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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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Vol. 16

March 2, 1999

No. 08

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## HOUSE FLOOR

The House of Representatives amended, approved, and sent to the Senate H.3301 which revises laws governing the adoption of children so as to make final orders, judgements, or decrees in an adoption proceeding less vulnerable to attack and invalidation. H.3301 provides that after a final order is entered, no party or person claiming under a party may question the validity of the adoption because of a defect. This bill further provides that only a party to an adoption may attack the adoption either directly or collaterally because of any procedural or other defect. The bill also provides that the failure on the part of a court or an agency to perform duties or acts within requisite time periods does not affect the validity of an adoption proceeding. Under the bill, appeals may be taken from final orders of adoption in the same manner as other family court matters. In adopting the amendment proposed by the Judiciary Committee, the House eliminated from the bill certain provisions relating to omitted or fraudulently obtained consent for adoption.

The House approved and sent to the Senate H.3579, a bill which provides for the implementation of a statewide uniform grading system which the state's public schools are to use instead of the grading systems adopted by individual school districts. The bill directs the State Board of Education to establish a task force composed of superintendents, principals, teachers, and representatives of school boards and higher education, no later than June 1, 1999, to make recommendations concerning such particulars as consistent numerical breaks for letter grades; standards for defining an honors course; appropriate weighting of courses; and determination of courses and weightings to be used in the calculation of class rank. The task force must make its recommendations to the Board no later December 1, 1999. School districts must begin using the standards adopted by the Board no later than the 2000-2001 school year.

The House amended, approved, and sent to the Senate H.3358. This bill organizes the statutes governing corporations not-for-profit financed by federal or state loans (e.g. not-for-profit water and sewer companies) in one place in the *South Carolina Code of Laws*. The bill adds a new Chapter to the *South Carolina Code of Laws*; the Chapter includes (1) general provisions, (2) incorporation, (3) membership, (4) governing board, (5) sales, consolidation, and mergers, and (6) dissolution.

The House approved and sent to the Senate H.3146. This bill requires an entity that receives funds for domestic violence programs from the Department of Social Services (DSS) to comply with the program standards contained in DSS's annual Battered Spouse State Program Plan. This plan outlines DSS's initiatives to meet the needs of under-served areas in the state and outlines requirements for provider agencies.

The House approved and sent to the Senate H.3532, a bill which lowers from thirty dollars to twenty dollars the biennial license registration fee paid by persons at least sixty-five years of age for a property-carrying vehicle with a gross weight of five thousand pounds or less.

The House approved and sent to the Senate H.3186. This bill authorizes the State Board of Medical Examiners to allow reciprocal certification for physicians licensed by

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the Medical Council of Canada without requiring the applicant to sit for another licensure examination. Currently, the board may grant this reciprocal certification to physicians licensed by the National (U.S.) Board of Medical Examiners, the National Board of Examiners for Osteopathic Physicians and surgeons and other state medical examiner boards that have the same standards as South Carolina.

The House gave second reading to H.3345, a bill which authorizes the Department of Natural Resources to issue statewide individual tags for taking antlerless deer. Such statewide tags do not apply to properties receiving antlerless deer quota permits.

## SENATE FLOOR

On Friday, February 19, the following bills were read for the third time and ordered sent to the House:

S.195 a bill that proposes to repeal several sections of Chapter 21 of Title 21 of the *South Carolina Code of Laws* relating to natural and parentally appointed guardians

S.372 a bill that exempt certain offenses that prohibit an individual from being employed as a day care worker

S.373 a bill that (1) defines the word "resident" for voting purposes, (2) provides a procedure for the challenging of the qualifications of an elector, and (3) provides that written notification of a change of address is deemed given under oath

On Tuesday, February 23, S.487 a bill relating to the method of electing the members of the Orangeburg County Consolidated School District Five was amended, read for the third time, and ordered sent to the House.

## JOINT ASSEMBLY

Meeting in Joint Assembly on Wednesday, February 24, the House and Senate were addressed by the Honorable Harold L. Miller, the National Commander of the American Legion. Commander Miller discussed the Legion's veteran support initiatives and programs for raising awareness of America's patriotic heritage. Commander Miller reported on the Legion's support of such federal initiatives as a GI Bill of Health, a World War II Memorial for Washington's Mall, and a U.S. Constitutional Amendment prohibiting the desecration of the American Flag. Commander Miller also recommended that lawmakers in South Carolina should consider building more veteran care centers, encouraging businesses to adopt hiring policies under which veterans are preferred, and adopting state legislation which affords the American Flag greater protection from desecration.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee gave a favorable commendation to H.3107. This bill designates the spotted salamander, *Ambystoma Maculatum*, as the official state amphibian.

The committee gave a favorable recommendation to H.3345. This bill authorizes the Department of Natural Resources to issue statewide individual tags for taking antlerless deer. Such statewide tags do not apply to properties receiving antlerless deer quota permits.

The full Agriculture, Natural Resources, and Environmental Affairs Committee gave a favorable recommendation to H.3360. This joint resolution authorizes the SC Forestry Commission to retain expenses reimbursed to it by the Federal Emergency Management Agency through the state of Florida so that these funds may be used for the travel expenses and repair and maintenance of fire protection equipment involved in the Florida forest fire emergency of 1998.

The committee recommitted H.3393 to the Wildlife Subcommittee. This bill provides that a certificate of title on watercraft may not be transferred if the Department of Natural Resources has notice that property taxes are owed on the watercraft or outboard motor.

The committee gave a favorable report to H.3418. This bill deletes the provision that county forestry boards shall review, revise and adopt the annual forest fire protection plan. The bill also deletes the requirement that all county forest fire protection officers shall be *retained or dismissed* only with the consent of the county forestry board (the board), but does not delete the current provision that these officers shall be *employed* only with the consent of the board. The bill deletes towermen from the list of forest fire protection officers whose employment requires the consent of the board, and deletes the requirement that towermen must be residents of the county in which they are so employed. The bill does not change the current requirement that the State Commission of Forestry (the Commission) shall prepare a plan for forest fire protection, but the bill does delete the requirement that the Commission prepare such a plan for each county board for the fiscal year and present the plan at the July meeting of the board.

The full Agriculture, Natural Resources, and Environmental Affairs Committee gave a favorable recommendation to H.3469. This bill prohibits hunting, fishing, or trapping on lands or private waters (or entering upon these lands or waters for the purpose of hunting, fishing, or trapping) without permission from the owner or his or her agent.

The committee gave a favorable recommendation to S.355. This joint resolution directs the SC Department of Natural Resources (DNR) to name the new boat landing on the Waccamaw River at Highway 9 the "Chris Anderson Memorial Landing at Highway 9." The bill also directs DNR to ensure that the boat ramp is available free of charge for access to the Waccamaw River.

## EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week

## JUDICIARY

The Judiciary Committee gave a favorable report to **H.3329**. This bill amends *South Carolina Code of Laws* §§29-5-10(b) and 29-5-20(C), statutes relating to mechanic's liens. This bill clarifies the term "prevailing party" for the purpose of awarding attorney's fees. Under this bill, if a defendant does not make a written offer of settlement, then the value of the defendant's counterclaim is considered to be a negative offer of settlement. Also, if the defendant has not asserted a counterclaim, then under this bill the defendant's offer of settlement is considered to be zero.

The Judiciary Committee gave a favorable recommendation to **H.3375**, a bill relating to public defender corporations. **H.3375** provides that the board of directors of a defender corporation is not liable for a loss resulting from an act or omission of a public defender or other employee of the corporation, if the public defender or employee (1) acted within the scope of his or her official duties, and (2) acted in good faith.

The Judiciary Committee gave a favorable report with amendment to **H.3120**. This bill as introduced requires that anyone convicted or adjudicated delinquent after June 30, 1999 of (1) homicide, or (2) assault and battery against a child by a person sixteen years of age or older must be included in the State DNA Database. This bill as introduced requires that anyone convicted before July 1, 1999, sentenced to, and serving a term of confinement for (1) homicide, or (2) assault and battery against a child by a person sixteen years of age or older must be included in the State DNA Database. The Committee approved an amendment to the bill which would likewise include in the State DNA Database individuals convicted or adjudicated delinquent of a violent crime listed under SC Code Section 16-1-60. The Committee amendment also provides that the State Law Enforcement Division shall begin no later than June 30, 2000, to analyze certain cases where offenders have been ordered by a court to provide DNA samples.

The Judiciary Committee recommitted **H.3419**, a bill that establishes the "South Carolina Shooting Range Protection Act of 1999," to the Special Laws Subcommittee.

The Judiciary Committee gave a favorable report to **H.3158**, a bill that establishes the "South Carolina Religious Freedom Act." This bill prohibits the State or its political subdivisions from substantially burdening an individual's exercise of religion unless the State or political subdivision can prove that application of the burden is 1) in furtherance of a compelling state interest, and 2) the least restrictive means of furthering that compelling state interest. However, nothing in this bill may be construed so as to authorize the State to burden any religious belief. This bill allows a person, whose exercise of religion has been burdened by the State or any of its political subdivisions, to assert the violation as a claim or defense in a judicial proceeding. Furthermore if the person prevails, he or she is entitled to attorney's fees and costs. **H.3158** does not affect, interpret, or in any way address the portions of the federal or state constitutions prohibiting laws respecting the establishment of religion. Granting state funding,

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benefits, or exemptions to the extent permissible under either the federal or state constitution is not a violation of this bill.

The Judiciary Committee gave a favorable recommendation to **H.3338**. This bill provides that a law enforcement officer (1) who has probable cause to believe a child is being concealed from his legal custodian, and (2) who is attempting to return the child to his or her legal custodian, may enter a dwelling, building or other structure, or vehicle and use reasonable means to recover and return the child to his or her legal custodian.

The Judiciary Committee gave a favorable report to **H.3310**. This bill expands the jurisdiction of county police officers when they pursue offenders that violate a county ordinance or state statute.

The Judiciary Committee gave a favorable report with amendment to **H.3035**. This bill, as introduced, authorizes municipal court judges to order restitution in an amount not to exceed five thousand dollars. The Judiciary Committee proposes an amendment to **H.3035** that would allow a municipal judge to order restitution in an amount that the municipal judge deems appropriate. The proposed amendment requires a municipal judge to determine and itemize the actual amount of damage or loss in the order. Additionally, the proposed amendment allows a municipal judge to set an appropriate payment schedule. The proposed amendment also allows a municipal judge to hold a party in contempt for failure to pay restitution ordered, if the municipal judge finds that the party has the ability to pay.

Currently, a magistrate may order restitution in any amount he or she deems appropriate. As introduced, **H.3035** provides that five thousand dollars is the maximum amount of restitution that a magistrate may order a defendant to pay. The Judiciary Committee proposes an amendment to **H.3035** that removes the five thousand dollar limitation on the amount of restitution that a magistrate may order a defendant to pay. However, the proposed amendment requires a magistrate to determine and itemize the actual amount of damage or loss in the order. Additionally, the proposed amendment allows a magistrate to set an appropriate payment schedule. The proposed amendment allows a magistrate to hold a party in contempt for failure to pay restitution ordered, if the magistrate finds that the party has the ability to pay. The Judiciary Committee's proposed amendment provides that a magistrate's order of restitution may be appealed separately from an appeal relating to the conviction.

## LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee did not meet this week.

## 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 Ways and Means Committee met throughout the week and early into Saturday morning to develop recommendations for the 1999-2000 General Appropriation Bill. The committee is developing recommendations for funding from five different revenue sources totalling more than \$700 million. Four of these sources are non-recurring and constitute around 60% of the total new revenue. The Ways and Means and House budget schedule puts the printed committee bill on all House members' desks on March 9, with standing committee briefings scheduled for March 10 and 11. House floor debate on the bill is expected to begin March 15.

All of the committee's recommendations will be finalized early this week. Some highlights of the committee's contingent recommendations include:

\$48.3 million to fund a pay raise for state employees, including 2% cost of living adjustment and an average 2% merit increase, starting July 1, 1999;

\$9 million to start a two-year phase-in for an alternative school program. The committee passed a Part II (permanent) proviso which is essentially the same as the alternative school bill passed by the House last month, with the exception of the two-year phase-in and another Ways and Means provision authorizing local school boards to contract with private entities to provide any portion of the alternative school program;

Teachers' salaries raised to \$325 above the Southeastern average; also, \$6.1 million is included to pay teachers for the time they spend writing academic plans for students who fall behind (these plans are a requirement of the 1998 Education Accountability Act);

\$3 million of EIA funds appropriated for "JUMP START," a pre-school education program designed to improve school performance for at-risk three year-old or four year-old children of qualified citizens residing in impaired school districts;

An increase of \$9 million in school technology funding;

School construction funds increased to \$20 million;

\$14.5 million appropriated to reduce class size to a 1:17 ratio in grade one; and

\$14 million in general funds appropriated to the Department of Parks, Recreation, and Tourism (PRT), with a provision that PRT must reimburse a total of \$5 million from Admissions Tax revenues to the general fund, payable on a quarterly basis;

\$5.7 million to increase the state income tax deduction for senior citizens from the current \$11,500 to \$15,000;

\$10 million to hire 50 new Highway Patrol officers and 15 telecommunication officers, and to buy equipment;

\$10 million to the Department of Motor Vehicles for computer upgrade;

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\$5 million towards the construction of a new USC arena; \$6 million to upgrade Littlejohn Coliseum at Clemson;

\$5 million for equipment and building costs at the School for the Deaf and Blind;

Funding for 21 new employees at the Department of Health and Environmental Control, to fight water pollution;

\$3 million for beach renourishment;

\$40 million in non-recurring funds to the State Ports Authority for harbor dredging.

The committee also adopted a committee bill (not a part of the budget) directing the Department of Revenue to promulgate regulations which would be effective July 1, 1999, for the operation of video poker games in South Carolina. The bill provides that these regulations must include imposing additional fees on the machines or on the owners, distributors, and operators of the machines, in an amount necessary to generate an additional aggregate revenue of at least two hundred million dollars annually. The bill also provides that the regulations must include: a requirement for background checks for video poker employees, owners, distributors, and operators; a requirement for a minimum payout percentage for the machines as a function of the amount of money inserted into the machine; limitations on video poker advertising; and a requirement for the electronic collection of video poker taxes.

The committee also adopted a budget proviso stating that any funds derived from the change in regulations or licensing fees for video poker, above the amount certified by the Board of Economic Advisors on February 10, 1999 for Fiscal Year 1999-2000 must be deposited in a separate fund to be used solely for non-recurring educational purposes in a specified priority order.

## BILLS INTRODUCED IN THE HOUSE THIS WEEK

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

#### **H.3586 "SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT" Rep. J. Smith**

The "Southeast Interstate Low-Level Radioactive Waste Management Compact" was originally created by 1982 Act No. 452 §1, and it was subsequently repealed by 1995 Act. No. 145, Part II, §79D.

This bill reenacts and provides for the "Southeast Interstate Low-Level Radioactive Waste Management Compact." Key features of this bill include the following:

- Policy attendant to a state entering the compact
- Rights and obligations of compact party states
- Creation of the Southeast Interstate Low-Level Radioactive Waste Management Commission including provisions detailing the powers and duties of the Commission
- Development and operation of host state facilities

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- Establishment of fees and reporting requirements for disposal of low-level radioactive waste in this state
- Allocation of funds
- Eligibility criteria to become a party state
- Sanctioning authority and withdrawal from the compact
- Compact Commission members of this state must be appointed by the Governor with the advice and consent of the Senate
- Written approval of the Governor necessary before certain actions may be taken by a South Carolina Commission member
- If South Carolina determines that any party state is not acting in good faith in complying with the terms of the compact, then South Carolina has the option to withdraw immediately
- Barnwell facility may accept no more than six million cubic feet of waste beginning on January 1, 2000 and ending January 1, 2019
- The South Carolina Advisory Committee shall meet with the representatives of other states regarding South Carolina's possible reentry into the compact
- Reduce from two hundred thousand cubic feet to thirty-five thousand cubic the amount of unused site capacity that may be carried forward when the site does not receive as much as three hundred thousand cubic feet in a calendar year

### **H.3588 HUNTING MIGRATORY WATERFOWL ON LAKE MURRAY Rep. Knotts**

This bill prohibits the hunting of migratory waterfowl on Lake Murray within 500 yards of the property line of a dwelling situate in either Richland County or Lexington County. Penalties are established for failure to comply.

### **H.3591 RACCOON HUNTING Rep. Koon**

This bill provides for a three-year pilot program in all game zones of the state so as to shorten the hunting season for raccoon to a period from Thanksgiving Day through March 1. During this period hunters may use weapons and dogs to hunt raccoons. After this period, an individual may hunt raccoons with dogs only. Penalties are established for failure to comply.

### **H.3603 "BROWNFIELDS PROPERTY REUSE ACT OF 1999" Rep. D. Smith**

This bill authorizes the Department of Health and Environmental Control to enter into agreements with prospective developers who seek to expand or redevelop abandoned, idled, or underused property that (1) may be hindered by environmental contamination and (2) may be subject to a state remediation program under federal law.

### **H.3617 "SOUTH CAROLINA MARINE RESOURCES ACT" Rep. Witherspoon**

This bill rewrites, revises, and amends the laws governing commercial and recreational saltwater fishing. Inadequate, ambiguous, or unenforceable laws are rewritten or eliminated. Provisions that apply only to certain geographical areas are removed. DNR retains jurisdiction over fishing in saltwater and over anadromous resources in freshwater. Matters which DNR must consider in promulgating regulations are expanded. Resident and non-resident individual commercial fisherman licenses and fees are instituted. These licenses allow a fisherman to sell what he catches. Additional changes are proposed dealing with shellfish, anadromous fisheries, recreational harvesting, seafood and market, fishing equipment, and vessels. Violations and penalties are also modified.

**H.3618 HUNTING WATERFOWL ON LAKE MURRAY Rep. Knotts**

This bill provides that it is unlawful to hunt migratory waterfowl on Lake Murray within five hundred yards of a dwelling situated in Lexington County. Elsewhere on Lake Murray it is, under current law, unlawful to hunt waterfowl within two hundred yards of a dwelling unless the owner and occupant gives written permission.

**EDUCATION AND PUBLIC WORKS**

**S.150 SPECIAL LICENSE PLATES, LICENSE FEES Sen. Wilson**

This bill authorizes the Department of Public Safety to issue a special license plate to a SC resident who is a member of the SC State National Guard. Current law authorizes these special plates for *retired* members of the SC National Guard. The bill also deletes the requirement that retired members of the SC National Guard must certify Guard membership before being issued a special plate. The bill provides for the design of these special plates, which would include a decal denoting the owner's National Guard branch and status (i.e., retired). The bill also creates a special license plate on behalf of the *H.L. Hunley* submarine, and provides for the design, fee, distribution, and use of revenue from these special plates. The bill also amends current law concerning motor vehicle registration and license fees by excluding trucks from the special twenty dollar fee set for handicapped persons or persons age sixty-five or older, and by excluding trucks from the twenty-four dollar registration fee which is currently provided for persons under age sixty-five. The bill also adds a section to the *SC Code* authorizing the Department of Public Safety to issue, under certain conditions, special motor vehicle license plates bearing the name, emblem, or seal of a 501(c)(3) organization. The bill requires a minimum number of prepaid applications which must precede production of the plates and requires a plan to market the plates. The bill prohibits referencing on these plates a college in this state without written authorization from the institution. The bill provides that funds collected from these plates may be used only to defray the costs of the program.

**H.3580 STATE SALE OF DRIVER'S LICENSE PHOTOS Rep. Altman**

This bill requires that the State's application for a driver's license or permit or for renewal of a driver's license must contain a section where the applicant shall indicate his permission or his refusal for the State to sell or distribute his photograph. The bill provides that if the applicant refuses permission, the licensee's photo may not be released for any commercial purpose.

**H.3592 SCHOOL DISTRICT BUILDING PROGRAM COSTS Rep. J. Smith**

This bill requires that the SC Department of Transportation bear the cost of all off-site road improvements that a public school district incurs when it enters into a building program.

**H.3593 PUPIL-TEACHER RATIOS Rep. J. Smith**

This bill requires that, by school year 1999, school district boards must attain an average pupil-teacher ratio in grades K-3 of nineteen to one, and by school year 2000, they must attain a K-3 pupil-teacher ratio of seventeen to one. The bill provides that, beginning with school year 2001, school districts violating these provisions shall have state aid for the ensuing school year reduced by a specified amount. The bill authorizes the State Board of Education to waive these provisions under certain circumstances.

**H.3595 "COOPERATIVE EDUCATION SERVICE CENTERS ACT  
OF 1999" Rep. McGee**

This bill authorizes the establishment of *cooperative educational service centers*, which are defined in the bill as regional educational service units designed to provide supporting, instructional, administrative, facility, community, or any other services contracted by participating member entities. The bill provides for the development and implementation of agreements between school districts and between school districts and post-secondary institutions to form these centers. The bill provides for the composition of "cooperative boards" for the centers, and specifies powers that the centers may exercise, including but not limited to taking and holding real and personal property; operating schools and classes; investing funds; and constructing, purchasing or leasing sites, buildings, and equipment for certain purposes, using school district or institution facilities monies. The bill provides for a participating district or institution's withdrawal from the center and provides for the dissolution of the center. The bill also provides that center employees are eligible to participate in the retirement and insurance plans available to school district or institution employees.

**H.3612 SPECIAL LICENSE PLATES FOR LIONS CLUB MEMBERS Rep. Walker**

This bill authorizes the Department of Public Safety (DPS) to issue special license plates to members of Lions Clubs. The bill provides for fees to be charged for the plates and for disposition of the funds from the fees charged. The bill requires that DPS provide to the General Assembly every five years information on the cost of production, administration, and issuance of this plate.

**H.3620 SC FIRST STEPS TO SCHOOL READINESS ACT Rep. J. Smith**

This bill establishes the SC First Steps to School Readiness initiative, the goals of which are to: increase prenatal and maternity care; provide services to ensure that all children thrive at birth and in the early years so they arrive at school ready to learn; provide parents with access to support that will strengthen families and promote development of their preschool children; promote high quality and appropriate preschool programs; and mobilize communities to improve services to enable every child to reach school healthy and ready to learn.

The bill provides that the Board of Trustees for the Children's Trust Fund (which is established under current law) will oversee the SC First Steps initiative, and the staff employed by the Children's Trust Fund will serve as the office for the program. The bill outlines responsibilities for the office, including but not limited to: providing information to the board on best practice, successful strategies, model programs, and financing mechanisms; reviewing local partnerships so as to provide any needed technical assistance, recommendations regarding grant proposals, consultation, and support to facilitate local partners' success in meeting state and local goals; making recommendations to the board regarding grants to be awarded; submitting an annual report (which includes specified information) to the board; and contracting for a performance audit every three years.

The bill outlines eligibility requirements for local communities who wish to become a "First Steps Partnership," delineates three levels of grants which may be awarded, and authorizes the board to establish qualifying criteria and the amount to be allocated for each grant level. The bill requires that grant allocations consider the quality of the grant

proposal, the population of children birth to age five in the area served by the partnership, the percentage of students in grades one through three who are eligible for the free and reduced price lunch program, and the area's ability to support the initiative.

The bill specifies a maximum number of Level Three implementation/management grants which may be awarded the first year of the initiative, and provides a procedure to be used and information to be provided by grant applicants at all levels. The bill provides a maximum duration for the grants and provides for grant renewal under certain conditions.

## JUDICIARY

### **H.3585 *ILL-TREATMENT OF ANIMALS* Rep. J. Smith**

Under this bill, the ill-treatment of animals is a violent crime. This bill increases the penalty for the offense of torturing, tormenting, needlessly mutilating, cruelly killing, or inflicting excessive or repeated unnecessary pain or suffering upon any animal from a misdemeanor to a felony. This bill also increases the minimum and maximum terms of imprisonment that may be imposed for a violation of this section.

### **H.3589 *DUMPING LITTER OR OTHER SOLID WASTE ON PUBLIC OR PRIVATE PROPERTY* Rep. J. Smith**

This bill amends *South Carolina Code of Laws* §16-11-700, relating to the offense of dumping litter or other solid waste on public or private property, so as to increase the monetary penalty and the length of time for public work that the court may impose.

### **S.195 *NATURAL AND PARENTALLY ADOPTED GUARDIANS* Sen. Martin**

This bill repeals the following sections of the *South Carolina Code of Laws* pertaining to Natural and Parentally Adopted Guardians:

- §21-21-25 relating to the manner in which custody of minors may be disposed of
- §21-21-35 relating to persons against whom disposition of custody shall be valid
- §21-21-45 relating to when a custodian may maintain action for recovery of children and damages
- §21-21-55 relating to when custodians shall have rights of a guardian

### **S.372 *DAY CARE CENTER EMPLOYMENT* Sen. Anderson**

Currently, no one who has been convicted of the felonies classified in *South Carolina Code of Laws* §16-1-10(A) may be employed as a day care worker. Under this bill, the prohibition on day care employment does not apply to a person convicted under *South Carolina Code of Laws* §56-5-2930, the Class F felony of driving under the influence so long as the person:

- (a) has not been convicted in this state or any other state of an alcohol or drug violation during the previous ten years,

- (b) has not been convicted of and had no charges pending in this state or any other state for a violation of driving while his or her license is canceled, suspended, or revoked during the previous ten years, and
- (c) has completed successfully an alcohol or drug assessment and treatment program provided by the South Carolina Department of Alcohol and Other Drug Abuse Services or an equivalent program by a designated agency.

Under this bill, a person who has been convicted of a fourth offense of *South Carolina Code of Laws* §56-5-2930 must not drive a motor vehicle or provide transportation while in the official course of his or her duties as a day care worker.

Also under this bill, a person must be terminated as a day care worker if the person subsequently violates any law or ordinance relating to operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics.

**S.373 ELECTIONS Sen. Holland**

This bill defines the term "resident" for voting purposes to mean a person's domicile. The bill defines the term "domicile" as person's fixed home where he or she has an intention of returning when absent. A person has only one domicile. Under this bill, a person has changed his or her domicile if that person (1) has abandoned his or her prior home, (2) established a new home, (3) has a present intention to make that place his or her home, (4) and has no present intention to leave that place. **S.373** allows a spouse to establish a separate domicile for voting purposes.

This bill establishes a procedure for the challenging of the qualifications of an elector. The bill requires any challenges of the qualifications of an elector to be made in writing to the board of registration in the county of registration. Under the bill, the board of registration must (within ten days of the challenge and after first giving notice to the elector and his challenger) hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications. The bill also includes a list of factors that the board may consider as proof of residence.

**S.373** provides that written notification of a change in address is deemed given under oath. Penalties are established for fraudulently providing a change of address.

**H.3602 DESTRUCTION OF CRIMINAL RECORDS OF A PERSON WHO HAS BEEN PARDONED OF A CONVICTION Rep. D. Smith**

This bill amends *South Carolina Code of Laws* §17-1-40, relating to the destruction of the criminal record of a person whose criminal charge has been discharged, dismissed, or who have been found to be innocent, so as to provide that a person who has been pardoned of a conviction must have his or her criminal record destroyed.

**H.3161 CAMPAIGN CONTRIBUTIONS Rep. Fleming**

This bill amends *South Carolina Code of Laws* §8-13-1316, relating to restrictions on campaign contributions received from political parties, so as to provide that a recipient given a contribution in violation of this section must remit it to the Children's Trust Fund within seven days of its receipt.

**LABOR, COMMERCE AND INDUSTRY**

**H.3581 OPERATIONAL INSTRUCTIONS ISSUED BY THE STATE BOARD OF FINANCIAL INSTITUTIONS Rep. Cato**

This bill revises current law which allows the State Board of Financial Institutions to permit financial institutions to engage in activities authorized by certain federal laws, agencies, and authorities. Current law allows the State Board of Financial Institutions to grant such permission by regulation; the bill allows the Board to also grant permission by issuing operational instructions. The bill also makes technical revisions.

**H.3597 SETOFF DEBT COLLECTION ACT Rep. Cobb-Hunter**

This bill revises the definition of "political subdivision" under the state's Setoff Debt Collection Act so as to include under that term the South Carolina Association of Housing Authority Executive Directors.

**H.3605 FRAMED GLASS DOORS Rep. Davenport**

This bill provides that, notwithstanding any other provision of law, the bottom rail on a framed glass door must be at least seven and one-half inches in height. However, a framed glass door may have a bottom rail of less than seven and one-half inches in height if the glass is protected to a height of at least seven and one-half inches in height by an applied panel or insert.

**H.3606 SAFETY FEATURES OF MIRROR AND GLASS FIXTURES Rep. Davenport**

This bill provides that, notwithstanding any other provision of law, Category 2 safety vinyl must be attached to the back of: (1) a mirror or glass fixture that surrounds or encloses a bathtub, hot tub, whirlpool, sauna, steam room, shower, or other similar apparatus; and, (2) mirror applications in commercial and residential structures including, but not limited to, dance studios, gyms, exercise rooms, and studios, showrooms, and dressing rooms, even if handrails are used. The provision does not apply to mirror applications if the mirror is fully tempered, laminated, acrylic, or polycarbonate.

**H.3613 COVERAGE OF SAFETY GLASS UNDER AUTOMOBILE PHYSICAL DAMAGE INSURANCE Rep. Phillips**

This bill removes the current provision in the state's automobile insurance law which provides that any automobile physical damage insurance coverage deductible or policy deductible does not apply to automobile safety glass.

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

**H.3582 HEARING AID SPECIALISTS Rep. Cato**

This bill provides that all the powers, duties functions, and responsibilities which the Department of Health and Environmental Control currently has under the "Practice of Specializing in Hearing Aids Act" are transferred to the Department of Labor, Licensing and Regulation. Under the bill, the Commission for Hearing Aid Specialists shall act as a professional and occupational licensing board within the Department of Labor, Licensing and Regulation. The bill also conforms the Commission for Hearing Aid

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Specialists to the uniform statutory, organizational, and administrative framework established for professional and occupational boards.

### **H.3583 DAY CARE FACILITIES Rep. Sharpe**

This bill makes various revisions to state laws governing the operation of child day care facilities. Under the bill, a child day care centers and a group day care homes must state its license number in all advertisements; a family day care home must state its registration number in all advertisements. The bill makes various revisions to legal definitions of child day care facilities, to, among other things, include summer resident camps under the term "child day care facilities." The bill revises conditions for seeking an injunction against an operator of a child day care center or group day home. The bill revises the powers of the Department of Social Services regarding proposed construction or renovation of day care facilities, such as to eliminate the Department's power to issue a declaratory order on drawings and specifications of proposed construction/renovation, and, instead, authorizes the Department to offer consultation on proposed construction/renovation at the request of day care operators. The bill also makes revisions which specifically pertain to church or religious child day care centers or group day care homes. Under the bill, a statement of registration must be issued to the such a religious day care facility upon satisfactory completion of prescribed procedures. Such a religious facility must display the statement of registration conspicuously on the premises, and state the registration number in all advertisements. The bill subjects such religious day care facilities to the inspection procedures and requirements for floor space, child-staff ratio, and staff training which are required of other day care facilities. The bill provides that inspection of religious day care facilities be conducted, not annually, but before renewal.

### **H.3607 HOME MEDICAL EQUIPMENT AND SERVICE PROVIDERS Rep. Carnell**

This bill authorizes the South Carolina Board of Pharmacy to license and regulate home medical equipment and services providers. The bill establishes the Home Medical Equipment Advisory Board and provides for its duties.

## WAYS AND MEANS

### **S.317 PROPERTY TAX EXEMPTION FOR CHURCHES Sen. Setzler**

This bill provides that if a church acquires ownership of real property which will be exempt when owned by the church, the property is exempt from taxation immediately upon transfer to the church, and the transferor's liability for property taxes on the property ceases on the church acquiring the property. The bill also provides for the method of determining millage and the due date for the accrued taxes in the event of such property acquisitions by churches, and provides for a lien for the collection of any accrued taxes.

The bill also limits the tax exemption currently provided to public libraries, churches, parsonages, burying grounds, and property of certain charitable trusts and foundations, to property which does not extend beyond the buildings and premises actually occupied by the owners of such real property.

**H.3584 VIDEO GAMES WITH FREE PLAY FEATURE Rep. Sheheen**

This bill provides that, effective June 1, 2000, it is unlawful for any person to keep on his premises or operate or permit to be kept on his premises a video game machine with a free play feature which meets specifications described in the bill. The bill requires that such machines must be seized by a law enforcement officer and, upon determination by a magistrate that the machine is in violation of law, the machine must be immediately destroyed. The bill requires that any person playing these games at locations delineated in the bill shall be imprisoned for not more than thirty days or fined not more than one hundred dollars, and the person keeping such locations shall, upon conviction, be imprisoned for not more than twelve months and fined not more than two thousand dollars for each offense. The bill also provides that, effective upon approval of the bill by the Governor, the Employment Security Commission must provide specified assistance to employees of owners or operators of any of these machines who lose their jobs as a result of the loss of revenue caused by the provisions in the bill.

**H.3590 PROPOSED CONSTITUTIONAL AMENDMENT RE LIMITATIONS ON TAXING POWERS Rep. H. Brown**

This joint resolution proposes amending the SC Constitution so as to provide that the proceeds of a tax measured by the use, consumption, or sale of gasoline and motor fuels and dedicated at its enactment to highway construction, improvement, and maintenance, may not later be diverted to any other purpose. The proposed amendment would further provide that the original purpose of that tax may not be changed by the later enactment to any purpose other than highway construction, improvement, and maintenance. The resolution requires that the proposed amendment be submitted to the voters at the next general election for representatives.

**H.3594 CAPITAL COST IMPACT FEE Rep. Koon**

This bill provides that the board of trustees of certain school districts may, by resolution adopted by at least two-thirds majority vote, impose a one-time capital cost impact fee on the construction or set up of a residential property in the district. The bill restricts usage of the fees to new school building construction and adding portable classrooms in the district. The bill sets a dollar minimum on the fee, requires that the fee must be imposed uniformly, and provides for method of payment of the fee. The bill also requires that the treasurer issue receipts for the fee which must be presented to the electric utility serving the property before permanent electrical service may be provided to the property.

**H.3596 SALE OF STATE-SUPPORTED COLLEGE OR UNIVERSITY REAL PROPERTY Rep. Simrill**

This bill amends current law regarding sale and disposal of real property titled in the name of a state-supported college or university by adding a requirement that the college or university disposing of the property must notify the legislative delegation of the county where the property is located, of the date and time of the meeting with the Budget and Control Board when the proposed sale of this property will be discussed.

**H.3604 PROPOSED CONSTITUTIONAL AMENDMENT REGARDING PROPERTY TAX EXEMPTION Rep. Vaughn**

This joint resolution proposes to amend the SC Constitution by authorizing local governing bodies to provide an exemption from all or a portion of the property tax on a

private passenger motor vehicle owned or leased by a person who is sixty-five years of age or older, or permanently and totally disabled, or blind.

**H.3614 DISTRIBUTION OF THE SC CODE OF LAWS Rep. Witherspoon**

This bill amends current law relating to the delivery of the SC Code of Laws to state or county officers and their successors. The bill provides that the cost of the Code set is deemed to be the replacement cost thereof, and if an officer fails to deliver the Code set to his successor, he is either personally or through his official bond, liable for replacement cost of the set. Current law provides that the officer is liable for the Code set on his official bond, and that the value of the Code set is twenty-five dollars.

**H.3615 PROPOSED CONSTITUTIONAL AMENDMENTS TO PROHIBIT VIDEO POKER AND TO ESTABLISH A STATE-RUN LOTTERY Rep. R. Smith**

This joint resolution proposes two amendments to the SC Constitution, with both questions to be submitted to voters at the next general election for representatives. The first proposed amendment is to prohibit video games with a free play feature. The second proposed amendment is to authorize state-run lotteries with the proceeds, less operating expenses and prizes, to be deposited into a special account and used for improvements and enhancements for educational programs and purposes, as specified in the resolution. The resolution also provides that the General Assembly shall provide by law for the implementation of the state lottery.

**H.3621 TEACHER SALARY SCHEDULE Rep. Allen**

This bill requires that, beginning with fiscal year 1999-2000, the state minimum salary for teachers must be adjusted on a schedule to be at the national average. Current law requires that the state minimum salary for teachers must be adjusted to be at the southeastern average.

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The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page ([www.lpitr.state.sc.us](http://www.lpitr.state.sc.us)) and click on the "Quick Find Guide." On the next screen, click on "Legislative Updates." This will list all of the *Legislative Updates* by date. Click on the date you need.

SPECIAL NOTE: A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1999-2000. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.

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**LEGISLATIVE UPDATE**

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