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WEEK IN REVIEW - JANUARY 18-22, 1999

HOUSE FLOOR

The House of Representatives approved a resolution which identifies the six individuals on the Governor's staff who are granted access to the House floor during the 1999 session of the General Assembly. The resolution provides that only three of these individuals may be on the House floor and within the outer doors of the chamber at any one time during the session.

The House also amended and discussed, but took no final action on, Joint Resolution H.3259 which allows a specified state individual income tax deduction of retirement income for taxpayers who elected to defer a retirement income deduction until age sixty-five, or who failed to make such an election.

SENATE FLOOR

On Friday, January 15, the Senate received a report from the Liquor Sales Study Committee. The study committee was created pursuant to Section 11, of Act No. 434 of 1998 in order to examine state law relating to the transportation, possession, and consumption of alcoholic liquor in minibottles. Over the course of several months, the study committee met three times and adopted the following recommendations.

- The study committee proposes there should be amendments to existing distilled spirits legislation in order to increase the funding level to agencies and organizations that provide county alcohol and drug abuse planning programs. The study committee also recommends that funding for these programs should not go lower than the present funding level.
- The study committee proposes that legislation authorizing the on-premise sale of alcoholic liquors from either a minibottle or by a free pour method should be considered. The study committee also proposes that a system of taxation should be developed for this dual method of dispensing alcohol.
- The study committee recommends that the Department of Alcohol and Other Drug Abuse Services develop a plan for training bartenders.
- The study committee recommends that Section 16 of Act No. 434 be stricken so that there is no prohibition on the marketing or sale of malt liquor in containers of more than a liter.

On Tuesday, January 19, the Senate gave second reading to S.338, a bill pertaining to the designation of voting precincts in Berkeley County.

On Thursday the Senate gave second reading to the following: (1) S.36 a bill that requires a person serving in an office elected by the General Assembly, who is not seeking reelection, to give written notice to the Joint Committee for the Review of Candidates; (2) S. 65 a bill requiring the Code Commissioner to annotate in the Code certain unpublished federal opinions; (3) S.129 pertaining to renaming Johns Island 5A Voting Precinct; (4) S.247

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relating to voting precincts in Florence County; (5) **S.109** a bill allowing a process server to serve a summons and complaint or other judicial documents on Sunday.

Additionally, on Thursday the Senate began consideration of **S.1**, a joint resolution proposing to amend the State Constitution so as to authorize lotteries conducted in the State with the net revenue used solely to support improvements and enhancements to education. However, debate on this joint resolution was interrupted when the Senate entered into executive session. After the seal of secrecy of executive session was removed, Mr. Lonnie Morgan Martin's appointment to the Department of Transportation was confirmed in open session.

On Friday, January 22, the Senate received the Report of Candidate Qualifications from the Judicial Merit Selection Commission. The Commission is charged by law to consider the qualifications for the judiciary. The Report details the reasons for the Commission's findings, as well as each candidate's qualifications as they relate to the Commission's evaluation criteria.

JOINT ASSEMBLY: GOVERNOR'S STATE OF THE STATE ADDRESS

On Wednesday, January 20, the House of Representatives and Senate met in joint assembly in the House Chamber to be addressed by Governor James H. Hodges on the state of the state. The Governor's first State of the State Address focused primarily on public education reform and included the following points of interest:

- An invitation for the state's parents to involve themselves in education reform by signing a "Compact with Our Children," a pledge to volunteer at schools, attend parent-teacher conferences, support school activities, read to young children, and provide a healthy home environment that is conducive to learning.
- A recommendation for a state lottery with proceeds to be specifically devoted to education needs by the SC Constitution. The Governor estimated such a lottery would generate \$150 million annually, and recommended that the General Assembly approve a joint resolution to put a lottery referendum on the ballot in the year 2000.
- A request that the General Assembly devote one half the available dollars coming to the General Fund and Education Improvement Act Funds to kindergarten through twelfth grade education—an increase of \$380 million in education spending. The Governor recommended that some of this money be used to decrease class size, suggesting an initial target of seventeen pupils per teacher, in kindergarten through third grade.
- A recommendation that retirement laws be revised to allow school districts to retain some of their most experienced teachers. The Governor recommended a teacher pay raise which would elevate salaries to \$300 above the Southeastern average.
- A recommendation that \$25 million be spent to provide students with laptop computers and SAT (Scholastic Aptitude Test) review software to improve the state's SAT scores. The Governor also announced a proposal for the Governor's Institute of Reading to provide professional development for reading instructors.
- Unveiling of "South Carolina First Steps" a program designed to pool community resources to promote better child care, coordinate health services, and otherwise ensure

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that children enter school healthy and ready to learn. The Governor suggested funding the program with an initial \$20 million.

- With regard to crime, the Governor endorsed the General Assembly's commitment to sentencing guidelines and proposed statewide Drug Court programs where individuals who commit nonviolent offenses to financially support their addictions are sentenced to intensive community service, instead of incarceration, contingent upon passing period tests for drug use.
- The Governor announced an executive order directing the State Law Enforcement Division to conduct criminal background checks on applicants for video poker licenses. The Governor recommended taxing video poker such that one-third of the industry's net profits would be absorbed by the state. The Governor also recommended a statewide referendum on the continued existence of video poker at the next General Election.
- A proposal to raise the state income tax exemption on retirement income to \$20,000, thereby eliminating state income tax for 58 percent of those sixty-five and older.
- A recommendation for a three percent pay raise for state employees and a proposal to match up to \$300 of any state employee's annual contribution to their 401-K retirement plan.
- A recommendation that South Carolina explore reentering the Southeast Compact for Low-Level Radioactive Waste Management. The Governor recommended setting a date after which time South Carolina will no longer accept nuclear waste from elsewhere in the region or nation.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met for purposes of organization.

JUDICIARY

The Judiciary Committee gave a favorable recommendation to **H.3155**, a joint resolution proposing to amend the State Constitution in order to shorten the legislative session. Specifically, this joint resolution proposes:

- to delete certain obsolete language from the State Constitution relating to the sessions of the General Assembly
- that the General Assembly will convene in the State Capitol on the second Tuesday in January in even-numbered years and on the second Tuesday in February in odd-numbered years

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- an organizational meeting of the Senate and House of Representatives in even-numbered years for the purposes of organization and electing officers
- during odd-numbered years that the officers of the House and Senate will convene on second Tuesday in January for not more than two days in order to 1) accept any bills or resolutions introduced by a member, and 2) refer the bills and resolutions to the appropriate committees
- if casualties of war or contagious disease make it unsafe to meet at the seat of government, then the Governor by proclamation may appoint a more secure place to meet
- members of the General Assembly should not be compensated for more than forty days in any one session

The Judiciary Committee also gave a favorable recommendation to **H.3156**. This bill changes the date for *sine die* adjournment of the General Assembly from the first Thursday in June to the second Thursday in May. Currently, in any year the House of Representatives fails to give third reading to the appropriations bill by March 31, then the date of *sine die* adjournment is extended by one statewide day for each statewide day after March 31 that the House of Representatives fails to give the bill third reading. Under this bill, in any year the House of Representatives fails to give third reading to the appropriations bill by March 15, then the date of *sine die* adjournment is extended by one statewide day for each statewide day after March 15 that the House of Representatives fails to give the bill third reading.

The Judiciary Committee also gave a favorable report with amendments to **H.3002**. The intent of this bill is to reinforce prohibitions on gambling. This bill emphasizes that gambling offenses provided under the South Carolina Constitution and the laws of South Carolina apply to any craft where the voyage begins and ends in the waters of this State. The bill also references standards expressed in the United States Code, specifically the Johnson Act Amendments of 1992. **H.3002** prohibits gambling cruises that embark from a point in South Carolina and return to a point in South Carolina, regardless of whether or not the gambling takes place in or outside of the waters of South Carolina. This bill also prohibits individuals from managing, supervising, controlling, operating, or owning a craft intentionally used for gambling cruises. Penalties are established for failure to comply.

The bill, as introduced, uses the term "craft." The Judiciary Committee proposes an amendment to the bill that would delete the term "craft" every time it is used and insert in its place "United States or foreign documented vessel."

The Judiciary Committee proposes to further amend the bill by adding a provision that would prohibit the repair of a gambling device on cruises that embark from a point in South Carolina and return to a point in South Carolina, regardless of the location of the United States or foreign documented vessel when the repairs are made.

The Judiciary Committee proposes to further amend **H.3002** by adding a severability provision in the event any portion of the bill is found to be invalid.

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 did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3317 *DISPLACEMENT OF A PRIVATE COMPANY PROVIDING COLLECTION SERVICES FOR SOLID WASTE, RECOVERED MATERIALS, OR BOTH* Rep. Sharpe

This bill establishes requirements that apply to the displacement of a private company providing collection services for solid waste, recovered materials, or both. Under this bill, the term displacement refers to action by a local government. Before displacing a private company, a local government must (1) hold at least one public hearing seeking comment on the advisability of local government providing these services, (2) provide at least forty-five days written notice of the hearing, and (3) provide at least fifteen days public notice of the hearing in a newspaper of general circulation.

The bill requires a local government to begin taking necessary measures to provide collection services within one year after the public hearing. The bill also has provisions detailing how, when, and in what manner the local government or private entity selected by the local government may begin the actual provision of these services.

EDUCATION AND PUBLIC WORKS

H.3290 *TRANSFER OF SPECIAL LICENSE PLATE* Rep. Cotty

This bill provides that the currently-issued "Public Education: A Great Investment" special license plates may, under certain conditions, be transferred to another vehicle.

H.3299 *DRIVER'S LICENSE APPLICATION* Rep. Beck

This bill allows an applicant for a driver's license voluntarily to disclose a permanent medical condition which must be indicated by a specified symbol on the license or permit and contained in the driver's record. The bill also allows an applicant voluntarily to disclose that he is an organ donor, which also must be indicated by a specified symbol on the license or permit to drive.

H.3300 *SCHOOL BUS REQUIREMENTS* Rep. Beck

This bill provides that students transported in a vehicle designed or used to transport more than ten passengers, by a public or private school, must be transported in a vehicle that meets the statutory definition of "school bus." That definition includes specific markings which the bus must display. The bill allows a grace period for compliance for vehicles purchased before July 1, 1999, and requires that any non-complying vehicle must be identified as an "activity school bus," must be painted a color other than yellow and is not

entitled to the privileges and protections of a school bus operating on the highways of South Carolina. The bill also requires that an activity school bus must display beside the front entrance a specifically-designed decal stating that "...this bus may not make stops on highways to load or unload passengers." The bill also provides other requirements for this decal, including approval and issuance by the Department of Public Safety (DPS), maximum amount that may be charged by DPS for the decal, and a deadline of September 1, 1999, for the decal to be in place on vehicles bearing government license plates.

H.3313 PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES Rep. Breeland

This bill requires that in order to participate in interscholastic activities, students in grades 9-12 must have an overall "C" average in the preceding semester and must pass at least four academic courses, including each unit the student takes that is required for graduation. The bill also requires that each school district provide academic assistance for students who wish to participate but who do not have a "C" average from the preceding semester. Current law requires that in order to participate in interscholastic activities, a student must have an overall "passing" average and must either pass four academic courses, including each unit the student takes that is required for graduation, or pass a total of five academic courses in a specified semester. There is currently no statutory requirement that school districts provide academic assistance for students who wish to participate but who do not qualify academically to do so.

H.3314 FRATERNITY AND SORORITY LICENSE PLATES Rep. Breeland

This bill allows the Department of Public Safety to issue special fraternity and sorority license plates. The bill provides that the fee for the plate will be seventy dollars every two years, and provides for the distribution of funds received. The bill requires that a minimum of one hundred applications for a special plate must be received before a plate may be made for any fraternity or sorority.

H.3315 ROTARY LICENSE PLATES Rep. Barrett

This bill allows the Department of Public Safety to issue special license plates to members of Rotary International. The bill also provides for the fee for these plates, for the distribution of the funds from these fees, and for specific wording which must appear on the plates.

JUDICIARY

**H.3284 JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR
Rep. Jennings**

This joint resolution proposes amending the State Constitution to provide for a joint election of the governor and lieutenant governor, whereby each voter would cast a single vote for a candidate for governor and a candidate for lieutenant governor.

Under this joint resolution, the person receiving his or her party's nomination for governor would select a qualified nominee for lieutenant governor. However, this joint resolution also provides that the General Assembly will establish the manner in which the nominee for lieutenant governor may be selected.

If adopted by the General Assembly, the question would be placed before the people for their approval.

H.3288 INTERRACIAL MARRIAGES Rep. Inabinett

This bill ratifies an amendment to the State Constitution that deletes the prohibition against a marriage between a white person with a Negro, mulatto, or person with one-eighth or more of Negro blood.

H.3293 DEFINITION OF TERM "COMMITTEE" IN RELATION TO CAMPAIGN PRACTICES Rep. Wilkins

This bill amends the definition of the term "committee" as it relates to campaign practices. Under this bill the term "committee" would include an individual who makes independent expenditures aggregating five hundred dollars or more during an election cycle in order to influence the outcome of (1) an elective office, or (2) a ballot measure.

H.3295 FRATERNAL BENEFIT SOCIETIES Rep. Kirsh

This bill repeals *South Carolina Code of Laws* Chapter 37, Title 38 relating to Fraternal Benefit Associations. However, **H.3295** also enacts provisions governing and regulating fraternal benefit societies. The bill includes provisions on (1) the structure and purpose of these societies, (2) membership, (3) governance of the societies, (4) contractual benefits, (5) finances, (6) regulation, (7) miscellaneous provisions, and (8) criminal offenses and penalties.

H.3301 APPEAL OF ADOPTION PROCEEDINGS Rep. Beck

This bill provides that appeals may be taken from final orders of adoption in the same manner as other family court matters.

This bill 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.

This bill provides that a parent whose consent was obtained by fraud or duress may within six months (1) of the final order, or (2) of discovering the fraud or duress move to have the order set aside. This bill further provides that a parent whose consent was required but not obtained may within six months (1) of the omission, or (2) of discovering the omission move to have the order set aside.

H.3309 SOUTH CAROLINA VIOLENCE PREVENTION AUTHORITY Rep. Knotts
H.3309 establishes the South Carolina Violence Prevention Authority. The bill has provisions detailing how the twenty members of the authority will be chosen.

Under the bill, the duties and responsibilities of the authority include the following: (1) coordinating statewide violence prevention efforts, (2) developing a statewide plan that incorporates public health and public safety approaches to violence prevention in families, communities, and schools, (3) obtaining and expending funds available from private and public sources for violence prevention, (4) distributing grants and other available funds to appropriate community or statewide organizations, and (5) providing technical assistance and training to communities and organizations.

This bill also authorizes the issuance of violence prevention motor vehicle license plates. Under the bill, the fees collected from the sale of the license plates must be used for the operation of the South Carolina Violence Prevention Authority.

H.3310 LAW ENFORCEMENT OFFICER'S JURISDICTION Rep. Knotts

This bill expands the jurisdiction of county police officers when they pursue offenders that violate a county ordinance or state statute.

H.3311 PRETRIAL INTERVENTION Rep. Knotts

This bill allows a person under the age of twenty-one (1) who has not been previously accepted in an intervention program, and (2) who is charged with an alcohol-related misdemeanor to be considered for a pretrial intervention program. This bill also makes grammatical changes to *South Carolina Code of Laws* §17-22-50, the statute pertaining to persons not to be considered for intervention.

**H.3320 FEES AND COMMISSIONS A SHERIFF IS ALLOWED TO COLLECT
Rep. Harrison**

This bill increases the amount of fees and commissions that a sheriff is allowed to collect.

Currently, for any civil process, not otherwise specified, the fee is fifteen dollars for each initial service and five dollars for each subsequent attempted service. Under this bill, the fee for any civil process, not otherwise specified, would be twenty dollars for each initial service and ten dollars for each subsequent attempted service.

Currently, for claim and delivery, writs of assistance, distress warrants, orders of seizure, and executions including all procedural matters related to these processes, the fee is twenty-five dollars. This bill increases the fee to thirty dollars.

Currently, for mechanics' liens, attachments, citations, decrees, summons, and complaints, the fee is fifteen dollars for each initial service and five dollars for each subsequent attempted service. Currently, twenty-five dollars is the maximum fee a sheriff may charge for attempted services on the same matter for mechanics' liens, attachments, citations, decrees, summons, and complaints. Under this bill, for mechanics' liens, attachments, citations, decrees, summons, and complaints, the fee is twenty dollars for each initial service and ten dollars for each subsequent attempted service. Under this bill, thirty dollars is the maximum fee a sheriff may charge for attempted services on the same matter for mechanics' liens, attachments, citations, decrees, summons, and complaints.

Currently, for each subpoena writ the fee is ten dollars for each initial service and five dollars for each subsequent attempted service. Currently, twenty dollars is the maximum fee that a sheriff may charge for attempted services on the same matter for a subpoena writ. Under this bill, for each subpoena writ the fee would be fifteen dollars for each initial service and ten dollars for each subsequent attempted service. Under this bill, forty dollars is the maximum fee that a sheriff may charge for attempted services on the same matter for a subpoena writ.

This bill also provides that one dollar of each fee collected must be used by a sheriff to fund training activities for his or her office.

**H.3321 RETENTION OF SURCHARGE MONIES TO BE USED TO PROVIDE
SERVICES TO THE VICTIMS OF CRIME Rep. Harrison**

This bill provides that if monies are withheld or diverted from an agency or office having the responsibility of providing certain services for crime victims, then the duties, responsibilities and liabilities of providing these services must be assumed by the agency or office that received the monies.

**H.3329 SETTLEMENT OF ACTIONS TO ENFORCE MECHANICS' LIENS AND
THE AWARD OF ATTORNEY'S FEES TO THE PREVAILING PARTY
Rep. Harrison**

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 further defines 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.

LABOR, COMMERCE AND INDUSTRY

H.3281 INSURANCE COVERAGE REQUIREMENTS Rep. J. Brown

This bill requires every individual and group health insurance policy issued or renewed in this state on or after July 1, 2000 to: (1) pay for medical services and treatment rendered by an out-of-state hospital at the same level paid to an in-state hospital if the insured is referred to the out-of-state hospital by a physician and the out-of-state hospital is the closest hospital to the residence of the insured; and (2) provide coverage for the side effects of radical retropubic prostatectomy surgery including impotence and incontinence, and to notify the insured of this coverage as specified.

H.3286 AUTOMOBILE INSURANCE FOR VANS OPERATED BY THE FEDERATION OF THE BLIND Rep. Simrill

This bill provides that every passenger van owned or operated by any local chapter of the National Federation of the Blind of South Carolina must be insured for the minimum automobile coverage at the same standard rates as any comparable fifteen passenger church bus.

H.3292 PROHIBITION OF THE UNAUTHORIZED CHANGE OF A TELEPHONE UTILITY SERVICE PROVIDER Rep. Davenport

This bill prohibits a change of a customer's telephone utility provider, where the customer's signature on written authorization has not first been obtained. An entity who makes such an unauthorized change is liable to the customer for all charges in excess of those charges normally incurred through the customer's designated provider, during the period of the unauthorized change. An entity which makes such an unauthorized change is subject to a fine of not less than one hundred dollars and not more than one thousand dollars for each violation.

H.3296 ASSOCIATED AUTO INSURERS PLAN Rep. Kirsh

This bill makes several revisions to the comprehensive changes to the state's automobile insurance system provided under Act 154 of 1997. Act 154 of 1997 provides for the eventual elimination of the state's Reinsurance Facility, the institution where insurers would assign high risk drivers to obtain insurance coverage, and establishes the Associated Auto Insurers Plan as a joint underwriting association to handle the needs which had been addressed by the Reinsurance Facility. **H.3296** eliminates the governing board of the Reinsurance Facility and reassigns the authority of governing the Facility, until such time as the Facility is eliminated, to a subcommittee of the advisory board of the Associated Auto Insurers Plan. The bill also eliminates certain limitations on appointments to the advisory board of the Associated Auto Insurers Plan.

H.3297 SOUTH CAROLINA COMPETITIVE POWER ACT Rep. Kirsh

This bill provides for comprehensive restructuring of the electric utility industry designed to bring about a competitive marketplace in which all retail consumers may select their providers of electrical service. Under the bill, the Public Service Commission must provide to the Governor and General Assembly by July 15, 2000, a report of its findings and an

implementation plan for converting the system of guaranteed service territories to a system of consumer choice. The schedule for phase-in shall not commence unless approved by joint resolution of the General Assembly. The bill provides that all customers must be permitted to choose their providers of electrical generation services. This may be achieved by: (1) a customer negotiating a bilateral contract with a generator of electricity; (2) a customer choosing to receive generation and other energy services from a market aggregator which may generate electricity directly, buy and sell electricity, or enter into financial contracts for electrical generation resources. Market aggregators may be brokers, cooperatives, buying clubs, municipalities, or other entities which operate through power pools or direct contracts; or (3) a customer who has not chosen an alternative source must be serviced by a default provider established by the Public Service Commission. All electricity suppliers must be approved and certified by the Commission. The Commission plan for restructuring must require the incumbent utilities to "unbundle," that is, separate financially and operationally the services of generation, transmission and distribution. The billing process shall allow for two bills: one bill for transmission and distribution of power, and the other bill for the power supplied. Under the legislation, the local utility is relieved of its traditional obligation to serve, except as required to carry out the default service function, but still has an obligation to connect all customers within its service territory on nondiscriminatory terms and conditions. The bill establishes a procedure by which existing utilities may recover their "stranded costs," that is, certain investments and expenditures which a utility has made under the present system of guaranteed profits and service territories, but the benefits of which the utility would not exclusively enjoy in a competitive marketplace. The bill allows utilities to be reimbursed for stranded costs through a Competitive Transition Charge (CTC) levied on the bills of all retail customers. The legislation provides that stranded costs may be recouped through CTCs for a period not to exceed ten years.

H.3202 SALES TAX EXEMPTION FOR CERTAIN CONSUMER AUTOMOBILE LEASES Rep. Easterday

This bill exempts from the state sales and use tax the purchase price paid by the lessee during or at the end of the term of a consumer automobile lease pursuant to the provisions of the lease, to the extent that the sales tax has already been paid on the lease. When the lessee purchases the automobile during or at the end of the term of the lease, sales tax remaining to be paid by the lessee on the purchase price is due and payable at that time.

H.3303 WITHDRAWAL OF A CLAIM SUBMITTED TO AN AUTOMOBILE INSURER Rep. Easterday

With regard to automobile insurance, this bill provides that when an insured submits a claim to an insurer, the insurer must, within ten working days of receipt of the claim, notify the insured of the effect and total economic impact of the claim submitted, including all surcharges, recoupment charges, and all other charges and fees and their duration. Within ten days of receipt of this economic impact disclosure statement, the insured may choose to withdraw the claim. If the insured withdraws the claim, no increase in premiums or rates may be made for that insured, and no surcharges, recoupment charges, or other fees may be imposed as a result of the claim. A violator must pay a one thousand dollar administrative fine to the Department of Insurance, half of which must be remitted to the insured. The bill provides a procedure by which an insured may waive these rights and privileges.

H.3304 UNAUTHORIZED CHANGE OF CUSTOMER'S UTILITY SERVICE PROVIDER Rep. Easterday

This bill provides that it is unlawful to change a customer's utility service provide, without the customer's authorization. A violator is liable to the customer for all charges incurred in excess of those normally incurred through the designated provider, during the period of the

unauthorized change. A violator is subject to a fine of not less than one hundred dollars nor more than one thousand dollars for each violation.

H.3308 EXEMPTING GROCERY AND DRUG STORES FROM REGULATION AS CHECK-CASHING/DEFERRED PRESENTMENT SERVICES Rep. Bowers

This bill exempts grocery stores and drugstores from regulation as check-cashing or deferred presentment services. The bill provides a full refund for a grocery store or drugstore which has paid a licensing or investigation fee to comply with regulation of check-cashing or deferred presentment services.

H.3333 UNSOLICITED CONSUMER TELEPHONE CALLS Rep. Davenport

This bill revises regulations on unsolicited consumer telephone calls so as to subject telephone solicitors to the requirements and penalties of the "Prizes and Gifts Act" and the "SC Unfair Trade Practices Act" in addition to requirements and penalties imposed upon telephone solicitors, as a specific group. The bill also provides that ordered merchandise, where the order is obtained in violation of unsolicited consumer telephone call regulations, the "Prizes and Gifts Act," or the "SC Unfair Trade Practices Act," is to be considered unsolicited merchandise which is, therefore, a gift to the recipient.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3280 COMMITTEE TO STUDY HOSPITAL COSTS, RATES, CHARGES, AND FEES Rep. Davenport

This joint resolution proposes the establishment of a committee to (1) study hospital costs, rates, charges and fees, and (2) evaluate the feasibility of establishing a hospital rate setting commission. The joint resolution provides that the study committee would submit a report and recommendations to the General Assembly before January 1, 2000.

H.3327 DISTRIBUTION OF CONDOMS OR OTHER CONTRACEPTIVES Rep. Campsen

This bill requires the Department of Health and Environmental Control (DHEC) to develop a data base in which parents/guardians/person acting en locos parentis may register to prevent DHEC or any other state agency from distributing condoms or other contraceptives to their children under the age of sixteen. This bill also requires DHEC to publish and distribute information concerning registration for this data base. **H.3327** prohibits DHEC or any other state agency from distributing condoms or other contraceptives to a child under the age sixteen years, if the child's parent/guardian/person acting en locos parentis has registered with DHEC.

H.3335 APPLICATIONS FOR DRIVERS' LICENSES AND PERMITS Rep. Beck

This bill requires that applications for drivers' licenses and permits have a place on the form in which an applicant may voluntarily (1) disclose a permanent medical condition, and (2) disclose that he or she is an organ donor. These voluntary disclosures must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record.

Under this bill, the information contained on a driver's license and in the driver's department record must be made available, upon request, to law enforcement, emergency medical services, hospital personnel, and in the case of organ donation also to the South Carolina Donor Referral Network.

WAYS AND MEANS

H.3283 EXPENDITURE OF PUBLIC FUNDS AT STATE SUPPORTED COLLEGES, UNIVERSITIES, AND TECHNICAL SCHOOLS Rep. Harrison

This bill authorizes the governing bodies of state-supported colleges, universities, and technical colleges to establish written policies for the expenditure of public funds on certain events which honor academic and research excellence, or other purposes that enhance the quality of the academic experience, the mission, and reputation of their institution. The bill provides that the expenditures of funds under the limits of such written policies shall be considered to meet the public purpose test for the expenditure of public funds.

H.3285 REIMBURSEMENT TO SCHOOL DISTRICTS FROM PROPERTY TAX RELIEF FUND Rep. Cobb-Hunter

This bill provides for school districts to be reimbursed on a *per capita* basis from the State Property Tax Relief Fund for revenue lost because of the homestead exemption. Current law provides that this reimbursement is paid to the county treasurer and to the governing body of the municipality in which the dwelling is located in an amount equal to the actual revenue lost as a result of the homestead exemption. The bill provides that if the *per capita* funds received by a school district are less than a full reimbursement for the base year operating millage, the local school board shall decide how to make up the shortfall. Amounts received by a district which are in excess of a full reimbursement for the base year millage must first be used to reduce any operating millage imposed since the 1995 base year, and must next be used for school debt service. Funds remaining after debt service purposes have been met may be retained by the district. The bill provides that no district shall receive less than the amount of reimbursement it received during fiscal year 1998-99.

H.3287 EQUALIZATION OF PUBLIC SCHOOL FUNDING Rep. Harvin

This joint resolution proposes an amendment to the SC Constitution requiring that the General Assembly provide by law for the manner in which funding of all public school districts must be equalized. The bill provides that the proposed amendment be submitted to the voters of South Carolina at the next general election for representatives.

H.3291 LOCAL FEE IN LIEU OF TAX AGREEMENTS Rep. Davenport

This bill provides that before a county council may enter into a fee in lieu of taxes agreement with an industry, that county must first prepare a fiscal impact report and must consult with special purpose or special service districts within the county which may be impacted fiscally by the agreement.

H.3294 DELINQUENT PAYMENTS TO SC EMPLOYMENT SECURITY COMMISSION Rep. Neilson

This bill authorizes the SC Employment Security Commission (the commission) to collect default payments from an employer pursuant to warrants of execution for nonpayment (of contributions, interest, penalties, assessments, and costs) by levying upon the property securing the warrant. The bill authorizes the commission to contract with a collection agency for collecting these delinquent payments. The bill also requires the commission or its authorized representative to file with the Clerk of Court in which the employer does business, a copy of the execution and to proceed upon the warrant in all respects. Current law

provides that the commission issues the warrant of execution, and the county sheriff or county tax collector must file the execution and levy upon and sell the property for payment of the delinquent amount. The bill confers upon the commission and its authorized representative, powers held by the Department of Revenue (DOR) for collection of these amounts.

H.3312 SALES TAX EXEMPTION FOR DISABLED Rep. Knotts

This bill provides an exemption from state sales and use tax for the sale of meals or foodstuff sold to a person declared by the Social Security Administration to be totally disabled. The bill requires that the disabled person produce a written certification from the Department of Revenue confirming that declaration.

H.3316 PUBLIC SCHOOL EMPLOYEES' SICK LEAVE Rep. Bales

This bill provides that a certified public school teacher in South Carolina shall be paid not less than fifty dollars a day (amount to be set by the school board) for any accrued sick leave accumulated yearly in excess of the maximum amount of sick leave authorized to be carried forward from year to year.

H.3322 CLASSIFICATION AND ASSESSMENT RATIOS FOR PURPOSES OF PROPERTY TAX Rep. Rodgers

This bill extends the special five percent assessment ratio for purposes of property tax assessment to "commercial vessels." The bill provides a definition for "commercial vessel," which includes a provision that these vessels may be licensed commercial fishing, shrimping, or crabbing boats; certain charter fishing vessels; and vessels used for towage, pilotage, transportation of freight, transportation of passengers, marine construction activities, or as a tender or support vessel for a commercial operation. Current law extends this five percent assessment ratio to "commercial fishing boats," which are defined as boats licensed by the Department of Natural Resources and used exclusively for commercial fishing, shrimping and crabbing.

H.3326 RETIREMENT/TAXABLE INCOME DEDUCTION Rep. W. McLeod

This bill revises the retirement income deduction and the taxable income deduction allowed individual taxpayers who are sixty-five years of age or older, by increasing the taxable income deduction from the currently-allowed amount of eleven thousand, five hundred dollars to twenty-three thousand dollars.

H.3328 HOMESTEAD EXEMPTION Rep. Inabinett

This bill increases from twenty thousand dollars to twenty-five thousand dollars, the homestead exemption from property tax for taxpayers who are sixty-five years of age or older, disabled, or blind.

H.3330 CLASSIFICATION AND ASSESSMENT FOR PROPERTY TAX Rep. Bales

This bill phases down the assessment ratio on property classified as "all other personal property" from ten and one-half percent to two and one-half percent over four property tax years. The bill provides for reimbursement from the General Assembly (in the annual appropriations act) for fiscal years 1999-00 through 2003-04 for taxes not collected because of the assessment ratio less than ten and one-half percent. For property tax years beginning after 2003, the bill provides that the General Assembly reimburse local governments for taxes not collected based on the amount actually received by the local government from taxes on this property in calendar year 2003 and the amount reimbursed to them by the State on account of this property in calendar year 2003.

H.3331 PROPERTY TAX EXEMPTIONS Rep. Breeland

Legislative Update, January 26, 1999

This bill provides an exemption from property tax for the balance of the value of a dwelling receiving the homestead exemption allowed to persons who are age sixty-five or older, blind or disabled. That exemption is currently provided for the first twenty-thousand dollars of the fair market value of the dwelling.

H.3334 ROLLBACK MILLAGE FOR PROPERTY TAXES Rep. Davenport

This bill requires the Department of Revenue to review for accuracy the calculations of the rollback millage applied in each property taxing jurisdiction in a county following the implementation of a countywide reappraisal and equalization program. The bill provides that if a jurisdiction has imposed a millage rate which is in excess of the maximum rollback millage, the revenue determined to be in excess must be transferred into a special account and used to reduce millage in the next property tax year.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (www.lpitr.state.sc.us) and click on the AQuick Find Guide. On the next screen, click on ALegislative 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.