. If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the legislation establishes a process allowing the elector to cast a provisional ballot. The legislation provides an alternate process of affirming identity through completing an affidavit under penalty of perjury at the polling place and casting a provisional ballot in situations where an elector has a religious objection to being photographed or suffers from a reasonable impediment that prevents the elector from obtaining photograph identification.

H.3005 RESTRICTIONS ON CERTAIN CONTRIBUTIONS Rep. Ballentine

This legislation prohibits a member or candidate for a board or commission elected or appointed by the General Assembly, or a House of it, from making a contribution to a member of the General Assembly. This prohibition also applies to a member of the candidate's immediate family, a business where the candidate or candidate's family member is the majority owner, or an individual with whom he is associated. A member or candidate for a board or commission is not eligible for appointment or election for one year following the receipt of the contribution.

H.3006 PROPOSED CONSTITUTIONAL AMENDMENT ALLOWING FOR TERM LIMITATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY Rep. Ballentine

This joint resolution proposes to amend the State Constitution so as to authorize the General Assembly to enact term limitations for its members by law. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3007 TERM LIMITATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY Rep. Ballentine

This bill provides that a person is not eligible for election to the House of Representatives if that person has served six terms in the same body. The bill provides that a person is not eligible for election to the Senate if that person has served four terms in the same body. The bill further provides that a term served for which the election was held before January 1, 2011, may not be counted as a term served.

H.3008 PROPOSED CONSTITUTIONAL AMENDMENT ALLOWING FOR THE ENACTMENT OR REPEAL OF LAWS BY INITIATIVE PETITION AND REFERENDUM Rep. Ballentine

This joint resolution proposes to amend the State Constitution so as to establish a specified procedure for the enactment or repeal of laws by initiative petition and referendum. The legislation requires the General Assembly to provide a procedure whereby amendments to the constitution may be proposed by an initiative petition signed by the qualified electors of this state and enacted by referendum. The legislation provides the number of signatures required and the time period over which the signatures must be collected. The legislation requires in an initiative the amount and source of revenue for implementation; the legislation outlines those matters which may not be the subject of an initiative petition. The legislation requires a certified initiative to be filed with each branch of the General Assembly, which by majority vote may adopt, amend, or reject the initiative, which then goes on the ballot together with any alternative proposal by the General Assembly. The initiative goes on the ballot if the General Assembly takes no action within four months of filing. The legislation provides the format for submitting the initiative and any alternative to the qualified electors, the majority required, and the means of dealing with conflicting initiatives or alternatives. The legislation limits initiatives submitted at one election to five. An initiative approved by the qualified electors takes effect 30 days after the vote is certified, unless the initiative provides otherwise. Once enacted, this law may not be amended or repealed except by an affirmative vote of at least two-thirds of the members of each branch of the General Assembly but not less than three-fifths of the total membership in each branch.

The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3009 INITIATIVE PETITIONS PROPOSING LOCAL ORDINANCES

Rep. Ballentine

Relating to qualified electors of a county or municipality by initiative petition proposing certain ordinances, this legislation lowers the signature requirements on the initiative petition. The legislation provides that upon receipt of a proposed ordinance meeting the necessary requirements, the county governing body or municipal governing body shall cause it to be placed on the ballot at the next ensuing countywide or municipal-wide election.

H.3015 EXPANDED SMOKING PROHIBITIONS Rep. Hosey

Among other things, this bill extends the smoking prohibitions provided for in the Clean Indoor Act to restaurants, bars, lounge areas, and recreational facilities. The legislation specifies that smoking is permitted in private homes and automobiles, home-based businesses, private functions in indoor areas, hotel rooms designated as smoking rooms, specialty tobacco stores, tobacco manufacturers, cigar bars, and private clubs. Note there is an exception when these are used in conjunction with a childcare facility. A proprietor of an establishment has the right to prohibit smoking in his establishment which would otherwise be permitted. The posting of designated smoking area signs is generally not required for private homes and automobiles or home-based businesses. The bill provides a minimum criminal penalty of a fine of not less than \$50 dollars. A person smoking in a restaurant, bar, or lounge must be asked to extinguish all lighted tobacco products. If the person refuses to do so, the person must be asked to leave the premises. A person or employer is prohibited from retaliating against another person or an employee or customer for filing a complaint for or seeking prosecution of a violation. The legislation further provides that the Clean Indoor Air Act must not be construed to permit smoking where it is otherwise prohibited by regulation of a state or local agency, including a local ordinance.

**H.3016 OVERSIGHT OF THE DEPARTMENT OF DISABILITIES AND
SPECIAL NEEDS AND LEGISLATIVE OVERSIGHT OF
EXECUTIVE DEPARTMENTS Rep. Harrison**

This legislation makes numerous revisions pertaining to the Department of Disabilities and Special Needs (DDSN). Among other things, this bill deletes the provision transferring the responsibility for autistic services from the Department of Mental Health (DMH) to DDSN. This legislation requires DDSN charges for services to be established in regulation. The legislation further provides that in carrying out certain responsibilities the director of DDSN is subject to regulations. This legislation requires licensure for community-based housing and day programs operated by DDSN. Relating to criminal records checks of direct care staff, the legislation further specifies the criminal records checks that must be conducted on direct care staff. A direct care entity includes a day program operated by the DMH or DDSN, residential treatment facilities for children and adolescents and hospice programs. The legislation deletes provisions requiring direct caregivers to verify residency for the twelve months preceding applying for employment; it also deletes provisions authorizing private businesses, organizations, or associations to conduct criminal history background checks. The legislation deletes provisions relating to certain fingerprint forms and procedures. The legislation repeals code sections relating to certain advisory boards, and it repeals obsolete language pertaining to DDSN. The legislation also provides that the standing committees of the General

Assembly have a duty to review and study the operations of the state agencies within each committee's jurisdiction.

H.3019 SPECIAL PURPOSE DISTRICTS Rep. Bowen

This bill revises the definition of special purpose districts so as to include a district created pursuant to section 33-36-1310.

H.3020 SPECIAL PURPOSE DISTRICTS THAT PROVIDE WATER Rep.

Bowen

This bill allows a special purpose district that provides water service to request approval to enlarge its boundaries from the Public Service Commission, provided that the enlargement of its service area does not infringe on water service already provided by a political subdivision within that service area.

H.3021 REGULATION OF PUBLIC SEWER AND WATER UTILITIES OWNED OR OPERATED BY MUNICIPALITIES Rep. Bowen

This bill allows a legislative delegation of a county in which a municipality is located to designate power to regulate public sewer and water utilities of the municipality to the Public Service Commission.

H.3022 EXPANDED SMOKING PROHIBITIONS Rep. McEachern

Among other things, this bill extends the smoking prohibitions provided for in the Clean Indoor Act to restaurants, bars, lounge areas, and recreational facilities. The legislation specifies that smoking is permitted in private homes and automobiles, home-based businesses, private functions in indoor areas, hotel rooms designated as smoking rooms, specialty tobacco stores, tobacco manufacturers, cigar bars, and private clubs. Note there is an exception when these are used in conjunction with a childcare facility. A proprietor of an establishment has the right to prohibit smoking in his establishment which would otherwise be permitted. The posting of designated smoking area signs is generally not required for private homes and automobiles or home-based businesses. The bill provides a minimum criminal penalty of a fine of not less than \$50 dollars. A person smoking in a restaurant, bar, or lounge must be asked to extinguish all lighted tobacco products. If the person refuses to do so, the person must be asked to leave the premises. A person or employer is prohibited from retaliating against another person or an employee or customer for filing a complaint for or seeking prosecution of a violation. The legislation further provides that the Clean Indoor Air Act must not be construed to permit smoking where it is otherwise prohibited by regulation of a state or local agency, including a local ordinance.

H.3026 PREREQUISITES TO PERFORMING AN ABORTION Rep. Nanney

Regarding prerequisites to performing an abortion, this legislation provides that if an ultrasound is performed, an abortion must not be performed sooner than 24 hours, rather than 60 minutes, following the completion of the ultrasound. The legislation also requires the woman to be informed of the procedure to be involved and the probable gestational age of the embryo or fetus.

H.3029 "SOCIAL SECURITY NUMBER PROTECTION ACT" Rep. Pitts

This bill provides that, with certain exceptions, a person is not required to provide his Social Security number on a form required by a state governmental entity.

H.3033 EXPANDED SMOKING PROHIBITIONS Rep. Rutherford

Among other things, this bill extends the smoking prohibitions provided for in the Clean Indoor Act to restaurants, bars, lounge areas, and recreational facilities. The legislation specifies that smoking is permitted in private homes and automobiles, home-based businesses, private functions in indoor areas, hotel rooms designated as smoking rooms, specialty tobacco stores, tobacco manufacturers, cigar bars, and private clubs. Note there is an exception when these are used in conjunction with a childcare facility. A proprietor of an establishment has the right to prohibit smoking in his establishment which would otherwise be permitted. The posting of designated smoking area signs is generally not required for private homes and automobiles or home-based businesses. The bill provides a minimum criminal penalty of a fine of not less than \$50 dollars. A person smoking in a restaurant, bar, or lounge must be asked to extinguish all lighted tobacco products. If the person refuses to do so, the person must be asked to leave the premises. A person or employer is prohibited from retaliating against another person or an employee or customer for filing a complaint for or seeking prosecution of a violation. The legislation further provides that the Clean Indoor Air Act must not be construed to permit smoking where it is otherwise prohibited by regulation of a state or local agency, including a local ordinance.

H.3041 SCHOOL BOND ELECTIONS Rep. J. R. Smith

This bill requires a school bond election to be held on a date of a general election or on the date of a primary election.

**H.3050 PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING TERM LIMITATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY
Rep. Clemmons**

This joint resolution proposes to amend the State Constitution relating to the qualifications of Senators and Members of the House of Representatives. Beginning with those House Members elected at the 2012 general election or who take office after that date, once these persons have thereafter served four full terms in the House of Representatives or have thereafter served at least eight years in the General Assembly in either the House or the Senate, whether or not any of this service has been consecutive, they are not eligible to serve as a Member of the House of Representatives. Beginning with Senators elected at the 2012 general election or who take office after that date, once these persons have thereafter served two full terms in the Senate or have thereafter served at least eight years in the General Assembly in either the House or the Senate, whether or not any of this service has been consecutive, they are not eligible to serve as a member of the Senate. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3051 LEGISLATIVE APPROVAL OF INCREASED FEES, PENALTIES AND FINES Rep. Erickson

This legislation provides that no state agency, department, or entity by regulation or otherwise may administratively increase or implement a fee for performing a service or function, or a civil penalty or fine for failure to comply with a requirement or provision of law under its jurisdiction without the specific approval of the increased or new fee, fine, or penalty by the General Assembly by concurrent resolution on a recorded roll call vote. The legislation further provides that general approval by the General Assembly by joint resolution of a regulation of a state agency or department under the Administrative Procedures Act wherein a fee, fine, or penalty increase or imposition is contained does

not constitute approval. If an increase or implementation is contained in that joint resolution, the increase or implementation is null and void. The legislation does provide certain exceptions; it also provides for the duration of these provisions.

H.3052 OFFICE OF STATE INSPECTOR GENERAL Rep. Funderburk

This legislation establishes the Office of State Inspector General. It also provides for the manner of appointment for the State Inspector General and outlines the powers, duties and functions of the office. The State Inspector General is responsible for investigating and addressing allegations of fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in agencies.

H.3054 RESTAURANT DONATIONS OF FOOD Rep. Gilliard

Under certain conditions, this legislation allows any restaurant to enter into an agreement with a church or charitable organization that feeds needy individuals to donate surplus prepared or unprepared food items to the church or charitable organization without incurring legal liability or health code violations.

**H.3056 FALSE REPRESENTATION OF MILITARY SERVICE
Rep. Limehouse**

This legislation prohibits a person, including a candidate for public office, from knowingly making a fraudulent statement or representation regarding the person's record of military service in the United States Armed Forces for the purpose of gaining honorarium, public office, or other position of authority or employment. The legislation includes penalties for violations.

H.3060 CHARITABLE RAFFLES Rep. Merrill

This legislation provides the terms, conditions, procedures, and requirements under which charitable raffles may be conducted.

**H.3061 PROPOSED CONSTITUTIONAL AMENDMENT AUTHORIZING
CHARITABLE RAFFLES Rep. Merrill**

This joint resolution proposes to amend the State Constitution so as to provide that the General Assembly shall enact a general law authorizing a charitable organization to conduct a raffle. The legislation shall define the type of organization allowed to conduct a raffle, provide the standards for the conduct and management of the raffle, provide penalties for violations, and ensure the proper functioning, honesty, integrity, and charitable purposes for which the raffle is conducted. A raffle conducted in conformity with these provisions is not considered a lottery prohibited by the constitution. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

**H.3066 "SOUTH CAROLINA RESTRUCTURING ACT OF 2011"
Rep. G. R. Smith**

This comprehensive legislation restructures state government by adding a Department of Administration under the executive branch. Among other things, the legislation provides for legislative oversight of executive departments.

H.3068 STATE HUMAN AFFAIRS COMMISSION Rep. Spires

The bill authorizes the State Human Affairs Commission to assess a civil penalty for certain violations. The revenue from this penalty is to be deposited in the general fund and appropriated by the General Assembly as it considers necessary.

H.3069 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE COMMISSIONER OF AGRICULTURE Rep. Young

This joint resolution proposes to amend the State Constitution so as to delete the Commissioner of Agriculture from the list of officers that the constitution requires to be elected. The joint resolution further provides that the Commissioner of Agriculture must be appointed by the Governor upon the advice and consent of the General Assembly for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3070 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE SUPERINTENDENT OF EDUCATION Rep. Young

This joint resolution proposes to amend the State Constitution so as to delete the Superintendent of Education from the list of officers that the constitution requires to be elected. The joint resolution further provides that the Superintendent of Education must be appointed by the Governor upon the advice and consent of the General Assembly for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3071 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE SECRETARY OF STATE Rep. Young

This joint resolution proposes to amend the State Constitution so as to delete the Secretary of State from the list of officers that the constitution requires to be elected. The joint resolution further provides that the Secretary of State must be appointed by the Governor upon the advice and consent of the General Assembly for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3072 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE TREASURER Rep. Young

This joint resolution proposes to amend the State Constitution so as to delete the Treasurer from the list of officers that the constitution requires to be elected. The joint resolution further provides that the Treasurer must be appointed by the Governor upon the advice and consent of the General Assembly for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3073 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE ADJUTANT GENERAL Rep. Young

This joint resolution proposes to amend the State Constitution so as to delete the Adjutant General from the list of officers that the constitution requires to be elected. The

joint resolution further provides that the Adjutant General must be appointed by the Governor upon the advice and consent of the General Assembly for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office. The joint resolution also updates references to the Adjutant General and his staff officers in other parts of the constitution. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3080 ADJOURNMENT OF THE GENERAL ASSEMBLY Rep. Horne

This bill changes the date for the mandatory adjournment of the General Assembly from the first Thursday in June to the thirteenth Thursday after the General Assembly first convened in regular session in that year. The bill further provides that in any year the House of Representatives fails to give third reading to the appropriations bill by February 15th, rather than March 31st, the date of adjournment is extended by one statewide day for each statewide day after February 15th, that the House fails to give the bill third reading.

H.3091 ADJOURNMENT OF THE GENERAL ASSEMBLY Rep. Young

This bill changes the date for the mandatory adjournment of the General Assembly from the first Thursday in June to the first Thursday in May. The bill further provides that in any year that the House of Representatives fails to give third reading to the appropriations bill by March 1st, rather than March 31st, the date of adjournment is extended by one statewide day for each statewide day after March 1st, that the House fails to give the bill third reading.

**H.3094 DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Rep. Clemmons**

Currently, the Department of Health and Environmental Control is supervised by the Board of Health and Environmental Control; this bill makes the board advisory. This bill transfers various duties of the board to the department or the director of the department.

H.3095 TRANSFER FEE COVENANTS Rep. Clemmons

The bill provides definitions related to transfer fee covenants, and it includes certain findings related to transfer fee covenants. The bill further provides a transfer fee covenant recorded after the effective date of this legislation, or any lien to the extent that it purports to secure the payment of a transfer fee, is not binding on or enforceable against the affected real property or any subsequent owner, purchaser, or mortgagee of any interest in the property. Nothing in this legislation may imply that a transfer fee covenant recorded before the effective date of this legislation is valid or enforceable.

**H.3097 EVICTION FROM FEDERALLY SUBSIDIZED PUBLIC HOUSING
Rep. Gilliard**

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

H.3103 DISPLAY OF THE UNITED STATES FLAG Rep. Horne

The stated purpose of this legislation is to (1) ensure that persons have an ability to display a flag on their own property or property they are entitled to use while not interfering with restrictive covenants or other contractual limitations that specify the placement, size, and location of a structure or pole used for displaying the flag on the property; and (2) provide requirements for the placement, size, and location of a structure or pole used for displaying the flag if restrictive covenants, other contractual restrictions, or local ordinances are silent on that subject.

H.3104 SATISFACTION OF MORTGAGE Rep. Nanney

Relating to entering a satisfaction of mortgage in the public record, this legislation includes a probate and acknowledgement form in the satisfaction affidavit.

H.3107 SOUTH CAROLINA FORECLOSURE DATABASE Rep. Sellers

This bill creates the South Carolina Foreclosure Database in the office of the Secretary of State by December 31, 2011. Among other things, this bill outlines information that must be contained in the database and reporting requirements for the information. The bill further provides that liability may not accrue to the party foreclosing the mortgage or its attorney for certain errors in the provision of information to the database. The omission of information required by this legislation does not invalidate a foreclosure. The Secretary of State may promulgate rules and regulations necessary to implement the database.

**H.3108 MANDATORY MORTGAGE FORECLOSURE MEDIATION PROGRAM
Rep. Sellers**

This bill establishes the Mandatory Mortgage Foreclosure Mediation Program within the judicial department. The bill mandates mediation of a foreclosure action within a specific period following the initiation of a foreclosure action. The bill requires a mediation process before a court of competent jurisdiction may order the sale of property subject to the foreclosure action; the judicial department may promulgate rules needed to carry out the purpose of this legislation.

H.3109 EXPANDED PROHIBITIONS ON SMOKING Rep. Skelton

This bill prohibits smoking in all public indoor places; the bill includes electronic cigarettes in this ban. However, these provisions do not apply to private clubs or other establishments not open to the general public.

**H.3110 PARTICIPATION IN A PARTISAN PRIMARY ELECTION OR
PARTISAN ADVISORY REFERENDUM Rep. G. R. Smith**

Among other things, this bill prohibits a person from voting in a partisan primary election or partisan advisory referendum unless he has registered as being a member of that party. These provisions do not apply to a partisan presidential preference primary. The bill requires a statement of party affiliation, if any, for voter registration. The State Election Commission must assist the county entities charged by law with registering electors with capturing the data and maintaining a list of all electors registered by party affiliation.

**H.3116 INCREASED PENALTIES FOR VARIOUS HANDGUN OFFENSES
Rep. Gilliard**

Relating to the penalties imposed for the unlawful carrying of a handgun and the unlawful sale or delivery of a handgun, this bill increases the penalty for each offense. Under this bill, both offenses are felonies subject to a maximum fine of \$50,000 dollars or imprisonment for not more than ten years, or both.

H.3118 USE OF DEADLY FORCE DURING THE BREAKING INTO AND ENTERING OR THEFT OF A MOTOR VEHICLE Rep.

Limehouse

This bill allows a person to use deadly force against an individual when the person reasonably believes the individual is using or attempting to use unlawful force against him or another person in a motor vehicle to commit or attempt to commit the breaking into and entering or theft of a motor vehicle. The bill provides that when death of a person results from injuries received during the theft of a stolen motor vehicle when unlawful force is attempted or used, the person who attempted or used unlawful force is guilty of murder or manslaughter.

H.3126 VIDEO RECORDING OF STATEMENTS MADE DURING A CUSTODIAL INTERROGATION Rep. Rutherford

Under this bill, all statements relating to a crime and statements regarding rights contained in the United States Constitution and the State Constitution or the waiver of these rights made during a custodial interrogation at a place of detention must be video recorded. The bill requires a court to instruct a jury that it may draw an adverse inference for a law enforcement officer who fails to video record a statement relating to a crime. The bill outlines circumstances in which a person's statement may be used for impeachment purposes. The bill includes provisions for when a statement obtained in another state or by the federal government is admissible in this state and when an inaudible portion of a video recording does not render it inadmissible in a judicial proceeding.

H.3127 LIMITED PARDONS Rep. Rutherford

This bill allows a person who has been convicted of a nonviolent felony offense to make application to the Board of Probation, Parole and Pardon Services for a limited pardon that would allow the person to carry a firearm used for hunting to and from his hunting destination and use it while hunting.

H.3129 ILLEGAL ALIENS ENFORCEMENT Rep. Bedingfield

This legislation outlines procedures for verification of a person's immigration status under certain circumstances; the legislation also provides for the warrantless arrest of persons suspected of being present in the United States unlawfully. The legislation allows the exchange of information concerning immigration status for official purposes. The legislation allows residents to bring court actions to challenge any official or agency or other political subdivision that adopts or implements a policy or practice that limits or restricts the enforcement of federal immigration laws. The legislation creates the offense of wilful failure to complete or carry an alien registration document under certain circumstances. The legislation creates the offense of unlawfully hiring and picking up workers at different locations while impeding traffic. The legislation creates the offense of entering motor vehicles stopped in rights-of-way to be hired to work at a different location. The legislation further provides that it is unlawful for a person who is unlawfully present in the United States and is an unauthorized alien to knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor. The legislation includes penalties for violations of these offenses and provisions.

H.3130 PROHIBITING MINORS FROM SEXTING Rep. Brady

This legislation prohibits minors from sexting. Minors violating these provisions are subject to civil fines and may be ordered to complete an educational program established by the circuit solicitor. The legislation outlines what the educational program must include. Minors that fail to pay the civil fine or complete the educational program may have their driving privileges restricted or delayed. The restriction or delayed issuance of a driver's license for a violation of these provisions must not be used by an insurance company for automobile insurance purposes.

H.3131 DOMESTIC VIOLENCE PROTECTIONS FOR PERSONS IN DATING RELATIONSHIPS Rep. Brady

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

H.3132 ORDERS OF PROTECTION FROM DOMESTIC ABUSE Rep. H. B. Brown

Relating to hearings regarding orders of protection from domestic abuse, this bill provides for a ten-day temporary order of protection for abused persons or persons on whose behalf a petition is filed.

H.3133 "SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011" Rep. Clemmons

This legislation provides protection from civil liability for teachers acting in the scope of their employment; there are exceptions to this protection. A person associated with a school in an official capacity who is injured to the degree that the person is unable to return to his former position by a student convicted of a violation of an assault and battery offense that caused the injury must be allowed to continue in all retirement, insurance, and deferred compensation programs in which the person was enrolled at the time of the injury with the employer required to continue employer contributions on behalf of the injured employee. Relating to the requirements for notice for crime victims and witnesses to crimes in criminal and juvenile offender proceedings, this legislation requires judges in these proceedings to make a specific inquiry into compliance with these notice requirements.

H.3134 NONPARTISAN ELECTION OF CLERKS OF COURT Rep. Funderburk

This legislation requires the election of clerks of court to be nonpartisan. The legislation provides for nonpartisan special elections when a vacancy occurs, and it provides procedures for the nomination of candidates and the conduct of the nonpartisan elections.

H.3135 NONPARTISAN ELECTION OF PROBATE JUDGES Rep. Funderburk
The legislation requires the election of probate judges to be nonpartisan. The legislation provides for nonpartisan special elections when a vacancy occurs, and it provides

procedures for the nomination of candidates and the conduct of the nonpartisan elections.

H.3136 RESTRICTIONS ON RELEASE OF BALLOONS Rep. Gambrell

This legislation prohibits the release of twenty or more balloons en masse or over the period of one hour. The legislation includes exemptions and provides criminal penalties for violations. Also, the legislation authorizes a person to seek an injunction against the activity.

H.3137 SYNTHETIC CANNABIS Rep. Gilliard

This bill adds synthetic cannabis to the list of Schedule I drugs.

H.3138 "HOME INVASION PROTECTION ACT" Rep. Gilliard

This legislation establishes the offenses of home invasion in the first, second, and third degrees and provides graduated penalties. First and second degree home invasion are added to the list of violent crimes. Relating to the punishment for murder, this legislation includes as a separate statutory aggravating circumstance which may be considered in the determination of whether the death penalty should be imposed, a murder committed while in the commission of the offense of home invasion in the first degree.

H.3139 "DRIVE-BY SHOOTINGS ACCOUNTABILITY AND PROTECTION ACT" Rep. Gilliard

This bill creates the offense of committing a drive-by shooting, and it provides a penalty. Relating to the punishment for murder, this bill includes as a separate statutory aggravating circumstance which may be considered in the determination of whether the death penalty may be imposed, a murder committed during the commission of a drive-by shooting.

H.3140 OFFENSES INVOLVING ASSAULT WEAPONS Rep. Gilliard

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

H.3141 HATE-CRIME OF ASSAULT AND BATTERY UPON A HOMELESS PERSON Rep. Gilliard

This bill creates the hate crime of assault and battery upon a homeless person and provides a two-tiered penalty.

H.3143 SPECIAL PURPOSE DISTRICTS Rep. Harrison

This legislation requires the governing body of a special purpose district created by act of the General Assembly that provides recreational services and has as its boundary the same as the county in which it is located, to be appointed by the governing body of the county and transfer its assets and liabilities to a county by ordinance of the governing body of the county. The legislation includes provisions for calculating the millage limitation for a county when a special purpose district transfers its assets and liabilities to a county.

H.3144 SYNTHETIC CANNABIS Rep. King

This bill adds synthetic cannabis to the list of Schedule I drugs.

H.3145 REVISIONS TO SAFE HAVENS FOR ABANDONED BABIES

Rep. Limehouse

Relating to safe havens for abandoned babies, this bill expands the purview of the statute to apply to a child under the age of three years old. The bill also expands the definition of the term "safe haven" to include a staffed local or state office of the Department of Social Services.

H.3147 JUDICIAL MERIT SELECTION COMMISSION

Rep. Pitts

This bill removes the limitation that the Judicial Merit Selection Commission may nominate only three candidates. Instead, the bill requires the commission to release a list of the names of all candidates constitutionally and statutorily qualified.

H.3148 "SOUTH CAROLINA IMMIGRATION COMPLIANCE ACT OF 2011"

Rep. Pitts

This legislation enacts the "South Carolina Immigration Compliance Act of 2011". This legislation adds an Illegal Aliens and Public Employment Section to state laws. Among other things, the legislation requires public employers of the state to register and participate in the federal work authorization program to verify information on all new employees. The legislation prohibits a public employer of this state from entering into a contract for services unless the contractor and subcontractor comply with the federal work authorization program in verifying information on all new employees. The legislation provides that a person may not receive welfare, health, disability, public or assisted housing, food assistance, unemployment, retirement, or other similar benefits provided by the state or a political subdivision of the state unless the person verifies that he or she is lawfully present in the state. The legislation further provides that it is unlawful for the state or a political subdivision of the state to provide such benefits. The legislation provides that a person may not receive services from a hospital licensed in this state unless the person verifies that he or she is lawfully present in the state; an exception is provided for receiving services for an emergency medical condition. Relating to qualifications of a child to attend public school in this state, this legislation requires the parent of a child to verify that the child is legally present in the state. The legislation provides that an employer who hires an individual who is not legally present in this state pursuant to federal law is not eligible to enter into a contract with the state or with other governmental bodies or political subdivisions that procure goods or services pursuant to the South Carolina Procurement Code. This legislation creates the felony offense of illegal alien trespass and provides a penalty. The legislation allows the forfeiture of property, monies, negotiable instruments, securities, and other things of value when a person commits the offense of illegal alien trespass. The legislation provides procedures for forfeiture, creates an exception for the innocent owner of items subject to forfeiture, and provides for the distribution of forfeited items after conviction.

H.3149 "LOLLIS'S LAW"- NOTIFICATION OF CHANGE IN COURT DATE

Rep. Pitts

This legislation requires the clerk of court of the municipal court and a magistrate or his designated clerk, respectively, to send a summons or other written notification changing a court date by certified letter to the defendant or the defendant's attorney of record.

H.3150 "BEHAVIORAL HEALTH SERVICES ACT OF 2011"

Rep. G. R. Smith

The legislation enacts the "Behavioral Health Services Act of 2011". It eliminates the Department of Alcohol and Other Drug Abuse Services and the Department of Mental Health and consolidates their powers and duties within a newly-created Department of

Behavioral Health Services, which is charged with developing and implementing a plan for the coordinated care and unified delivery of behavioral health services.

H.3151 MANDATORY RETIREMENT AGE FOR MAGISTRATES Rep. Spires

This legislation raises the age of mandatory retirement for magistrates from 72 to 75 years of age.

H.3152 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE LIEUTENANT GOVERNOR Rep. Young

This joint resolution proposes to amend the State Constitution so as to provide for the joint election of the Lieutenant Governor and the Governor. The joint resolution further provides that the General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3153 MOTION FOR A NEW TRIAL IN MAGISTRATES COURT Rep. Young

This bill increases the time period in which a motion for a new trial may be made in magistrates court from five to ten days.

H.3154 REVISIONS TO SEX OFFENSES Rep. Young

Relating to the offense of criminal solicitation of a minor, this bill increases the penalty for the offense. The legislation also creates the offense of sexual battery with a student and provides penalties based on the age of the student.

H.3155 ADMISSIBILITY OF OUT-OF-COURT STATEMENTS MADE BY CHILDREN Rep. Young

Relating to the admissibility of out-of-court statements made by children under certain circumstances, this bill allows the admissibility of hearsay statements made to forensic interviewers.

H.3157 SPEEDING Rep. Rutherford

This bill provides an alternate penalty for driving in excess of the posted speed limit but not in excess of ten miles an hour. This bill allows for a fine of \$150 dollars on a warning ticket that is a no point violation that is not reported to the Department of Motor Vehicles. One-half of this fine must be placed in the state's general fund, and the remaining one-half of this fine must be retained by the local governmental body that issued the warning ticket.

H.3161 CONCEALED WEAPON PERMIT HOLDERS Rep. Sellers

If a person has been issued a concealed weapons permit, this bill allows the person to secure his weapon under a seat in a vehicle or in any open or closed storage compartment within the vehicle's passenger compartment. Relating to definitions for terms regarding handguns, this bill also revises the definition of the term "luggage".

**H.3166 SEX OFFENDERS DISQUALIFIED FROM REGISTERING TO VOTE
Rep. Limehouse**

This bill provides that a registered sex offender is disqualified from registering to vote.

H.3167 SEX OFFENDERS PROHIBITED FROM BEING APPOINTED TO A PUBLIC OFFICE OR EMPLOYED BY THE STATE Rep. Limehouse

This bill prohibits a registered sex offender from being appointed to a public office or from being employed by the state.

H.3168 PROPOSED CONSTITUTIONAL AMENDMENT PROHIBITING SEX OFFENDERS FROM REGISTERING TO VOTE Rep. Limehouse

This joint resolution proposes to amend the State Constitution so as to provide that a registered sex offender is disqualified from registering to vote. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3172 NONPARTISAN COUNTY ELECTIONS Rep. McEachern

This legislation provides a procedure by which certain county offices and the governing body of a county may be elected in nonpartisan elections.

H.3173 "SOUTH CAROLINA VOTER ACCESSIBILITY ACT" Rep. McEachern

This bill requires the State Election Commission to establish a procedure by which a qualified elector may cast his ballot in person without excuse during an early voting period. This bill also establishes early voting centers to allow a registered county resident to vote outside his precinct.

H.3175 PROHIBITION ON THE USE OF PUBLIC FUNDS FOR LOBBYING Rep. Merrill

This legislation makes it unlawful for a state agency, instrumentality, or department to expend public funds in order to contract with a lobbyist.

H.3176 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO SINE DIE ADJOURNMENT OF THE GENERAL ASSEMBLY Rep. Nanney

This joint resolution proposes to amend the State Constitution so as to require each annual session of the General Assembly to adjourn sine die no later than March thirty-first of the year in which it convenes. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3177 POSTING OF COUNTY NOTICES REQUIRED BY LAW Rep. Nanney

This legislation authorizes a county to post all notices required by law to the county's website instead of printing it in the newspaper.

H.3178 SPECIAL PERMITS FOR THE SALE OF BEER AND WINE Rep. Pitts

Relating to special permits for the sale of beer and wine, this legislation removes specific references to nonprofit organizations.

H.3179 "VETERANS COURT PROGRAM ACT" Rep. Rutherford

This legislation requires the creation and administration of a Veterans Court Program in each judicial circuit by the Attorney General. The stated purpose of this legislation is to divert qualifying nonviolent military veteran offenders away from the criminal justice system and into appropriate treatment programs, thereby reserving prison space for violent criminals and others for whom incarceration is the only reasonable alternative. The legislation's stated intention is to set standards and procedures to facilitate the creation and continuation of these programs across the State, while leaving local jurisdictions the flexibility to tailor individual programs to local needs.

H.3180 PROOFS OF IDENTITY FOR VOTING Rep. Rutherford

This bill adds a college identification card containing a photograph as another form of proof of identity authorized to be accepted when a person presents himself to vote.

H.3183 LOBBYING AND ETHICS Rep. Young

Relating to the registration and reregistration of lobbyists and lobbyist principals, this bill requires the payment of all outstanding penalties before a lobbyist or lobbyist principal may resume lobbying activities. The bill amends the definition of the term "family member" for the purposes of the Ethics, Government Accountability, and Campaign Reform Act, so as to include brothers-in-law and sisters-in-law. Relating to the use of one's official position for official gain, this bill replaces certain references to "immediate family" with the broader term "family member". Relating to the authority of the State Ethics Commission to enforce filing requirements and assess penalties for failure to file, the bill caps certain fines at \$5,000. The bill provides that first and second offenses may be tried in magistrates court. Relating to penalties for either late filing of or failure to file a report or statement this bill caps certain fines at \$5,000, and it provides that first and second offenses may be tried in magistrates court.

H.3184 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE COMPTROLLER GENERAL Rep. Young

This joint resolution proposes to amend the State Constitution so as to delete the Comptroller General from the list of officers that the constitution requires to be elected. The joint resolution further provides that the Comptroller General must be appointed by the Governor upon the advice and consent of the Senate for a term coterminous with the Governor. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3195 DEPARTMENT OF JUVENILE JUSTICE Rep. Brady

This legislation authorizes the Department of Juvenile Justice to release from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a misdemeanor offense, or for violation of probation or contempt of a status offense or a misdemeanor offense so that the number of children in its custody or under its supervision and placed in residential placements does not exceed the number of housing units or beds available. No child adjudicated delinquent for a violent crime, a felony, or a sexual offense may be released.

H.3196 JUVENILES IN RESTRAINT DURING COURT PROCEEDINGS Rep. Brady

When a juvenile appears before the court wearing instruments of restraint, such as handcuffs, chains, irons, or straightjackets, this bill provides that the court in any proceeding may not continue with the juvenile required to wear instruments of restraint unless the court first finds that: (1) the use of restraints is necessary due to certain factors and (2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person. The court shall provide the juvenile's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

H.3197 COMMUNITY SERVICES PROVIDED BY THE DEPARTMENT OF JUVENILE JUSTICE Rep. Brady

This bill authorizes the Department of Juvenile Justice to grant probationers and parolees under the department's supervision up to a ten-day reduction of the

probationary or parole term for each month they are compliant with the terms and conditions of their probation or parole.

H.3198 COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE Rep. Brady

This bill provides that the family court may commit a child to the Department of Juvenile Justice for a determinate period of time not to exceed 180 days upon a child's adjudication for a felony which carries a maximum penalty of fifteen years or more and not to exceed 90 days for a child adjudicated for any other offense.

H.3200 COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE Rep. Brady

This bill authorizes the Department of Juvenile Justice to allow any child adjudicated delinquent for a status offense, a misdemeanor offense, or violation of probation or contempt for any offense who is temporarily committed to the department's custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child must not be conducted because the child presents an unreasonable flight or public safety risk to his home community.

H.3201 CHILDCARE FACILITIES Rep. Brady

This bill authorizes childcare facilities to use corporal punishment with written parental permission under certain circumstances. Relating to registration requirements for family childcare homes, this bill requires family child care operators to post information and notices regarding parental training programs. Relating to training of family childcare operators and caregivers, this bill requires that mandatory training must be completed within 30 days of registration or employment.

H.3203 DISTURBING SCHOOLS Rep. Brady

This legislation restructures the offenses involving disturbing schools to provide a delineated list of those actions which involve disturbing schools. The legislation revises the penalty for violation of a disturbing schools offense, and it provides an exception for school-sponsored athletic events.

H.3205 JOINT COUNCIL ON CHILDREN AND ADOLESCENTS Rep. Brady

This legislation establishes the Joint Council on Children and Adolescents. The legislation provides for its members, powers, and duties, including, but not limited to, promoting and facilitating activities to improve access to services for children, adolescents and their families. The legislation provides that client records are confidential and outlines circumstances under which records may be released.

H.3206 FAMILY COUNSELING REQUIRED BEFORE INSTITUTING INCORRIGIBILITY PROCEEDINGS Rep. Brady

Before the Department of Juvenile Justice accepts a referral for the status offense of incorrigibility or the filing of a petition against a child for incorrigibility, this legislation requires the party seeking to institute a proceeding against a child for incorrigibility to provide documentation indicating that family counseling involving the parent, guardian, or custodian and child has previously been sought in an attempt to address the incorrigible behavior of the child. If no prior assistance has been sought, the department

shall refer the parent or guardian to assistance as is available locally in their home community or provide the assistance to the family.

H.3207 CRIMINAL DOMESTIC VIOLENCE PROSECUTIONS Rep. Cobb-Hunter

The bill allows a judge to proceed with the prosecution of a criminal domestic violence case if the victim is not present. Before dismissing a criminal domestic violence case, the bill requires the judge to make written findings as to whether the prosecuting official is prepared to prosecute the case and the type of evidence that will be presented. Relating to law enforcement's authority and responsibilities with regard to arrests in and investigations of criminal domestic violence, the legislation requires the investigating agency to document the investigation and to maintain the investigation report.

H.3208 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.3209 ORDERS FOR PROTECTION FROM DOMESTIC ABUSE
Rep. Cobb-Hunter**

This bill provides that the court may prohibit harm or harassment to a pet animal owned, possessed, kept, or held by the petitioner for an order of protection from domestic abuse. The bill further provides that in ordering temporary possession of personal property, the court may order the temporary possession of pet animals.

**H.3210 CHANGE OF VENUE FOR CERTAIN CRIMINAL PROCEEDINGS
Rep. Cobb-Hunter**

If a person charged with a criminal offense is a law enforcement officer, magistrate, or circuit judge, this bill provides 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.

**H.3211 STATE DOMESTIC VIOLENCE PROTECTIVE ORDER REGISTRY
Rep. Cooper**

This legislation authorizes the Attorney General to create and administer a State Domestic Violence Protective Order Registry. The legislation outlines procedures that must be followed in the maintenance of the registry and provides for confidentiality of the identity of victims of domestic violence.

H.3212 SALVIA DIVINORUM AND SALVINORIN A Rep. Huggins

This bill adds Salvia Divinorum and Salvinorin A to the list of Schedule I drugs.

H.3213 COMPUTER CRIME OFFENSES Rep. Limehouse

This bill includes in the purview of the offense of computer crime in the first degree that it is unlawful for a person to directly or indirectly access a computer or computer network without proper authorization for the purpose of obtaining and releasing state or federal classified or confidential information to the public in an electronic format or other form of mass communication. Violations are felony offenses.

H.3220 UNIFORM FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT, REGISTER OF DEEDS AND TREASURERS Rep.

Nanney

Relating to the uniform fees and costs collected by county clerks of court, registers of deeds, and treasurers, this bill increases from \$10 to \$15 dollars the fee for filing, enrolling, and satisfying executions or warrants of distrainments for the Department of Employment and Workforce, Department of Revenue, and other state agencies making such filings when the costs are chargeable to the persons against whom the executions or warrants are issued. The bill also increases from \$10 to \$15 dollars the fee for filing, enrolling, and satisfying federal tax liens when the costs are chargeable to the persons against whom the execution is issued.

H.3221 ELECTRONIC FILINGS REQUIRED BY THE DEPARTMENT OF REVENUE Rep. Nanney

This legislation requires the Department of Revenue to file electronically all documents relating to the enforced collection of taxes due with county clerks of court and registers of deeds in those counties which accept electronic filings.

H.3225 DETERMINING THE BEST INTERESTS OF A MINOR CHILD FOR AN AWARD OF CUSTODY Rep. Allison

In determining the best interests of the child, this bill requires the family court to consider the grandparents and immediate family members of the child for custody and give priority for custody to a grandparent or immediate family member except over a parent of the child. In considering placement of a child with a grandparent or immediate family member, the court must consider the relative capability of the individual to care for the child, including the character, fitness, attitude, and inclinations of the individual as they would impact the child, in addition to the totality of the circumstances.

H.3226 "THE SOUTH CAROLINA REGULATORY REFORM ACT" Rep. Bedingfield

This legislation enacts "The South Carolina Regulatory Reform Act". The legislation provides that the General Assembly or a committee of the General Assembly may not amend or otherwise change an amendment under General Assembly review, and only the agency that submitted the regulation for review may amend or otherwise change the language of a regulation it submits for General Assembly review. Relating to the approval of proposed regulations, this legislation deletes the provision allowing an automatic approval and instead provides for an automatic vote in the House of Representatives and Senate. Relating to certain notice requirements, the legislation makes conforming changes.

H.3229 "BEHAVIORAL HEALTH SERVICES ACT OF 2011" Rep. Harrison

The legislation enacts the "Behavioral Health Services Act of 2011". It eliminates the Department of Alcohol and Other Drug Abuse Services and the Department of Mental Health and consolidates their powers and duties within a newly-created Department of Behavioral Health Services, which is charged with developing and implementing a plan for the coordinated care and unified delivery of behavioral health services.

H.3231 FORECLOSURE OF A LANDLORD'S MORTGAGE Rep. Herbkersman

This legislation provides that a preexisting rental agreement does not terminate upon the subsequent foreclosure of the landlord's mortgage.

H.3235 FEES AND THE TIME WITHIN WHICH CERTAIN RECORDS MUST BE FURNISHED UNDER THE FREEDOM OF INFORMATION ACT

Rep. Taylor

Relating to fees and the time within which certain records must be furnished under the Freedom of Information Act, this legislation provides that records must be furnished at the lowest possible cost not to exceed current market rate to the person requesting the records. The legislation further provides where a public body grants a request for records, it must furnish those records for inspection or copying immediately, but no later than 30 days after the date of the formal request.

H.3240 "SYDNEY'S LAW" - UNFAIR TRADE PRACTICE TO SELL OR OFFER FOR SALE A YO-YO WATERBALL TOY

Rep. Herbkersman

This legislation enacts "Sydney's Law" so as to make it an unfair trade practice to sell or offer for sale a yo-yo waterball toy. The legislation includes penalties for violations.

H.3246 PROHIBITIONS RELATING TO ALCOHOLIC ENERGY DRINKS AND CAFFEINATED MALT BEVERAGES

Rep. Funderburk

This bill prohibits the importation, production, manufacture, distribution, or sale of alcoholic energy drinks and caffeinated malt beverages and provides penalties for violations.

H.3247 ANNEXATION

Rep. Herbkersman

This bill relates to municipal annexation issues. Among other things, it requires a plan of services before approval of all annexation proposals. It also requires a new annexation to be consistent with local comprehensive land use plans. Relating to alternate methods where a petition is signed by all or 75 percent of landowners, this bill gives standing to other persons or entities to bring suit to challenge a proposed or completed annexation. The bill requires notice of a public hearing before acting on an annexation petition. Relating to definitions used in annexation procedure, the bill defines the term "urban area" and changes the definition of "contiguous".

H.3248 STATUTE OF LIMITATIONS FOR PROSECUTING CERTAIN ETHICS VIOLATIONS

Rep. Sottile

Relating to the statutes of limitations for prosecuting certain ethics violations, this legislation allows actions to be commenced until four years after a public official, public employee or public member leaves office.

H.3249 TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE

Rep. G. M. Smith

This bill clarifies that the luggage compartment or cargo area in which one may lawfully transport a container of alcoholic liquor with a broken or opened seal or cap is not limited to a closed trunk that is accessible only from the exterior of the vehicle so long as the luggage compartment or cargo area is separate and distinct from the driver's and passengers' compartments. The bill also provides that a person's driver's license may not be suspended for a violation of this provision.

H.3250 VETERAN'S DAY RECOGNIZED AS A LEGAL HOLIDAY BY SCHOOLS

Rep. Toole

This bill requires all local school districts and public colleges and universities to recognize Veteran's Day as a legal holiday.

H.3251 GUARDIANS AD LITEM FOR ABUSE AND NEGLECT CASES

Rep. G. R. Smith

If a child is the alleged victim of child abuse or neglect in a report made to the Department of Social Services, this legislation allows either parent of the child to petition the court to appoint a guardian ad litem any time after the report was received by the department. The guardian ad litem shall initiate an investigation of the alleged abuse or neglect within twenty-four hours of being appointed.

H.3262 CONTINUATION OF THE DEPARTMENT OF CORRECTIONS AND DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES CONSOLIDATION STUDY COMMITTEE Rep. Jefferson

This legislation provides that the Department of Corrections and Department of Probation, Parole and Pardon Services Consolidation Study Committee's dissolution date of December 31, 2010 is extended to December 31, 2011.

H.3263 PROHIBITIONS RELATING TO CAFFEINATED OR STIMULANT-ENHANCED MALT BEVERAGES Rep. Jefferson

This legislation prohibits the sale of any caffeinated or stimulant-enhanced malt beverage. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than \$10,000 dollars.

H.3265 UNLAWFUL TO FLEE FROM LAW ENFORCEMENT OFFICERS UNDER CERTAIN CIRCUMSTANCES Rep. D. C. Moss

In the absence of mitigating circumstances, this bill provides it is unlawful for a person to flee from a law enforcement officer when the person is: (1) approached by a law enforcement officer; or (2) in the presence of a law enforcement officer. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than 90 days.

H.3267 CONSOLIDATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES WITH THE DEPARTMENT OF CORRECTIONS Rep. Sellers

This legislation transfers all functions, powers, duties, responsibilities and authority statutorily exercised by the Department of Probation, Parole and Pardon Services to the Department of Corrections, Division of Probation, Parole and Pardon Services.

H.3268 CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE STATE LAW ENFORCEMENT DIVISION Rep. Sellers

This legislation consolidates the Department of Public Safety with the State Law Enforcement Division (SLED). This legislation creates within SLED the Division of Public Safety.

LABOR, COMMERCE AND INDUSTRY

H.3011 "FREEDOM OF CHOICE IN HEALTH CARE ACT" Rep. G. R. Smith

This bill enacts the "Freedom of Choice in Health Care Act" to provide that a resident of this state must not be required to obtain or maintain a policy of individual insurance

coverage. The legislation provides that a resident is not liable for any penalty, fee, or fine as a result of the resident's failure to procure or obtain health insurance coverage.

**H.3096 CRIMINAL BACKGROUND CHECKS REQUIRED FOR LICENSURE
AS**

***A RESIDENTIAL HOMEBUILDER* Rep. Daning**

This bill provides that a person seeking a residential home builder license must submit to certain criminal background checks. The Department of Labor, Licensing and Regulation shall not issue a residential homebuilder license to a person who has not submitted to these background checks.

**H.3100 STUDY COMMITTEE TO REVIEW SAFETY STANDARDS FOR
NATURAL GAS PIPELINE FACILITIES AND TRANSPORTATION
Rep. Gilliard**

This joint resolution establishes a study committee to review the minimum safety standards for natural gas pipeline facilities and the transportation of natural gas in this state and make recommendations for improving the design, installation, inspection, testing, construction, extension, replacement, and maintenance of these facilities. The legislation provides for the study committee's membership and requires the committee to report its findings and recommendations to the General Assembly no later than March 19, 2011, at which time it is abolished.

**H.3101 USE OF CREDIT REPORTS PROHIBITED FOR DECISIONS
REGARDING EMPLOYMENT, ISSUANCE OF INSURANCE, AND
VEHICLE RENTAL Rep. Gilliard**

This bill provides that an insurer may not use the credit report of a person seeking a contract of insurance to determine the insurance rate of the contract or whether to issue the insurance contract. The legislation provides that an employer may not use a credit report to evaluate a person for employment. The legislation provides that a vehicle rental company may not use the credit report of a person seeking to rent certain vehicles to determine the rental rate of the vehicles or whether to rent the vehicles.

**H.3111 WORKERS' COMPENSATION INSURANCE FILING REQUIREMENTS
Rep. Young**

This bill revises requirements that an insurer writing a workers' compensation policy shall file certain information on which it relies to support its rate request, so as to require the insurer to adopt the most recent loss cost within one hundred twenty days of approval of the loss costs. The legislation revises the requirement that its obligation to make certain filings may be satisfied by making filings as a member of, or subscriber to, a licensed rating organization that makes filings, so as to require these filings be rule and form filings and not loss cost adoption filings. The legislation requires the insurer to file for certain approval if the rating organization to which it subscribes has a rate increase within twelve months after the insurer becomes a member.

H.3181 LICENSING OF INSURANCE CONSULTANTS Rep. Sottile

This bill provides for the licensing of insurance consultants by the Director of the Department of Insurance. The legislation establishes definitions, exemptions, and penalties.

H.3199 *ELECTRIC AND NATURAL GAS SERVICE SPECIAL NEEDS ACCOUNT CUSTOMERS* Rep. Allen

This bill requires a municipality, special purpose district or public service district, electric cooperative, public utility, public service authority, or electric utility furnishing electricity or natural gas to its citizens to include in the customer's bills once annually a form that may be returned with payment that informs the service provider that the customer is a "special needs account customer" who is subject to special procedures governing the termination of electric and natural gas service. The legislation expands the definition of "special needs account customer" to include someone who is at least sixty years of age and someone who suffers from Alzheimer's disease or dementia as certified by a licensed health care provider.

H.3227 *DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL* Rep. Cobb-Hunter

This bill revises provisions governing the Department of Employment and Workforce Appellate Panel, so as to provide the appellate panel shall render decisions independently of influence from the Department of Employment and Workforce and the department shall attempt no effort to influence a decision of the panel. The legislation establishes as the new qualifications for a member of the panel membership in good standing as a licensed attorney in South Carolina or at least five years experience in a judicial or quasi-judicial capacity, such as a judge or hearing officer with a state or federal agency.

H.3228 *E-VERIFY IMMIGRATION STATUS SCREENING REQUIRED FOR UNEMPLOYMENT BENEFITS APPLICANTS* Rep. Corbin

To ensure compliance with provisions prohibiting unemployment benefits for unlawful aliens, this bill requires the Department of Employment and Workforce to screen an applicant for unemployment benefits using the E-Verify Program, or its successor, maintained and operated by the United States Department of Homeland Security and the Social Security Administration.

H.3230 *"SOUTH CAROLINA CHARITABLE INVESTMENT RECOVERY ACT OF 2011"* Rep. Herbkersman

This bill enacts the "South Carolina Charitable Investment Recovery Act of 2011". The legislation exempts certain loans to charities from retirement accounts from reporting requirements related to the solicitation of charitable funds. The legislation provides that a bona fide charity or not-for-profit corporation may have an insurable interest in an insured's life in certain circumstances. The legislation revises provisions relating to a known claim against a dissolved corporation, so as to provide a claim for a life insurance policy owned by a charity under certain circumstances may not be barred. The legislation revises the definitions of an investment contract under the South Carolina Uniform Securities Act of 2005.

H.3232 *AUTOMOBILE REPAIRS AND INSURERS* Rep. Herbkersman

This bill establishes provisions prohibiting insurers from imposing arbitrary limits on written automobile repair estimates. The legislation prohibits certain unilateral or arbitrary disregard of a repair operation or cost identified by an estimating system which an insurer and collision repair facility have agreed to utilize determining the cost of repair. The legislation prohibits an insurer, agent, employee, or a representative from recommending to an insured or a claimant to use a specific shop for repair. The legislation prohibits an insurer from owning or having an interest in an auto body repair facility.

H.3234 PRACTICING AS A CONTRACTOR WITHOUT A LICENSE Rep.

Spires

This bill revises penalties for practicing or attempting to practice as a contractor without a license, so as to provide a person who engages in this practice or who under a false pretense uses impermissibly another person's valid contractor's license to practice or attempt to practice as a contractor must pay a fine of twenty-five thousand dollars and is guilty of a felony for which, if convicted, he must serve one year in prison. The legislation revises administrative penalties the Department of Labor, Licensing and Regulation may impose for a violation of the law governing the licensure of contractors, so as to provide no more than two hundred twenty-five thousand dollars in penalties may be assessed against an entity or individual in a day. The legislation provides that an administrative penalty imposed for a first offense may not exceed twenty-five thousand dollars. The legislation revises civil penalties for a person who violates a provision regarding the licensure of contractors, so as to provide the South Carolina Contractors' Licensing Board may impose a penalty of up to twenty-five thousand dollars for a violation.

H.3237 FAILURE OF A FINANCIAL INSTITUTION TO RESPOND TO A REAL ESTATE SHORT SALE OFFER IN A TIMELY MANNER DESIGNATED AN UNLAWFUL TRADE PRACTICE Rep. Herbkersman

This bill provides that a bank, building and loan association, savings and loan association, savings bank, or other financial institution doing any kind of banking business in this state that fails to accept or reject a short sale offer for the purchase of real estate within thirty calendar days of the offer's receipt commits an unlawful trade practice subject to the provisions, penalties, and damages of the South Carolina Unfair Trade Practices Act.

H.3269 PROPOSED STATE CONSTITUTIONAL AMENDMENT ON THE FREEDOM OF SOUTH CAROLINIANS TO PROVIDE FOR THEIR HEALTH CARE Rep. Limehouse

This joint resolution proposes to amend the South Carolina Constitution's declaration of rights, so as to add a new provision preserving the freedom of South Carolinians with respect to the providing of health care services, by: prohibiting any law, regulation, or rule to compel an individual, employer, or health care provider to participate in a health care system; allowing individuals and employers to pay directly for lawful health care services without penalties or fines for these direct payments; and providing that the purchase or sale of health insurance in private health care systems must not be prohibited by law, regulation, or rule.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3012 "LICENSURE OF IN-HOME CARE PROVIDER ACT" Rep. Horne

This legislation requires an in-home care provider to apply for and obtain a license from the Department of Health and Environmental Control for a fee established by the department. An in-home care provider is defined as a person or business that directly provides in-home care services through its own employees or through contractual arrangements. The legislation outlines what services are included and excluded as in-

home care. The department must provide for specific regulations and requirements for the in-home care license, including criminal background checks.

H.3038 TATOO FACILITY ENGAGING IN ANOTHER RETAIL BUSINESS

Rep. Umphlett

This bill allows a tattoo facility to include the sale of merchandise with images and language promoting the art and culture of tattooing.

H.3053 HOMELESS PERSONS STUDY Rep. Gilliard

This bill requires county DSS offices to conduct a study on the number of homeless persons as aggravated by the current recession and investigate temporary housing. The study should also identify funding sources and be submitted to the Governor and the General Assembly by January 31, 2012.

H.3098 STUDY COMMITTEE ON COMPENSATION OF PUBLIC HOSPITAL STAFF Rep. Gilliard

This joint resolution establishes a study committee to review and make recommendations concerning the compensation of physicians, administrators, and other highly-compensated staff members of public hospitals. The study exempts salaries of licensed practical nurses, registered nurses, nurse practitioners, or other nurses serving in non-administrative capacities. The study committee shall make a report of its findings and recommendations to the General Assembly by January 19, 2012, at which time the study committee must be abolished.

H.3099 HAIR BRAIDING Rep. Gilliard

The bill revises the definition of hair braiding to include the use of hair extensions if performed under the supervision of a licensed cosmetologist.

H.3102 BARBERS AND BARBERING Rep. Gilliard

A person licensed as a registered barber by the board must earn a minimum of four credits of continuing education annually, with certain exceptions. The legislation outlines what activities constitute acceptable continuing education as well as the required verification of this education.

H.3170 STUDY COMMITTEE ON VETERAN HOMELESSNESS Rep. Gilliard

This joint resolution establishes a committee to study issues affecting veteran homelessness. The committee shall study the approximate number of homeless veterans residing in this state; the approximate number of South Carolina veterans who have been diagnosed with post traumatic stress disorder; the root causes of veteran homelessness and reasons why traditional veterans affairs services are not alleviating the situation, particularly with regard to job placement services; and the availability of basic human services to most economically disadvantaged veterans. The committee is comprised of three members of the Senate and three members of the House. The members of the committee shall elect a chairman and a vice chairman and shall meet as often and at any locale in the state as the committee considers necessary or expedient for the duration of the committee's existence. The committee shall render a written report of its findings and recommendations to the General Assembly and to the Governor not later than August 1, 2011, at which time the committee shall be dissolved and this joint resolution shall expire.

H.3182 "PHARMACY PATIENT PROTECTION ACT" Rep. Spires

This bill enacts the "Pharmacy Patient Protection Act" to provide for the licensure and registration of pharmacy benefit managers. The legislation provides for the requirements of a certificate of registration and for the conditions under which a prescription benefits manager shall operate. The legislation requires certain financial and utilization information be made available for review and establishes requirements for record keeping. The legislation provides for pricing guidelines that must be used. The legislation provides that a pharmacy benefits manager may not discriminate when contracting with pharmacies on the basis of co-payments or days of supply. The Director of the Department of Insurance is authorized to make rules and promulgate regulations to implement the legislation.

H.3190 MEDICAID PILOT PROJECT Rep. Huggins

During the fiscal year 2011-2012, the Department of Health and Human Services, with appropriate available funds, shall pilot test an in-home health care system in not more than five counties with the highest incidence of emergency room use during the previous year by Medicaid recipients. The purpose of the program is to reduce the amount of emergency room visits in nonemergency cases. This program shall provide a state-of-the-art in-home health care system which provides around the clock access to medical assessment care and additionally provides an emergency response function that gives a Medicaid recipient the ability to contact a national emergency response center.

WAYS AND MEANS

H.3002 "THE EDUCATION FINANCE ACT OF 2011" Rep. Cooper

This bill enacts "The Education Finance Act of 2011" to amend the Education Finance Act of 1977.

H.3004 "SPENDING ACCOUNTABILITY ACT OF 2011" Rep. Ballentine

This bill enacts the "Spending Accountability Act of 2011" to require certain bills and joint resolutions to receive a recorded roll call vote at specified stages of their consideration by the House of Representatives and the Senate.

H.3010 STATE INDIVIDUAL INCOME TAX CREDIT FOR TUTORING EXPENSES Rep. Ballentine

This bill allows a refundable state individual income tax credit for up to two thousand dollars of expenses incurred by the taxpayer for tutoring a dependent eligible student in connection with K-12 or GED course work. Tutoring expense does not include any expense incurred in connection with nonacademic course work, nor does it include any tuition or fee charged by an educational institution for attending the educational institution in which the eligible student is regularly enrolled. In order to be eligible for the tax credit, a taxpayer's federal taxable income for the preceding year must not exceed three hundred percent of the income standard for the free or reduced price lunch program.

H.3044 "SOUTH CAROLINA ANGEL INVESTMENT ACT OF 2011" Rep. Brady

This bill enacts the "South Carolina Angel Investment Act of 2011" to encourage greater availability of early stage capital for emerging high-growth enterprises in South Carolina by providing for state nonrefundable income tax credits allocated by the Department of Commerce for qualified investments in businesses primarily engaged in such endeavors

as manufacturing, processing, warehousing, wholesaling, software development, information technology services, and research and development.

H.3055 ESTIMATION OF TAX LIABILITY WHEN A TAXPAYER HAS FAILED TO SUBMIT REQUIRED REPORTS OR RETURNS Rep. Huggins

This bill revises provisions relating to the failure of a taxpayer to make a report or file a return required by law or a taxpayer who files a frivolous return, so as to further provide for what constitutes the best available information that the Department of Revenue must consider when making an estimate of the taxpayer's tax liability under these circumstances.

H.3058 BUSINESS LICENSE TAXES IMPOSED BY COUNTIES AND MUNICIPALITIES Rep. Merrill

This bill provides that a business license tax imposed by a county or municipality must be based on the size of the business in terms of the number of its employees and not on its gross income. The legislation requires county and municipal governing bodies to establish clear and concise policies for the administrative enforcement of their business license taxes.

H.3059 INCOME TAX CREDIT FOR PLUG-IN HYBRID VEHICLES Rep. Merrill

This bill revises the income tax credit for plug-in hybrid vehicles by: increasing the maximum aggregate amount of the credit available each fiscal year from two hundred thousand dollars to five hundred thousand dollars; revising the definition of qualified vehicles; eliminating the tax credit's expiration date; and providing that the credit must be allocated to eligible claimants during a fiscal year on a first-come, first-serve basis.

H.3062 IMPLEMENTATION OF COUNTYWIDE PROPERTY TAX REASSESSMENT FOR A MUNICIPALITY WITH PROPERTY IN TWO OR MORE COUNTIES Rep. Merrill

This bill provides that if a municipality consists of real property located in two or more counties and one of those counties but not all undergoes and implements a countywide reassessment and equalization program in a particular year, any higher real property tax valuations in that county resulting from the reassessment shall not apply for purposes of computing municipal ad valorem taxes until the year in which all other counties in the municipality have completed and implemented such a reassessment and equalization program. These provisions are retroactive to the year 2009.

H.3063 COMPUTING MUNICIPAL AD VALOREM PROPERTY TAXES IN MUNICIPALITIES SPANNING MORE THAN ONE COUNTY Rep. Merrill

This bill provides that if the boundaries of a municipality extend into more than one county and those counties implement countywide appraisal and equalization programs on different schedules, then the governing body of the municipality shall set an equivalent millage to be used thereafter to compute municipal ad valorem property taxes. The legislation establishes the manner in which the equivalent millage shall be determined and makes the provisions retroactive to the 2009 property tax year.

H.3064 INDIVIDUAL INCOME TAX CREDIT FOR PRIVATE SCHOOL OR HOME SCHOOL BOOKS AND SUPPLIES Rep. Merrill

This bill provides that a person who sends his child to private school or home schools his child is allowed an individual income tax credit equal to one hundred dollars per child to be used to purchase books and supplies.

H.3067 “SOUTH CAROLINA TRUTH IN SPENDING ACT OF 2011”

Rep. G. R. Smith

This bill enacts the “South Carolina Truth in Spending Act of 2011” to provide that each agency, department, and institution of state government and each local governmental entity shall maintain a detailed transaction register of all funds expended each month and post that register online. The legislation also requires these governmental entities to post online all credit card statements, statements for credit cards issued to public officials and employees for public use, and an annual listing of full time employees grouped by class along with the number of full time positions in each class and the average salary in each class.

H.3076 TEMPORARY EXTENSION OF FOUR PERCENT PROPERTY TAX ASSESSMENT RATIO FOR OWNER-OCCUPIED PROPERTY

Rep. Bowen

This joint resolution provides that if the owner occupant of residential property qualifying for the four percent property special assessment ratio vacates the property in calendar year 2011, 2012, or 2013, the assessment ratio applicable to the property remains at four percent whether or not the owner has claimed the four percent special assessment ratio on another residence if the property is unsold, not rented, and unoccupied unless the property sooner undergoes an assessable transfer of interest. The joint resolution specifies how these provisions are to be construed as a property tax exemption.

H.3077 PROPERTY TAX EXEMPTION FOR NEW ELECTRIC POWER GENERATION FACILITIES

Rep. Clyburn

This bill provides for the exemption of a portion of the fair market value of all real property associated with a new facility for the generation of electric power. The legislation subjects the remaining portion to a state property tax and provides for its distribution among the political subdivisions of this state, with an aggregate annual cap on distribution to a county and school districts and municipalities therein of twenty million dollars. The legislation provides that amounts over the aggregate county cap must be distributed to the county and school districts and municipalities therein in which the facility is located.

H.3079 CHARITABLE BINGO ADVISORY COMMITTEE

Rep. Herbkersman

This bill creates the Charitable Bingo Advisory Committee and provides for its membership and purposes. The legislation requires a Department of Revenue designee as liaison. The legislation provides for the establishment of an informational charitable bingo website by the Department of Revenue and requires the department’s response to inquiries as permanently accessible advisory opinions. The legislation provides for various revisions to bingo provisions.

H.3081 VEHICLE PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS

Rep. Gambrell

This bill provides a property tax exemption for one private passenger motor vehicle owned or leased by an individual who has attained the age of sixty-five years and one watercraft owned or leased by an individual who has attained the age of sixty-five years.

H.3082 USE OF LOCAL HOSPITALITY TAX REVENUES FOR TRANSPORTATION NEEDS

Rep. McEachern

This bill revises provisions specifying the uses allowed for local hospitality tax revenues, so as to allow the governing body of a municipality and a county by ordinance to use not more than one-half of the revenues of the local hospitality tax imposed by the county and municipality for transportation needs.

H.3083 "SOUTH CAROLINA CONSERVATION BANK REAUTHORIZATION ACT" Rep. Pitts

This bill enacts "The South Carolina Conservation Bank Reauthorization Act", amending Act 200 of 2002, which originally authorized the South Carolina Conservation Bank, by eliminating the July 1, 2013, sunset date and making various provisions of the 2002 act permanent law.

H.3084 "SOUTH CAROLINA CONSERVATION BANK REAUTHORIZATION AND STABILIZATION ACT" Rep. Pitts

This bill enacts the "South Carolina Conservation Bank Reauthorization and Stabilization Act", amending Act 200 of 2002, which originally authorized the South Carolina Conservation Bank, by eliminating the July 1, 2013, sunset date and making various provisions of the 2002 act permanent law. The legislation eliminates provisions that suspend the crediting of deed recording fees and other appropriated funds to the South Carolina Conservation Bank Trust Fund during fiscal shortfalls.

H.3085 SOUTH CAROLINA INCOME TAX DEDUCTION FOR MILITARY RETIREMENT BENEFITS Rep. G. M. Smith

This bill allows retirement benefits attributable to service on active duty in the armed forces of the United States to be deducted from the South Carolina income tax.

H.3086 ELIMINATION OF SALES TAX EXEMPTION FOR GROCERIES Rep. Spires

This bill eliminates the sales tax exemption allowed for unprepared food items.

H.3087 COMPLETE PROPERTY TAX EXEMPTION FOR SENIOR CITIZENS' RESIDENCES Rep. Spires

This bill allows an exemption from all property tax equal to one hundred percent of the value subject to tax of an owner-occupied residence if the owner has attained the age of sixty-five years.

H.3088 INCOME TAX DEDUCTION FOR GOVERNMENTAL CHARGES FOR SERVICES FOR AND IMPROVEMENTS TO REAL PROPERTY Rep. Umphlett

This bill allows a South Carolina income tax deduction of assessments other than property taxes imposed on real property in connection with providing services or potential services for the benefit of the property owner. The legislation also allows the deduction of the charge for a permit, license, surcharge, or other fee required to be paid to a unit of government in connection with improvements to real property.

H.3089 WRITTEN NOTIFICATION REQUIREMENTS FOR TRANSFER OF REAL PROPERTY RECEIVING THE AGRICULTURAL USE TAX CLASSIFICATION Rep. Umphlett

This bill requires the transferor of real property receiving the agricultural use classification to provide written notice to the transferee before closing that the property is

receiving the agricultural use classification and the transfer may result in the imposition of rollback taxes if the use of the property has been changed by the transferor or will be changed by the transferee.

**H.3090 COUNTY FORFEITED LAND COMMISSION BIDDING PROVISIONS
Rep. Umphlett**

This bill revises provisions relating to the required bid on behalf of a County Forfeited Land Commission by the official conducting a delinquent property tax sale, so as to allow but not require a bid. The legislation also conforms bidding provisions with respect to contaminated property.

H.3092 "LONG-TERM CARE INCOME TAX CREDIT ACT" Rep. Young

This bill enacts the "Long-Term Care Income Tax Credit Act" to allow a state individual income tax credit of twenty-five percent of the total amount of premiums paid by a taxpayer pursuant to a long-term care insurance contract, up to one thousand dollars for each taxable year for each contract. The legislation prohibits a double benefit and makes the credit retroactive for taxable years beginning after 2010.

H.3106 MAGISTRATES' SALARIES Rep. Rutherford

This bill revises provisions relating to magistrates' salaries, so as to provide a magistrate who is a licensed attorney in good standing with the South Carolina Bar must be paid a base salary equal to fifty-five percent of a circuit court judge's salary for the state's immediately previous fiscal year, regardless of the population category of the county he serves or the length of his tenure as a magistrate.

**H.3159 ELIMINATION OF TOTAL SUSPENSION OF CONSERVATION BANK
FUNDING DURING STATE BUDGET SHORTFALLS Rep. Ryan**

This bill revises South Carolina Conservation Bank Act provisions by eliminating the requirement that no further deed recording fees or other funds may be credited to the Conservation Bank Trust Fund in any year when a majority of state agency appropriations are reduced in the annual general appropriations act or when the State Budget and Control Board imposes across the board cuts. Instead, the legislation provides for a reduction on a percentage basis in the amount of deed recording fees which may be transferred to the trust fund during these state budget shortfalls.

**H.3171 USE OF LOCAL HOSPITALITY TAX REVENUES FOR COUNTY
TRANSPORTATION NEEDS Rep. McEachern**

This bill revises provisions specifying the uses allowed for local hospitality tax revenues, so as to allow the governing body of a county by ordinance to use not more than one-half of the revenues of the local hospitality tax imposed by the county for transportation needs.

**H.3174 USE OF LOCAL HOSPITALITY TAX REVENUES FOR
TRANSPORTATION NEEDS Rep. McEachern**

This bill revises provisions specifying the uses allowed for local hospitality tax revenues, so as to allow the governing body of a municipality and a county by ordinance to use not more than one-half of the revenues of the local hospitality tax imposed by the county and municipality for transportation needs.

H.3191 JOBS-ECONOMIC DEVELOPMENT AUTHORITY Rep. Huggins

This bill revises provisions governing the Jobs-Economic Development Authority, so as to further provide for the power of the authority to use program funds to purchase insurance, the benefits of which must be used to fund, directly or indirectly, projects or activities which create jobs or provide other significant public benefits. The legislation specifies that the authority may issue bonds to finance the acquisition by construction or purchase of tangible or intangible assets. The legislation revises provisions relating to the creation of an insurance fund by the authority as security for bond holders. The legislation includes non-profit entities among the persons and projects eligible for assistance from the authority and revises criteria for assistance. The legislation revises criteria for the use which can be made of proceeds of loan programs of the authority.

**H.3192 SCHOOL FACILITY CONSTRUCTION, RENOVATION, AND REPAIR
EXEMPTED FROM THE DEVELOPMENT IMPACT FEE ACT Rep.**

Merrill

This bill exempts from impact fees authorized to be levied under the South Carolina Development Impact Fee Act construction of an elementary, middle, or secondary school facility, or replacing, renovating, or repairing an elementary, middle, or secondary school facility, designed and used primarily for the instruction of students. The legislation makes these provisions retroactive to July 1, 2008.

**H.3193 INCOME TAX DEDUCTION FOR VOLUNTEER ADVANCED STATE
CONSTABLES Rep. D. C. Moss**

This bill allows a maximum three thousand dollar a year state income tax deduction for volunteer state constables designated by the State Law Enforcement Division as advanced state constables. The legislation establishes eligibility requirements for this deduction.

**H.3194 INCOME TAX DEDUCTION FOR VOLUNTEER STATE CONSTABLES
Rep. Pope**

This bill allows a maximum three thousand dollar a year state income tax deduction for volunteer state constables designated by the State Law Enforcement Division as state constables. The legislation establishes eligibility requirements for this deduction.

H.3215 ZERO-BASE BUDGET REVIEW OF STATE AGENCIES Rep. Crosby

This bill provides for a zero-base budget review on a ten year schedule of each state agency, beginning with appropriations for fiscal year 2012-2013.

H.3216 TAX CREDITS FOR EMPLOYERS Rep. Herbkersman

This bill establishes a tax credit for costs incurred for new construction, renovation, or other building project that meets certain Green Globes or LEED standards for energy efficiency. The legislation revises jobs tax credit provisions, so as to include a knowledge-intensive business as a qualifying facility and provide for the designation of county rankings by using the unemployment rate and either the per capita income or the average regional wage rate. The legislation revises the corporate income tax credit for corporate headquarters, so as to modify the requirement of a certain number of new full-time jobs to ten percent of the corporate payroll.

**H.3217 BENEFITS BASED FUNDING PROJECTS IN STATE GOVERNMENT
PROCUREMENT Rep. Herbkersman**

This bill revises provisions relating to competitive best value bidding in connection with the Consolidated Procurement Code, so as to provide for benefits based funding

projects in which payments to vendors depend upon the realization of specified savings or revenue gains. The legislation establishes requirements for such projects and provides for oversight by the State Budget and Control Board.

H.3218 SALES TAX EXEMPTION FOR SOLAR PANELS Rep. Herbkersman

This bill exempts from the sales tax the gross proceeds of sales or sales price of solar panels used for the generation of electricity.

H.3219 SALES TAX EXEMPTION FOR MACHINERY USED IN THE COMMERCIAL BREEDING AND RAISING OF CATTLE, HORSES, AND OTHER LIVESTOCK Rep. D.C. Moss

This bill extends the sales tax exemption allowed farm machinery, replacement parts, and attachments to machinery, replacement parts, and attachments used in the commercial breeding and raising of cattle, horses, and other livestock for sale.

H.3222 "SOUTH CAROLINA FISCAL ACCOUNTABILITY ACT" Rep. Young

This bill enacts the "South Carolina Fiscal Accountability Act" to create a division within the Legislative Audit Council to conduct evaluations of programs of certain state agencies and departments to determine if these programs have outlived their usefulness or must be changed to address the priorities and needs of the citizens they affect. The legislation establishes a procedure for the initiation of a review and for disposition of findings after a review has been completed. The legislation requires the Governor in the preparation of the annual recommended state budget to apply "zero-base" budgeting principles, and requires the House Ways and Means Committee and the Senate Finance Committee in the consideration of the annual general appropriations bill and bills or joint resolutions making supplemental appropriations to apply "zero-base" budgeting principles.

H.3223 CONSTITUTIONAL LIMIT ON THE ANNUAL INCREASE IN THE NUMBER OF PERMANENT STATE GOVERNMENT PERSONNEL POSITIONS Rep. Stringer

This bill revises provisions relating to the constitutional limit on the annual increase in the number of permanent state government personnel positions and the formula for calculating the annual limit, so as to revise the baseline calculation by requiring it to include the number of permanent state government positions in fiscal year 2010-2011, rather than 1980-1981, and the state's population from the most recent United States decennial census, rather than the 1980 census.

H.3224 ANNUAL ACCOUNTING OF STATE AGENCY CARRY FORWARD BALANCES CATEGORIZED AS "OTHER FUNDS" Rep. Young

This bill requires the Office of State Budget of the State Budget and Control Board to compile information from each state agency and institution detailing the categories and amounts of "other funds" balances carried forward from the most recently ended fiscal year into the current fiscal year and those uses to which these balances will be applied. The legislation requires the Office of State Budget to report its compilation to the General Assembly no later than November first of each year.

H.3233 REDEVELOPMENT PROJECT COSTS Rep. Mitchell

This bill revises provisions relating to redevelopment project costs, so as to provide that property assembly costs also include the cost of environmental remediation.

H.3239 INDEX OF TAXPAYING ABILITY UNDER THE EDUCATION FINANCE ACT
Rep. Herbkersman

This bill revises the definition of “index of taxpaying ability” under the Education Finance Act to provide that the index for each school district is based on the wages of the county in which the district is located.

H.3270 “SOUTH CAROLINA ANGEL INVESTMENT ACT OF 2011”
Rep. Loftis

This bill enacts the “South Carolina Angel Investment Act of 2011” to encourage greater availability of early stage capital for emerging high-growth enterprises in South Carolina by providing for state nonrefundable income tax credits allocated by the Department of Commerce for qualified investments in businesses primarily engaged in such endeavors as manufacturing, processing, warehousing, wholesaling, software development, information technology services, and research and development.

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