



South Carolina House of Representatives

Legislative Update

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

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate **H.3375**, the “**SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011**,” which provides tort reform in five areas of our legal system.

H.3375 caps the award of **punitive damages** at three times compensatory damages or \$350,000, whichever is greater. The limitation on punitive damages does not apply in situations involving: intentional conduct; conviction of a felony criminal charge in the course of conduct that gives rise to the damages; and intoxication. The bill provides that (1) a claim for punitive damages must be specifically prayed for in a complaint; (2) the plaintiff shall not specifically plead an amount of punitive damages, only that punitive damages are sought; (3) a bifurcated trial on punitive damages must be held before the same finder of fact; and (4) a "clear and convincing" evidence standard must be used for an award of punitive damages with eleven factors to be considered by the finder of fact in awarding punitive damages. Punitive damages may be considered if compensatory damages have been awarded in the first stage of the trial. An award of nominal damages cannot support an award of punitive damages. If punitive damages are awarded, the trial court shall review the jury's decision to ensure that the award is not excessive or the result of passion or prejudice.

A part of this legislation is the "**Private Attorney Retention Sunshine Act**". The bill establishes parameters under which the Attorney General or a circuit solicitor may retain outside counsel. In contingent fee cases, the bill sets up a sliding scale for compensation to be received by the outside counsel based upon the amount of the award. The Attorney General or circuit solicitor shall retain 10% of outside counsel's fees, and all other proceeds are to be used for the State of South Carolina or the victims based on the Attorney General or solicitor's judgment. Outside counsel must provide the Attorney General or solicitor a detailed account of all work performed each month. Outside counsel shall be reimbursed for reasonable costs and expenses when expressly authorized by the Attorney General or solicitor; certain items must be authorized in advance. A circuit solicitor or the Attorney General may depart from the guidelines by publicly disclosing the reasons for the departure and that the departure was in the best interests of the State; this information is public record subject to disclosure pursuant to the Freedom of Information Act.

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

The legislation establishes a **cap on the bond a business must post to file an appeal in a civil lawsuit**. The legislation limits the amount of an appeal bond that a court can order posted to the amount of the judgment or \$25 million dollars for a large business or \$ 1 million for all other entities or individuals, whichever is less. Large businesses are defined based on gross receipts and number of employees.

Also, **H.3375** repeals the current statutory prohibition on admissibility of failure to use a **seat belt**.

The House amended, approved, and sent to the Senate **H.3246**. This bill prohibits the importation, production, manufacture, distribution, or sale of **ALCOHOLIC ENERGY DRINKS AND CAFFEINATED MALT BEVERAGES**. The bill provides definitions for the terms “alcoholic energy drink” and “caffeinated malt beverage”. A person or entity who violates a provision of this legislation or a rule or regulation promulgated by the Department of Revenue or the State Law Enforcement Division pertaining to this legislation, upon conviction, must be fined not less than \$100 hundred dollars nor more than \$500 dollars, or imprisoned for not less than 30 days nor more than six months, or both, in the discretion of the court. Also, a person must forfeit his permit and is not authorized, for a period of two years after conviction, to engage in a business taxable under the provisions relating to beer, ale, porter and wine.

The House approved and sent to the Senate **H.3625**, a bill **PROHIBITING SOMEONE FROM SERVING AS BOTH A MEMBER OF AND AN EMPLOYEE OF A STATE OR LOCAL GOVERNMENT BOARD OR COMMISSION**. The legislation expands the current statutory prohibition on such employment arrangements to provide that no person shall serve at the same time on the governing body of a state, county, municipal, or political subdivision board or commission and as an employee of the same board or commission or in a position which is subject to the control of that board or commission. The current provision allows such employment arrangements so long as the employee does not serve in a position where he can participate in making any decisions that affect his economic interests.

The House amended, approved, and sent to the Senate **H.3344**, the “**UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT**”. The legislation provides that it is unfair discrimination for an insurer to deny, refuse to issue or renew, cancel, restrict or exclude coverage, deny a claim or limit payments, or add a premium differential to a policy or certificate of coverage on the basis that an applicant or insured has been or is perceived to have been abused or may be a subject of abuse by a current or former family member, household member, intimate partner, or caretaker. The legislation establishes penalties for violations, including fines up to two hundred thousand dollars.

The House approved and sent to the Senate **H.3373**, a bill **EXPANDING THE AUTHORITY FOR AN AUTOMOBILE INSURER TO WRITE COVERAGE** to include those who hold driver’s licenses from foreign jurisdictions. The legislation provides for revisions that expand the book of business for the state’s automobile insurers, accommodating the needs of residents from other states who spend only a portion of the year in South Carolina as well as citizens of foreign nations brought here as a result of the state’s international business presence.

The House amended, approved, and sent to the Senate **H.3332**, a bill revising provisions for **DRIVER TRAINING COURSE INSURANCE PREMIUM CREDITS** that allow for a reduction in premium charges for automobile insurance liability and collision coverage for adult drivers who successfully complete approved driver training courses and refresher courses. The legislation lowers from eight hours to six hours the minimum course requirement that allows an adult driver to be eligible to receive the driver training course credit from his insurer. Driver training course credit provisions are expanded so that they encompass not simply older drivers, but all adult drivers.

The House amended, approved, and sent to the Senate **H.3301**, a bill relating to the **PLACEMENT OF DISPLAY MODEL MODULAR HOMES**. The legislation revises standards for placement of modular homes, so as to provide circumstances in which a modular home used as a display model may be placed for its first residential use.

The House amended, approved, and sent to the Senate **H.3374**, the **INTERSTATE WILDLIFE VIOLATOR COMPACT**, which gives the Department of Natural Resources authority to execute a compact with other states and to perform all acts to carry out the agreement. The compact allows South Carolina residents as well as other participating state residents, to be treated as residents, when wildlife violations occur in that particular state.

The House amended, approved, and sent to the Senate **H.3372**, relating to the **UNLAWFUL REMOVAL OR DESTRUCTION OF ELECTRONIC DOG COLLARS**. The bill provides that it is unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner for tracking purposes. A person who violates this provision is guilty of a misdemeanor and upon conviction must be fined not more than five hundred dollars or imprisoned for not more than ten days for first offense. There are increased penalties for subsequent offenses.

The House amended, approved, and sent to the Senate **H.3287**, regarding **ABANDONED WATERCRAFT**. This bill adds that an abandoned watercraft may be removed, at the risk and expense of the owner, and disposed of by a governmental entity that has jurisdiction over the area where the abandoned watercraft is located. Any watercraft abandoned for at least ninety days may be claimed by any person or entity as abandoned property.

The House approved and sent to the Senate **H.3104**, relating to entering a **SATISFACTION OF MORTGAGE**. This legislation allows these documents to be acknowledged pursuant to the Uniform Recognition of Acknowledgments Act. The legislation includes an acknowledgement form in the satisfaction affidavit.

The House approved and sent to the Senate **H.3221**. 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.

The House approved and sent to the Senate **H.3622**, a joint resolution **EXTENDING THE DEADLINE FOR THE VETERANS' ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT** from September 1, 2010 to January 31, 2012.

The House approved and sent to the Senate **H.3583**, a bill **UPDATING STATE INCOME TAX LAW'S REFERENCE TO THE FEDERAL INTERNAL REVENUE CODE** to include its most recent amendments.

The House approved and sent to the Senate **H.3397**, a bill designating the **SOUTH CAROLINA PECAN FESTIVAL** in Florence County as the official state pecan festival.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday, February 8, and reported out four bills:

The committee gave a favorable with amendment approval to **H.3374**, the **INTERSTATE WILDLIFE VIOLATOR COMPACT**, which gives the Department of Natural Resources authority to execute a compact with other states and to perform all acts to carry out the agreement. The compact allows South Carolina residents as well as other participating state residents, to be treated as residents, when wildlife violations occur in that particular state.

H.3372, the **UNLAWFUL REMOVAL OR DESTRUCTION OF ELECTRONIC DOG COLLARS**, was given a favorable with amendment approval by the committee. The bill states that it is unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner for tracking purposes. A person who violates this provision is guilty of a misdemeanor and upon conviction must be fined not more than five hundred dollars or imprisoned for not more than ten days for first offense. There are increased penalties for subsequent offenses.

The committee gave a favorable with amendment recommendation to **H.3287**, regarding **ABANDONED WATERCRAFT**. This bill adds that an abandoned watercraft may be removed, at the risk and expense of the owner, and disposed of by a governmental entity that has jurisdiction over the area where the abandoned watercraft is located. Any watercraft abandoned for at least ninety days may be claimed by any person or entity as abandoned property.

As a result of a positive vote in the 2010 general election by the qualified electors, **H.3276**, the **HUNTING AND FISHING RIGHTS** bill, was given a favorable approval by the full committee. The legislation ratifies and amends Article I of the South Carolina Constitution by adding Section 25, which outlines that citizens of this state have the right to hunt, fish and harvest wildlife traditionally pursued, subject to law and regulations promoting sound wildlife conservation and management.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week. However, on Wednesday, February 2, the Education and Public Works Committee gave a majority favorable with amendment and minority unfavorable report to **H.3241**, a bill pertaining to **CHARTER SCHOOLS**. The amendment was unavailable in time to be included in last week's *Legislative Update*.

H.3241 outlines a charter school sponsor's authority and responsibilities. The legislation requires charter schools to provide to their sponsor specified notification of the charter

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school's enrollment procedures, of the dates of the enrollment period, and of regular charter school board meetings. The legislation allows South Carolina's public and independent institutions of higher learning (as they are defined in the code of laws) to serve as sponsor of a charter 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 allows 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 school 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 also removes the two representatives of the South Carolina Association of Public Charter Schools from the board of the State Charter School District. 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 district. 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.

JUDICIARY

The full Judiciary Committee did not meet this week.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, February 8, and reported out two bills.

The committee gave a favorable report on **H.3393**, a bill revising provisions specifying **PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION**, so as to further provide for those persons who, in order of priority, may authorize cremation.

The committee gave a favorable with amendment recommendation to **H.3508**, a bill incorporating into the state's regulatory framework **GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDERS** organized through a federal grant program for providing broadband service to residents living in areas with comparatively few options for high-speed connections to telecommunications networks. The legislation authorizes a government-owned communications service provider to petition the Public Service Commission to designate one or more areas as an "unserved area". The legislation provides for the application of certain provisions of law to an unserved area and establishes a process for petitioning for a determination that an area has ceased to be unserved. The legislation affords the Public Service Commission Office of Regulatory Staff investigatory authority and the Public Service Commission enforcement authority with regard to the compliance of a government-owned communications provider. The legislation clarifies that it does not expand or limit the jurisdiction of the Commission or Office of Regulatory Staff with respect to any service provider other than a government-owned communications service provider.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs 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

S.46 PERSONAL WATER FLOTATION DEVICES Sen. McConnell

This bill outlines that a personal water flotation device is not applicable to a licensed driver or a person who is sixteen years of age or older who is in possession of a non-operating personal watercraft that is in three feet of water or less, and is anchored to a fixed floating object, that is not another personal watercraft or vessel.

H.3615 NEGOTIATION PROCESS FOR FACILITY ISSUES WHEN A MUNICIPAL SOLID WASTE DISPOSAL FACILITY PERMIT HAS BEEN FILED Rep. Lucas

The legislation outlines that before submitting a permit application to the SC Department of Environmental and Control for a municipal solid waste disposal facility, the permit applicant and the host government, if different from the permit applicant, shall execute a host agreement. The host government shall approve the host agreement by ordinance, allowing for public notices. The permit applicant and the host government must have separate, independent legal representation and may not be represented by the same attorney. The legislation further outlines that if the permit applicant and host government are represented by the same attorney, the Attorney General must assume representation of the host government.

H.3617 COMPREHENSIVE REVIEW OF SEWAGE SYSTEM OR TREATMENT WORKS FACILITY AS A RESULT OF SIGNIFICANT SPILLS Rep.

Pitts

The legislation adds that the SC Department of Environmental Control must require a complete technical assessment of the components and operation of a sewage system or its treatment works that are contributing to, or may be contributing to, three or more significant spills in a twelve-month period of untreated or partially treated domestic sewage.

H.3620 HUNTING/FISHING LICENSE EXEMPTION FOR CERTAIN AGED STUDENTS Rep. Lowe

A student who is at least sixteen years of age and less than twenty-two years of age and is enrolled and in good standing with a high school or an institution of higher learning in this State or another state is not required to obtain hunting or fishing license.

H.3624 RECYCLING PLAN REQUIRED FOR PERMIT HOLDER FOR ALCOHOL CONSUMPTION ON PREMISES Rep. Jefferson

This bill requires permit holders to have a recycling plan for the collection and recycling of recyclable beverage containers and packaging sold on the premises by the permit holder.

H.3630 WINE SOLD BY PERMITTED AND LICENSED WINERIES Rep. Bedingfield

The legislation eliminates the requirement that a majority of the juice used in the wine be derived from fruit and berries grown in this state.

H.3633 "SOUTH CAROLINA AGRIBUSINESS ECONOMIC DEVELOPMENT AUTHORITY ACT OF 2011" Rep. Loftis

The legislation creates the South Carolina Agribusiness Economic Development Authority within the Department of Agriculture to help alleviate the shortage of capital

and credit available for investment in agribusiness. The legislation also provides for the Authority's members, officers and employees. The Authority can make agribusiness loans and can issue bonds in order to make and purchase agribusiness loans. "Agribusiness" means the commercial production, storage, processing, marketing, distribution, or export of any agronomic, floricultural, horticultural, viticultural, silvicultural, or aquacultural crop including, but not limited to, farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, forest products, seafood, and aquacultural products.

H.3640 DOG OWNER LIABILITY Rep. Tallon

Current law states that if a person is attacked by a dog, the owner of the dog or the person having the dog in his care or keeping is liable. This bill outlines that this provision does not apply to a trained police dog acting under the direct supervision of its law enforcement handler when the bite or attack was the result of a command by the handler during a law enforcement situation.

EDUCATION AND PUBLIC WORKS

H.3613 STUDENTS WHO DO NOT RECOGNIZE ENGLISH AS THEIR FIRST LANGUAGE Rep. Toole

This legislation provides that students in public schools who do not recognize English as their first language may not participate in the ordinary course of study appropriate for their grade level until they have successfully completed an established English proficiency program. By January 1, 2012, the State Department of Education shall promulgate regulations necessary to establish an English proficiency program designed to instruct students on the basics of the English language so that they may become proficient in the language. The school districts shall implement the program designed by the department beginning with the 2012-2013 school year.

H.3663 COST-SAVING MEASURES IN K-12 EDUCATION Rep. Cooper

This legislation authorizes certain temporary cost saving measures in K-12 education. Under the resolution, the State Department of Education is not required to provide printed copies of 2011 district and school report cards. The district or school shall email parents a link to the report cards if the school maintains parent email addresses in its student information system database. The district or school shall notify parents about the report cards through its newsletters and other regular communication channels. A parent must be provided a printed copy of such a report card at no cost only upon request. A public school or district board is not required to inform the community of the school's and district's 2011 report card by advertising the results in at least one South Carolina daily newspaper of general circulation in the area. However, the results must be provided to the editor of a newspaper of general circulation in the school's or district's area. For the 2011-2012 school year, the State Department of Education shall suspend the writing assessments in grades three, four, six, and seven. Writing assessments may be administered only to students in grades five and eight. The writing assessments may not be used in Education Accountability Act growth calculations. The savings generated from the suspension of these activities must be distributed to school districts based on the Education Finance Act formula. The legislation authorizes high schools to offer state-funded WorkKeys to tenth grade students using funds appropriated for the assessment of PSAT or PLAN. The selection of the test for each student should be

informed by the student's individual graduation plan, cluster selection, guidance counselor advisement, and parent or legal guardian consent. The legislation provides that for Fiscal Year 2011-2012, an individual who received a South Carolina Teacher Loan, who completed an undergraduate or graduate degree in education in calendar year 2010 or 2011, and who was not employed in a public school in South Carolina by September 1, 2011 or the 2011-2012 school year may elect to receive a one-year grace period that allows the individual to defer making loan repayments for one calendar year. Interest must be accrued during this deferral period. The legislation requires the State Department of Education, in collaboration with the Education Oversight Committee, to convene a task force, including district level instructional and assessment personnel, to examine the feasibility of shifting from the use of HSAP to end-of-course assessments for meeting federal assessment requirements. The task force must submit its findings to the Senate Finance Committee, Senate Education Committee, House Ways and Means Committee, House Education and Public Works Committee, the State Board of Education, and the Education Oversight Committee by January 15, 2012.

JUDICIARY

S.255 CHARITABLE RAFFLES Sen. Cleary

This legislation allows charitable raffles and outlines procedures for operating and conducting them. The stated intent of the legislation is that only qualified tax-exempt entities organized for religious, charitable, educational, philanthropic, or eleemosynary purposes shall operate and conduct raffles as authorized under this legislation.

H.3606 ARREST WARRANTS AND COURTESY SUMMONS Rep. Harrison

This legislation pertains to magistrates' powers and duties, specifically the issuance of arrest warrants and courtesy summons. The legislation provides that an arrest warrant may not be issued for the arrest of a person unless sought by a member of a law enforcement agency acting in their official capacity. If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons. This provision does not apply to a business seeking an arrest warrant for an offense against the business or a person seeking an arrest warrant for a fraudulent check, if the fraudulent check is presented to the magistrate at the time the warrant is sought. If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court may 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.

H.3607 WARRANTS Rep. Harrison

Relating to endorsement and execution of warrants issued in other counties or by municipal authorities, this bill provides a warrant is not required to be endorsed by a magistrate in the county where a person charged with a crime resides or where he is located. The bill includes provisions for serving the warrant under these circumstances.

H.3608 UNFAIR TRADE PRACTICE TO ADVERTISE A PRICE FOR A PRODUCT THAT REFLECTS CERTAIN DISCOUNTS Rep. Toole

This legislation makes it an unfair trade practice to advertise a price for a product that reflects a discount requiring a buyer to submit a coupon to the manufacturer for a cash

rebate in order to obtain the advertised price. A person who advertises this price must apply the coupon at the time of sale so that the buyer receives the advertised price without being required to submit a coupon to the manufacturer for a cash rebate. The legislation provides for a civil cause of action for violations.

H.3610 PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE THAT ENGLISH MUST BE LANGUAGE OF ALL OFFICIAL PROCEEDINGS OF PUBLIC GOVERNMENTAL BODIES IN THIS STATE Rep. Toole

This joint resolution proposes to amend the State Constitution so as to provide that English must be the language of all official proceedings of public governmental bodies in this State. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

H.3614 PAROLE HEARINGS Rep. Toole

This legislation increases the number of years a person must wait to have a parole hearing after receiving a negative determination of parole for a violent crime from two to three years. This provision applies prospectively and retroactively to a prisoner who has had a parole hearing for a violent crime.

H.3621 SAMPLING OF WINES Rep. Bannister

Relating to the sampling of wines, this legislation permits retailers to conduct tastings.

H.3623 ELECTION STATEMENTS AND RETURNS Rep. Hodges

Relating to election statements and returns, this bill provides that a county board of canvassers may recertify its statement of the votes within thirty days following an election if human error is shown to have affected the initially certified statement.

H.3631 PRESCRIBED FIRES Rep. Harrison

Relating to the requirements for conducting a prescribed fire, this legislation further specifies supervision requirements for a prescribed fire manager, and it references specific regulatory and statutory provisions applicable to conducting a prescribed fire. Relating to liability for damages caused by a prescribed fire, this legislation provides that a property owner, lessee, agent, or employee is not liable for damages caused by the resulting smoke of a prescribed fire unless gross negligence is proven.

H.3639 REPEAL OF CERTAIN STATUTES RELATING TO CONCEALED WEAPON PERMITS Rep. Vick

Relating to the issuance of concealed weapons permits, this legislation deletes the provision that prohibits a permit holder from carrying a concealed weapon into certain places as well as deletes an obsolete reference. The legislation repeals the following: section 23-31-220 (right to allow or permit concealed weapons upon premises; signs); section 23-31-225 (carrying concealed weapons into residences or dwellings); and section 23-31-235 (sign requirements to inform the public that concealed weapons are not allowed to be carried onto certain premises).

H.3644 PETITIONS FOR NOMINATION FOR SPECIAL PURPOSE DISTRICT CANDIDATES Rep. Hixon

Relating to petitions for nomination for special purpose district candidates, this bill decreases the required percentage from five percent to one percent of qualified voter signatures necessary to have a prospective candidate's name placed on the ballot.

H.3645 UNIFORM TRAFFIC TICKETS MUST BE USED FOR CERTAIN ARRESTS Rep. Pope

This legislation provides that a uniform traffic ticket must be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that is committed in the presence of a law enforcement officer.

H.3653 APPROVAL OF CERTAIN ATTORNEY AND PHYSICIAN FEES BY THE WORKERS COMPENSATION COMMISSION Rep. Sandifer

Relating to the mandatory approval of certain attorney and physician fees by the Workers Compensation Commission, this bill provides for the adoption and adjustment of fee schedules by the commission. It also provides for the adjustment of proposed fee schedules by the commission as well as provides for an appeal process from a decision of the commission concerning a fee schedule.

H.3658 "SOUTH CAROLINA EMPLOYER FREE SPEECH ACT" Rep. Clemmons

This legislation provides that an employer 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.

H.3659 "PALMETTO PUBLIC SAFETY ACT" Rep. Clemmons

This legislation enacts the "Palmetto Public Safety Act". The legislation vests the Office of the Attorney General with exclusive authority regarding the detection, deterrence, investigation, regulation, and prosecution of criminal exploitation of money services businesses in South Carolina. The Attorney General is required to report annually to the General Assembly his recommendations for changes in the criminal laws. Not later than the start of the 2012 legislative session, the Attorney General shall submit his analysis regarding the misuse of money services businesses in South Carolina as well as specific legislative and prosecutorial recommendations, including the use of the State Grand Jury, to combat these abuses.

H.3660 REVISIONS PERTAINING TO NONFERROUS METALS Rep. Ott

The legislation revises the penalties for obtaining nonferrous metals unlawfully. It also provides additional restrictions related to the sale of copper, including a person may not sell copper to another person or entity without first receiving a permit issued by the sheriff of the county in which the seller resides. A secondary metals recycler may not purchase copper for cash from a fixed location and only may purchase copper by check or other similar written instrument, a record of which must be maintained. The legislation requires a secondary metals recycler to display certain signs in his place of business. The legislation increases penalties for the unlawful transportation of nonferrous metals. The legislation requires secondary metals recyclers to register with the Department of Labor, Licensing and Regulation; the legislation provides registration and renewal requirements.

H.3664 TRANSPORTATION/STORAGE OF AMMUNITION OR FIREARMS Rep. G. R. Smith

The stated intent of this legislation is to reinforce and protect the right of each citizen lawfully to transport and store legally possessed ammunition or firearms within his private motor vehicle for lawful purposes in any place where the motor vehicle is otherwise permitted to be. This legislation prohibits a business entity, property owner, or public or private employer from creating or maintaining a policy which prohibits a person from storing legally possessed ammunition or a firearm in an enclosed compartment or area with the person's privately-owned locked motor vehicle. The legislation provides circumstances for which a person may bring a civil action against a business entity, property owner, or public or private employer.

H.3665 REPEAL OF CERTAIN STATUTES RELATING TO PISTOLS
Rep. Cooper

This legislation repeals the following: section 23-31-130 (relating to requiring a retail dealer to possess a license to sell or transfer a pistol); section 23-31-150 (issuance, duration, conditions and forfeiture of retail dealer's license); and section 23-31-180 (relating to certain pistols declared to be contraband; forfeiture, seizure, and destruction; disposal restrictions; use for display).

LABOR, COMMERCE AND INDUSTRY

S.91 TEMPORARY LICENSE FOR EDUCATION LOTTERY TICKET SALES
Sen. Knotts

This bill provides that a person who currently holds a retail education lottery ticket sales license may be granted a temporary license for retail lottery ticket sales if he acquires another retail business which sells lottery tickets. The legislation provides the length of time a temporary license is valid and establishes a fee of twenty-five dollars for a temporary license.

S.349 SWIMMING RESTRICTIONS IN SOUTH CAROLINA PUBLIC SERVICE
AUTHORITY LAKES AND RESERVOIRS Sen. Cromer

This bill revises provisions restricting swimming near boat landings and ramps to make them applicable to lakes and reservoirs constructed or developed by the South Carolina Public Service Authority.

H.3604 RETROFITTING OF SHOPPING MALLS AND SHOPPING CENTERS
Rep. J. E. Smith

This concurrent resolution encourages the South Carolina Council of Governments to adopt ordinances intended to enable the retrofitting of shopping malls and shopping centers into dense, walkable, mixed-use town centers, and to encourage other measures to promote a human habitat that is hospitable and accessible to more South Carolinians while lessening environmental impacts on the state.

H.3611 CELLULAR TELEPHONE AND WIRELESS COMMUNICATIONS
REDUCTION AND OVERSIGHT TASKFORCE Rep. Toole

This joint resolution establishes the Cellular Telephone and Wireless Communications Reduction and Oversight Taskforce to improve efficiency and effectiveness to the state's cellular telephone and wireless communications plans. The taskforce shall conclude its

work and submit its findings and recommendations to the General Assembly by January 15, 2012, at which time the taskforce is abolished.

H.3612 WIRELESS COMMUNICATIONS DEVICES ISSUED TO STATE EMPLOYEES Rep. Toole

This bill provides that a state agency, department, or institution that issues cellular telephone or other wireless communications devices to its employees must annually review the plan for cost-effectiveness and implement certain restrictions to control costs. The legislation provides that the State Chief Information Officer shall verify information provided by cellular telephone companies on state agency expenditures.

H.3616 TERMINATION OF MORTGAGE INSURANCE PREMIUM PAYMENTS REQUIRED BY A LENDER IN CONNECTION WITH A CONSUMER HOME LOAN Rep. Toole

This bill provides that a lender that requires private mortgage insurance in connection with a consumer home loan must terminate the requirement and discontinue acceptance of the portion of the mortgage payment representing the mortgage premium on the first day of the month immediately following the date that the borrower repaid the loan in the amount of eighty percent of the current value of the property securing the loan. The legislation provides for the return of escrowed mortgage insurance premiums.

H.3638 AUTOMOBILE INSURER IMPROPER CLAIM PRACTICES REGARDING

REPAIR SERVICES Rep. Herbkersman

This bill provides it is an improper claim practice for an automobile insurance policy to: require a claimant to use a particular repair service for an estimate or repair of a covered claim; engage in certain intimidating or threatening conduct toward a claimant; or unilaterally and arbitrarily disregard a repair procedure or repair cost identified by an estimating system to which the insurer and an automobile repair facility have agreed to use to determine the cost of a particular repair.

WAYS AND MEANS

H.3609 JOINT COMMITTEE TO STUDY IN-STATE VENDOR PREFERENCES Rep. Toole

This joint resolution establishes the Joint Committee to Study In-State Vendor Preferences in the South Carolina Consolidated Procurement Code. The legislation provides for the committee's membership and duties, and requires it to report its findings and recommendations no later than September 15, 2011, after which time it is dissolved.

H.3629 RETENTION OF OWNER-OCCUPIED RESIDENTIAL PROPERTY TAX ASSESSMENT RATIO BY ACTIVE DUTY MEMBERS OF THE ARMED FORCES Rep. J. E. Smith

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

state. The legislation provides that this retention of the special four percent assessment ratio must be construed as a property tax exemption.

H.3641 ZERO-BASED BUDGETING/ BIENNIAL STATE BUDGET

Rep. G. R. Smith

This bill directs the Office of State Budget of the State Budget and Control Board to implement the zero-base budget process in the manner provided by the report on zero-based budgeting submitted by the office of the State Treasurer. The legislation provides that the new budget process may be phased in over two fiscal years beginning with appropriations for Fiscal Year 2012-2013 and must be fully implemented for the budget process for appropriations beginning July 1, 2014. The legislation establishes the South Carolina Zero-Base Budget Process Advisory Committee to assist the Office of State Budget in devising, implementing, and administering the zero-base budget process. The legislation revises provisions for the annual general appropriations bills and acts, so as to provide for a biennial state budget.

H.3642 TEACHER AND SCHOOL ADMINISTRATOR SALARIES Rep. Cooper

This joint resolution authorizes the suspension of automatic step increases in teacher salaries by providing that a local school district may, for Fiscal Year 2011-2012, pay teachers based on the years of experience the teachers possessed in fiscal year 2010-2011 without negative impact to their experience credit. The legislation provides voting and notice requirements for this decision. The legislation requires that payment according to the 2010-2011 data be applied uniformly. The legislation provides that a local school district may not pay district or school administrators more than they received in fiscal year 2010-2011. The legislation requires a local school district to pay teachers and school administrators for changes in their education levels

H.3643 TEACHER EMPLOYMENT FOR THE 2011-2012 SCHOOL YEAR

Rep. Cooper

This joint resolution requires local school districts to decide and notify teachers of their employment for the 2011-2012 school year by May 15, 2011. The legislation requires teachers who are reemployed by written notification to notify the district board of their acceptance within ten days of receipt of written notification of employment. The legislation allows districts to uniformly negotiate salaries of certain retired teachers below the district salary schedule.

H.3649 FINES FOR LATE PAYMENT OF LOCAL HOSPITALITY TAXES

Rep. Stavrinakis

This bill provides that a local governing body may not impose a penalty, fine, or other additional cost, however described, for late payment of local hospitality tax received within seven days of the due date that, in the aggregate, exceeds five percent of the delinquent tax.

**H.3650 CANCELLATION OF A LICENSE PLATE AND REGISTRATION
CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE**

Rep. Cooper

This bill revises provisions relating to cancellation of a license plate and registration certificate when a vehicle owner moves out of state and the prorated property tax refund due on that cancellation, so as to allow the appropriate receipt issued by the Department of Motor Vehicles to substitute for the actual license plate and certificate. The legislation revises provisions relating to the discovery of untaxed property for purposes of property taxes, so as to provide the duties of the assessor with respect to this property.

**H.3651 CALCULATION OF MILLAGE IN THE IMPLEMENTATION OF
PROPERTY TAX REASSESSMENT Rep. Cooper**

This bill revises provisions relating to the calculation of rollback millage used in the year of implementation of a countywide property tax reassessment program, so as to revise the method of calculating rollback millage and to provide for the imposition of an “equivalent millage” for municipal property tax when municipal boundaries extend into multiple counties on different reassessment schedules.

**H.3652 TAXATION OF OWNER-OCCUPIED RESIDENTIAL PROPERTY
Rep. Cooper**

This bill requires an applicant for the special four percent property tax assessment ratio allowed on owner-occupied residential property to provide the social security numbers of the owners and members of their household. The legislation clarifies the legal resident certification required in that application and defines “legally separated” for purposes of the certificate. The legislation provides that the special four percent assessment ratio allowed owner-occupied residential property applies to the value representing the taxpayer’s ownership interest in the residence when that interest was acquired by deed and provide exceptions for married persons and persons legally separated. The legislation provides that the homestead exemption from property tax millage imposed for school operations allowed owner-occupied residential property applies only to the value attributable to the taxpayer’s ownership interest subject to the exception for married people and surviving spouses. The legislation allows a county assessor to require taxpayers owning residential property receiving the special four percent assessment ratio to requalify the property periodically, but not more than once in three years.

**H.3654 REPEAL OF REAL PROPERTY VALUATION REFORM ACT AND
IMPLEMENTATION OF NEW PROPERTY TAX PROVISIONS
Rep. Sellers**

This bill repeals provisions of the “South Carolina Real Property Valuation Reform Act” including its provisions for valuation of real property at “point of sale” and other assessable transfers of interest and the statewide additional one percent sales and use tax for reimbursing school districts for the homestead exemption from all property tax millage imposed for school operations. The legislation revises the limit on annual property tax millage increases imposed by political subdivisions, so as to restore the former method of overriding the annual cap by a positive majority of the appropriate governing body and eliminate the super majority requirement for overriding the cap. The legislation restores funding for the residential property tax exemption and full funding for the school operating millage portion of the reimbursement paid local governments for the homestead property tax exemption for the elderly or disabled. The legislation returns to the former valuation system in which real property and improvements to real property are appraised by the assessor and periodically adjusted in countywide reappraisals. The legislation provides that when the fifteen percent cap over five years on increases in fair market value of real property results in a value that is lower than the fair market value of the property as determined by the assessor that the lower value becomes the property tax value of the real property and is deemed its fair market value for purposes of imposition of property tax. The legislation provides that an assessable transfer of

interest is a transfer of ownership or other instance causing a “step up” in the property tax value of real property to its fair market value as determined by the assessor. The legislation requires the cap on increases in value to be applied separately to real property and improvements. The legislation is contingent on passage of a proposed amendment to the South Carolina Constitution revising the taxation of real property.

**H.3655 PROPOSED CONSTITUTIONAL AMENDMENT REVISING THE
TAXATION OF REAL PROPERTY Rep. Sellers**

This joint resolution proposes to amend the South Carolina Constitution by requiring the General Assembly to provide by law a definition of “fair market value” for real property for purposes of the property tax; eliminating the fifteen percent limit on increases in the value of real property over five years; and eliminating an assessable transfer of interest as an event which may change the value of the real property.

**H.3657 CONTINUING EDUCATION REQUIREMENTS FOR COUNTY TAX
COLLECTORS/ FORFEITED LAND/ DELINQUENT TAX SALES Rep.**

Ott

This bill establishes minimum continuing education course requirements for county tax collectors. The legislation authorizes a county forfeited land commission to refuse to accept title to property when refusal is in the public interest. The legislation revises provisions relating to delinquent tax sales, so as to provide for the sales date and to increase from three hundred to one thousand dollars the damages for which a defaulting bidder is liable.

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