



South Carolina House of Representatives

# Legislative Update

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

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# HOUSE WEEK IN REVIEW

The House returned S.20, legislation revising the state's **ILLEGAL IMMIGRATION** provisions.

- This legislation allows a resident of a political subdivision to bring a civil action to enjoin the enactment of certain ordinances or policies pertaining to immigration that limit public officials or law enforcement from fully enforcing state laws related to immigration. The legislation allows the court to impose a fine, if the court finds that the political subdivision has intentionally violated certain provisions. The proceeds from any such judgment must be used to reimburse the resident's reasonable attorney's fees. Any remaining proceeds must be used to cover the administrative costs of enforcing current immigration law.
- This legislation allows a person to present a valid United States passport or United States military identification card as an acceptable form of identification to gain employment with a public employer.
- This legislation expands the current criminal offense of harboring or transporting an illegal alien to include an illegal alien who seeks to be "harbored" or transported. The same felony criminal provisions apply to both crimes.
- This legislation requires a person eighteen or older to carry any alien registration documentation he is issued pursuant to federal law. A violation is a misdemeanor punishable by up to a \$100 fine or 30 days in jail, or both.
- This legislation allows a law enforcement officer who lawfully stops, detains, investigates, or arrests a person for a criminal offense to make a reasonable effort to determine whether that person is lawfully present in the United States, if the officer has reasonable suspicion to believe that the person is unlawfully present. The officer shall make these efforts during the stop or arrest, unless doing so would hinder the investigation.

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

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

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

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

- This legislation allows a jailer to transport a prisoner who is an illegal alien to a federal facility during the time he is serving his sentence. The legislation requires a jailer to transport a prisoner who is an illegal alien to a federal facility at the conclusion of his sentence.
- This legislation amends portions of the 2008 employer verification law. Among other things, the provisions reduce the number of days by which an employer who uses E-Verify must verify a new hire from five to three. It mirrors federal law as to what is acceptable identification for employment in South Carolina. It removes the 72 hour "grace period" that the Department of Labor, Licensing and Regulation (LLR) has for violations of Section 41-8-20 and adds up to a \$1,000 fine for those violations. Among other things, the fine will be based on the degree of non-compliance and good faith of the private employer. It authorizes LLR to issue civil penalties if the agency's administrative orders regarding the imputed business license are not followed. Also, a contractor must keep the contact name and phone number of subcontractors and sub-subcontractors. Additionally, the legislation allows a business to have its name removed from LLR's website after a year of compliance with the law that requires it to verify employees' legal status.
- This legislation provides that it is unlawful for a person to make, issue, or sell, or offer to make, issue, or sell, a false, fictitious, fraudulent, or counterfeit picture identification that is for use by an alien who is unlawfully present in the United States. A person who violates these provisions is guilty of a felony, and, upon conviction, must be fined \$25,000 or imprisoned for not more than five years, or both.
- The legislation establishes a task force within the Department of Public Safety to enforce immigration law. The legislation provides that the task force is established upon receiving funding and authorization to enforce federal immigration law.

The House amended, approved, and sent to the Senate **H.4198**, a bill revising employers' required contributions to the **UNEMPLOYMENT INSURANCE TRUST FUND** that is used to provide the state's jobless benefits. The legislation adjusts Unemployment Insurance Trust Fund provisions to bring relief to businesses that have

seen required contributions increase dramatically following recently enacted legislation designed to restore the fund to solvency. The legislation revises employer classifications in order to shield new businesses and companies with positive fund balances that have not contributed to the fund's shortfall from paying the highest rates. Exceptions are provided within the reclassification provisions to address staffing companies. The legislation reduces the maximum potential benefits of any insured worker from a total of twenty-six weeks to twenty weeks. The legislation establishes new unemployment insurance claims provisions for seasonal employment that allow for the collection of unemployment compensation for lay-offs that occur during the work season, but not outside of the season. The legislation includes provisions to prevent unemployment that results from declared natural disasters from being attributed to individual employers. The Department of Employment and Workforce is directed to recalculate premium rates in light of the legislation's changes.

The House returned **S.336**, pertaining to **UNIFORM TRAFFIC TICKETS AND TRAFFIC CAMERAS**, to the Senate with amendments. This legislation provides that a law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or traffic laws relating to speeding or disregarding a traffic control device must do so incident to and contemporaneous with a traffic stop. A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense. The legislation prohibits a law enforcement agency from mailing, electronically transferring, or utilizing any other means of sending the operator or owner of a motor vehicle or motorcycle a uniform traffic citation alleging a violation of a local ordinance of the traffic laws relating to speeding or disregarding a traffic control device. This does not prohibit the law enforcement agency from responding to a request from an owner or operator for an additional copy of the citation. This legislation provides that a uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to speeding or disregarding a traffic control device may not be issued based in whole or in part upon photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense. The prohibition does not apply to enforcement of provisions relating to driving under the influence or driving with an unlawful alcohol concentration. There is an exception for toll collection. In a declared emergency, a person who receives a citation for violating traffic laws relating to speeding or disregarding traffic control devices based in whole or in part on photographic evidence must be served in person with notice of the violation within one hour of the occurrence unless a collision occurred and fault cannot be determined immediately or the party who caused the collision is not immediately accessible due to medical treatment. This legislation also establishes the South Carolina Traffic Camera Enforcement Commission to conduct a comprehensive study concerning the use of traffic enforcement camera systems and develop criteria for assessing the use of traffic enforcement cameras. The legislation outlines the powers and duties of the commission and provides for its membership. The committee must conclude its business and report its findings to the General Assembly on or before November 1, 2011. The legislation includes issues that the report must consider and address. The members of the commission shall serve without compensation.

The House approved **S.823**, a bill **DESIGNATING COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE**, and enrolled the legislation for ratification.

The House tabled **H.3407**, the "**SOUTH CAROLINA EDUCATIONAL OPPORTUNITY ACT**", which establishes tax credits for parents who pay private school tuition or homeschool their children and allows tax credits for those who make donations to nonprofit organizations established to award scholarships for attending private schools to students from families that cannot afford tuition costs.

The House and Senate overrode the Governor's veto of **S.586**, relating to the **STATE HEALTH AND DENTAL INSURANCE PLANS**, allowing the bill to become law. This bill includes special purpose districts providing sanitation services and joint agencies established pursuant to Chapter 23, Title 6 among the entities eligible to participate in the State Health and Dental Insurance Plans. The legislation directs the Employee Insurance Program of the Budget and Control Board to develop and implement, for employees and their spouses who are health plan participants, an incentive plan to encourage participation in programs that promote health and the prevention of disease. The Employee Insurance Program is further directed to implement a premium reduction or other financial incentive, beginning on January 1, 2012, for those employees and their spouses who participate in these programs.

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

The House returned **S.172**, a bill requiring **ONLINE POSTING OF STATE GOVERNMENT FINANCES**, to the Senate with amendments. This bill requires all agencies, departments, and institutions of state government to be responsible for providing on its Internet website a link to the any other Internet website that posts its monthly state procurement card statements or reports. The legislation requires each public institution of higher learning to maintain a transaction register that includes a complete record of all funds expended, from whatever source for whatever purpose. The register must be prominently posted on the institution's Internet website and made available for public viewing and downloading. The legislation also includes the "**SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011**" which grants administrative relief to the state's public institutions of higher learning from certain legislatively required procedures. The administrative areas

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

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

The House approved **S.687**, addressing a definition change under the “State Certification of Need and Health Facility Licensure Act”, and enrolled the legislation for ratification. The bill replaces the term “mental retardation” with “**INTELLECTUAL DISABILITY**” and the term “mentally retarded” with “persons with intellectual disability”. This bill brings South Carolina in line with the language of new federal regulations.

The House concurred in Senate amendments to **S.445** and enrolled the bill for ratification. The legislation provides that by January 1, 2012, each school district shall adopt the Centers for Disease Control and Prevention (CDC) recommendations on **UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE** and shall communicate written notice of these procedures to each school within the district. The notice must provide information regarding education and training in the areas of infection control, universal precautions, and disinfection and sterilization techniques. The legislation revises current reporting requirements that provide notification to superintendents and school nurses when public school students are infected with Human Immunodeficiency Virus (HIV), the virus that causes AIDS, by limiting the scope of the reporting requirements to public school students in kindergarten through fifth grade.

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

The House approved **S.420**, relating to **STATE REGULATIONS ADOPTED IN COMPLIANCE WITH FORMER FEDERAL LAW**, and enrolled the bill for ratification. The legislation provides that if the underlying federal law which constituted the basis for the exemption of a regulation from General Assembly review is vacated, repealed, or otherwise does not have the force and effect of law, the state regulation is deemed repealed and without legal force and effect as of the date the promulgating state agency publishes notice in the State Register that the regulation is deemed repealed. The agency must publish the notice in the State Register no later than 60 days from the

effective date the underlying federal law was rendered without legal force and effect. Upon publication of the notice, the prior version of the state regulation, if any, is reinstated and effective as a matter of law. The notice published in the State Register shall identify the specific provisions of the state regulation that are repealed as a result of the invalidity of the underlying federal law and shall provide the text of the prior regulation, if any, which is reinstated. The agency may promulgate additional amendments to the regulation by complying with the applicable requirements.

The House approved **S.854** and enrolled the legislation for ratification. The legislation revises **ASSAULT AND BATTERY OFFENSES** by substituting the term "a person" for the term "an adult".

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

The House returned **S.588**, the "**STROKE PREVENTION ACT OF 2011**", to the Senate with amendments. Based upon recommendations of the Stroke System of Care Study Committee established in 2009, this legislation requires the Department of Health and Environmental Control to identify hospitals as primary stroke centers and stroke enabled centers through telemedicine. The bill establishes a Stroke System of Care Advisory Council to be appointed by the director of the South Carolina Department of Health and Environmental Control. The Council must be as geographically diverse as possible and composed of, but not limited to, knowledgeable and experienced individuals. The Stroke Advisory Council is responsible for advising the DHEC on the development and implementation of a statewide system of stroke care.

The House returned **S.241**, legislation establishing the **SOUTH CAROLINA DYSLEXIA TASK FORCE**, to the Senate with amendments. The task force must study and evaluate practices for diagnosing, treating, and educating children with dyslexia and to examine how current statutes and regulations affect these students. The task force will consist of 13 members composed of the following: the Superintendent of the South Carolina Department of Education; one person upon recommendation of the South Carolina Chapter of the Learning Disabilities Association of America; one person upon recommendation of the South Carolina Branch of the International Dyslexia Association; one person upon recommendation of the South Carolina Speech-Language-Hearing Association; one person upon the recommendation of the South Carolina Education Association; one person upon the recommendation of the Palmetto State Teachers' Association, and one member of the public at large; three members shall be appointed by the President Pro Tempore of the Senate and three members shall be appointed by the Speaker of the House of Representatives. The findings and recommendations of the task force shall be reported to the Governor and the General Assembly no later than twelve months after the initial meeting. The report shall include any proposed legislation that the task force recommends for adoption by the General Assembly. The task force shall dissolve immediately after submitting its report to the Governor and the General Assembly.

The House approved and sent to the Senate **H.3658**, the "**SOUTH CAROLINA EMPLOYER FREE SPEECH ACT**". This legislation provides that an employer in this

State is not required to post, physically, electronically, or otherwise, notices informing employees of their rights under the National Labor Relations Act, court decisions implementing those rights, or information pertaining to the enforcement of those rights.

The House returned **S.30**, relating to **ARREST WARRANTS AND COURTESY SUMMONS**, to the Senate with amendments. This legislation provides that an arrest warrant may not be issued for the arrest of a person unless sought by a law enforcement officer acting in his official capacity. If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons. If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed. The legislation also requires magistrates and municipal courts to send a summons or other written notification which designates or alters a court date and time by certified letter, return receipt requested, to the person required to appear or to the person's attorney of record.

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

The House amended, approved, and sent to the Senate **H.3400**, relating to **TERMINATION OF A CHILD SUPPORT OBLIGATION**. Among other things, this



legislation provides that when child support is terminated due to the child turning eighteen years of age, graduating from high school, or reaching the end of the school year when the child is nineteen, no arrearage may be incurred as to that child after the date of the child's eighteenth birthday, the date of the child's graduation from high school, or the last day of the school year when the child is nineteen, whichever date terminated the child support obligation.

The House amended, approved, and sent to the Senate **H.3385**, relating to limitations on the **SALE OF ALCOHOLIC LIQUORS**. The legislation removes the statutory prohibition on selling alcoholic liquors on statewide election days and provides that it is unlawful for retail liquor stores to sell alcoholic liquors on Christmas Day. The legislation revises the Governor's authority to proclaim periods when liquor sales are prohibited, retaining the language allowing such proclamations to be made in the interest of law and order and eliminating the language authorizing proclamations to be made in the interest of public morals and decorum.

The House returned **S.705**, the "**UNDERGROUND FACILITY DAMAGE PREVENTION ACT**", to the Senate with amendments. The legislation imposes notification requirements and other regulations upon excavation and demolition activities to protect the integrity of underground lines, systems, and infrastructure used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, or sewerage.

The House amended, approved, and sent to the Senate **H.3676**, the "**SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011**". A community land trust is a nonprofit community organization that safeguards land in order to provide affordable housing opportunities. The legislation provides that a community land trust must have as its primary purpose to hold legal and equitable title to land and the leasing of land for the purpose of preserving the long-term affordability of housing created for predominately low income and moderate income households. The legislation makes certain findings and provides the manner in which community land trusts are funded and provides the process by which community land trusts operate.

The House returned **S.592**, legislation which makes **REVISIONS TO THE MILITARY CODE**, to the Senate with amendments. This comprehensive legislation updates the Military Code. Among other things, the legislation adds the offense of fraternization.

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

The House approved and sent to the Senate **H.4236**, a joint resolution establishing the **SOUTH CAROLINA EQUITABLE REDEVELOPMENT COMMISSION**. The legislation provides for the membership of the commission establishes its duties and functions regarding the remediation and redevelopment of brownfield and greyfield projects, particularly in economically disadvantaged urban and rural areas, to provide jobs, improve quality of life, and protect public health and the environment. .

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

The House amended Senate amendments to **H.3295**, a bill allowing certain **HOMEOWNERS ASSOCIATIONS TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK**, and returning the bill to the Senate. Specifically, this legislation allows a homeowner's association, chartered as a nonprofit organization by the Secretary of State, whose membership is limited to individuals who own property in the residential community and whose affairs are governed by a board of directors elected by the membership, to be eligible for a license to sell alcoholic liquors by the drink. No member, officer, agent, or employee of the association may be paid a salary or other form of compensation from any of the profit of the sale of alcoholic beverages, except as may be voted on at a meeting of the governing body nor shall the salaries or compensation be in excess of reasonable compensation for the services actually performed. An association must abide by all alcoholic liquor regulations that apply to a nonprofit organization. Upon dissolution of the homeowner's association, the remaining assets, if any, may be distributed to its members. The legislation revises provisions governing the issuance of temporary permits for the sale of beer and wine and alcoholic liquors by the drink. The legislation provides that an establishment possessing a beer and wine permit that is located in a county or municipality that has conducted a favorable referendum allowing the sale and consumption of alcoholic liquors by the drink on Sunday under the provisions of Section 61-6-2010, during those same hours authorized by permits issued under Section 61-6-2010, may sell, possess, and permit the consumption of beer and wine on the premises. The legislation revises provisions relating to the conduct of authorized liquor samplings and tastings.

The House amended, approved, and sent to the Senate **H.3474**. The legislation revises the procedure by which the South Carolina Building Codes Council adopts **EMERGENCY MODIFICATIONS OF BUILDING CODES** and the steps that must be taken in order for emergency modifications to become permanent.

The House amended, approved, and sent to the Senate **H.4088**, relating to **MAGISTRATES COURT**. The legislation exempts from the additional assessment for offenses tried in magistrates court violations of the fish, game, and watercraft provisions of Title 50 if the defendant pleads guilty or no contest and pays the fine or forfeits bond for the offense. The legislation also provides that a magistrate may not commence a trial or another proceeding, or require an attorney to appear or be present in the court, on Saturday, Sunday, or after five o'clock on a weekday except in the case of an emergency. The legislation provides requirements for juror compensation during these emergency situations.

The House returned **S.594** to the Senate with amendments. This legislation provides that a **TEMPORARY WORK ZONE** is an area on or within approximately fifteen feet of a roadway identified by orange work zone signs or equipment with flashing lights, and the presence of workers on the scene. The legislation also makes Municipal Improvement Act provisions applicable to waterways.

The House concurred in Senate amendments to **H.3587**, regarding **DREDGING CANALS**, and enrolled the bill for ratification. This legislation adds an exemption for maintenance dredging in existing navigational canals.

The House approved and sent to the Senate **H.4005**, a bill establishing **REQUIREMENTS FOR HONEY**. The legislation defines the term "honey" and provides labeling requirements. Under the legislation, "honey" means the raw food product produced by honeybees for human consumption. A container of honey packaged for sale must have a label made with ink and placed on the side of the container. The label shall include at least the name and address of the honey producer and the net weight of the product.

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

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources, and Environmental Affairs Committee met on Tuesday, May 24, 2011, and reported out one bill.

The full committee gave a favorable approval to **S.823**, designating **COLLARD GREENS** as the official state vegetable.

## EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met on Wednesday, May 25, and reported out the following legislation.

**S.594** received a favorable with amendment recommendation from the full committee. This legislation provides that a **TEMPORARY WORK ZONE** is an area on or within approximately fifteen feet of a roadway identified by orange work zone signs or equipment with flashing lights, and the presence of workers on the scene.

The Education and Public Works Committee gave a favorable with amendment report to **H.3495**. This legislation creates a **COMMITTEE TO STUDY THE FEASIBILITY AND COST EFFECTIVENESS OF CONSOLIDATING THE SCHOOL DISTRICTS WITHIN THE INDIVIDUAL COUNTIES OF THIS STATE**. In making its determinations, the study committee shall consider potential savings that may occur from the centralization of the administrative and programmatic functions of the several districts. The legislation outlines membership of the committee and provides that the committee shall report its findings to the General Assembly by January 31, 2012, at which time the committee will be abolished. The legislation provides that members shall serve without compensation and may not receive mileage or per diem.

**H.3236** received a favorable report. 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.

## JUDICIARY

The full committee did not meet this week.

## LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

## WAYS AND MEANS

The full committee did not meet this week.

## BILLS INTRODUCED IN THE

# HOUSE THIS WEEK

## AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

### **H.4278 *TAKING, POSSESSION, OR KILLING OF A WILD TURKEY***

**Rep. Clemmons**

The bill adds that it is unlawful for a person to export a live wild turkey out of this state.

### **H.4279 *CONTRACTS WITH OTHER AGENCIES FOR JOINT COLLECTION OF CHARGES FOR SEWER AND WATER SERVICE***

**Rep. Loftis**

Any charge by the water service provider to act as the collecting agency for the sewer service provider must be limited to the greater of the actual incremental additional cost of providing such service or one dollar and fifty cents per single joint bill for water and sewer service.

## EDUCATION AND PUBLIC WORKS

### **H.4277 *DEPARTMENT OF TRANSPORTATION MUST CONDUCT A NOISE STUDY WHEN IT PLANS TO CONSTRUCT, EXPAND, OR IMPROVE A HIGHWAY***

**Rep. Crosby**

During the Department of Transportation's planning phase of a project to construct a new highway, expand, or make improvements to an existing highway, this legislation provides that it must conduct a noise study to ensure that traffic that travels along this new, expanded, or improved highway shall not impact nearby residences, hotels, motels, schools, churches, and recreational areas at levels that meet or exceed 67 dBA.

### **H.4284 *SCHOOL DISTRICTS MUST OBSERVE VETERAN'S DAY AND MEMORIAL DAY***

**Rep. Atwater**

This legislation provides that local school districts shall observe Veteran's Day and Memorial Day as legal holidays and schools and offices of the districts must be closed on those dates.

## JUDICIARY

### **S.18 "SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011"**

**Sen. McConnell**

This legislation allows a teacher to bring a civil action against a student who commits a criminal offense against the teacher if the offense occurs on school grounds or at a school-related event, or if the offense is directly related to the teacher's professional responsibilities. Nothing in this provision is intended to limit the civil remedies available to another party as a result of the same criminal act. In addition to the protections granted under the South Carolina Tort Claims Act, no teacher has civil liability to a student or to a party acting in the interest of a student for an act or omission by the teacher if the: (1) teacher was acting within the scope of the teacher's employment; (2) actions of the teacher violated no state, local, or federal law including regulations set forth by the individual district or school; (3) acts or omissions were not the result of wilful or intentional conduct or gross negligence; (4) acts or omissions were not the result of the teacher operating a motor vehicle or watercraft; and (5) actions of the teacher do not constitute a violation of the student's civil rights.

### **H.4270 PROPOSED CONSTITUTIONAL AMENDMENT TO REQUIRE THE GENERAL ASSEMBLY TO PROVIDE FOR A HIGH-QUALITY EDUCATION FOR ALL CHILDREN OF THE STATE**

**Rep. McLeod**

This legislation proposes to amend the State Constitution so as to require the General Assembly to provide for a high-quality education for all children of the State. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

### **H.4272 ESTABLISHMENT OF CRIMINAL OFFENSE OF IMPEDING THE NORMAL BREATHING OR BLOOD CIRCULATION OF ANOTHER PERSON WITHOUT CONSENT**

**Rep. Crosby**

This legislation provides that it is unlawful for a person to impede the normal breathing or blood circulation of another person without consent by intentionally applying pressure to the other person's throat or neck or obstructing the other person's nose or mouth. The legislation includes penalties and provides exceptions for licensed health care professionals and law enforcement. This legislation provides that a person who violates these provisions is also guilty of the offense of criminal domestic violence of a high and aggravated nature.

### **H.4294 REVISIONS PERTAINING TO IGNITION INTERLOCK DEVICES**

**Rep. Harrison**

Relating to the suspension of a driver's license to a person under the age of twenty-one for having an unlawful alcohol concentration, this legislation revises the penalties to include requiring an offender who operates a vehicle to have an ignition interlock device installed on the vehicle. Relating to the suspension of a license, a license renewal or its return, and issuance of a license that restricts the driver to only operating a vehicle with an ignition interlock device installed, this legislation revises the driver's license suspension period for a person who chooses to or not to have an interlock device installed on his vehicle. The legislation provides additional penalties for certain individuals who choose not to have an interlock device installed on their vehicles after being convicted of certain driving offenses. The legislation revises the procedure for a

person to obtain a license who does not own a vehicle. Relating to the issuance of a provisional driver's license, this legislation provides that the provisional license may be issued as long as the vehicle authorized to be operated has had an ignition interlock device installed. Relating to penalties that may be imposed for driving a vehicle while under the influence of alcohol or drugs, this legislation provides the length of time an interlock device must be affixed to a vehicle for a first offense. The legislation revises the penalty for an offender who has accumulated four points under the interlock device point system. This legislation provides for the use of funds remitted to the interlock device fund; the legislation revises the fees that must be collected and remitted to the interlock device fund. The legislation revises the frequency of time in which an offender must have an interlock device inspected, and it provides that an interlock device must capture a photographic image of a driver as he operates the device. Relating to the immobilization of a person's vehicle upon his conviction of an alcohol-related driving offense, this legislation provides that as long as a person holds a valid ignition interlock license, he is not required to surrender his license plates and vehicle registrations. Relating to the offense of child endangerment, this legislation revises the date when a person may enroll in an alcohol and drug safety action program and be issued a provisional driver's license. Relating to a person who operates a motor vehicle giving implied consent to chemical tests to determine the presence of alcohol or drugs, this legislation revises the penalty imposed upon a person who refuses to be subjected to a chemical test. Relating to the suspension of a person's driver's license who refuses to submit to be tested to determine his alcohol concentration, this legislation lowers the alcohol concentration level that results in a person having his license suspended. This legislation revises the period of time that a temporary alcohol license remains in effect; the legislation revises the period of time that a suspension of a person's privilege to operate a vehicle must remain in effect when an administrative judge upholds a suspension. The legislation provides that a holder of a restricted driver's license may operate only a vehicle equipped with an ignition interlock device, and it revises the penalty for violations of various driving offenses. Relating to the suspension of a person's driver's license for a violation of certain alcohol and drug related driving offenses, this legislation revises the penalties and provides that this provision applies to certain persons who have been issued an ignition interlock restricted license.

## **LABOR, COMMERCE AND INDUSTRY**

### **H.4268 *AUTOMOBILE INSURANCE RENTAL VEHICLE REIMBURSEMENT COVERAGE* Rep. McLeod**

This bill provides that if a motor vehicle collision or comprehensive loss is suffered by an insured, an insurer providing rental vehicle reimbursement coverage shall not require that the insured utilize a particular rental vehicle company, rental vehicle company location, or a vendor engaged in the business of renting or leasing motor vehicles. A violation is designated an unfair trade practice.

### **H.4269 *CHARGES ASSOCIATED WITH CONSUMER LOANS* Rep. Sandifer**

This bill revises provisions relating to additional charges associated with consumer loans, so as to include a charge for the actual cost incurred by a licensee for processing an automated clearing house payment and a charge for the actual cost incurred by a licensee for payments made by consumers via credit or debit cards.

**H.4276 ELECTION OF COMMISSIONERS OF PUBLIC WORKS IN LARGE MUNICIPALITIES Rep. Nanney**

This bill revises provisions relating to the election and terms of commissioners of public works in municipalities with at least fifty thousand residents, so as to require the election of two additional public works commissioners who reside outside the corporate limits of a municipality that provides water or sewer services to unincorporated areas.

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

**H.4256 MUNICIPALITY PURCHASING WATER SERVICE COMPANY Rep. Bowen**

The bill adds that if a municipality provides water service to customers within and without its municipal boundaries and purchases a water company which was subject to regulation by the Public Service Commission in the county where it is located, it may not charge more for water services provided to customers of the water company than was permitted to be charged to those customers by the water company at the time of purchase if the municipality represented in a letter to the customers of the water company that their water rates would not be increased as a result of the purchase.

**H.4257 REQUIRED REVIEWS OF PROFESSIONAL COMPETENCY, MENTAL, OR PHYSICAL EXAMINATIONS BY THE STATE BOARD OF**

**MEDICAL**

**EXAMINERS Rep. Barfield**

The bill states that the applicant or licensee who is prohibited from practicing, as a result of the required competency examination, must be afforded an appointment to demonstrate to the Board, at intervals of no longer than six months, the ability to resume or begin practice.

## **WAYS AND MEANS**

**H.4271 SALES AND USE TAX REVISIONS Rep. Erickson**

This bill revises sales and use tax exemptions, so as to eliminate effective July 1, 2012, exemptions, for all sales except those exempt pursuant to the constitution and laws of this state and the United States, sales of unprepared food, sales of prescription drugs, sales of electricity and heating fuels for residential purposes, and sales of durable medical equipment. The legislation reduces the state sales tax rate from six percent to 3.85 percent. The legislation provides that the South Carolina Education Improvement Act of 1984 Fund and the Homestead Exemption Fund must not receive less funding than they received in fiscal year 2011-2012 and must be increased each fiscal year by the percentage increase in sales tax revenues. The legislation reduces the state accommodations tax from seven percent to four and one-half percent. The legislation provides that the funds credited to political subdivisions for tourism related purposes must not be less than the amount credited in fiscal year 2011-2012 and must be increased each fiscal year by the percentage increase in sales tax revenues. The legislation provides that a local sales and use tax must be reduced in the same percentage amounts as the state sales tax rate.



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