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## WEEK IN REVIEW - MARCH 8 - 12, 1999

### HOUSE FLOOR

The House of Representatives amended, approved, and sent to the Senate **H.3188** which revises speed limits on South Carolina's public roads. The bill, as amended, provides for a seventy miles per hour speed limit on the interstate highway system and other freeways; a sixty miles per hour speed limit on multilane divided primary highways; a forty miles per hour speed limit on unpaved roads; and, a thirty miles per hour speed limit in urban districts. The amended bill does not change the current speed limit of fifty-five miles per hour in other locations or on other sections of highways. The House also amended the bill by adding language providing that manufactured, modular, or mobile homes cannot be transported at a speed in excess of ten miles below the posted speed limit when the speed limit is in excess of forty-five miles per hour, and never in excess of fifty-five miles per hour. The bill also provides that a local authority may, under certain conditions, determine that the maximum speed limit is less than thirty miles per hour in an urban district. The legislation revises wording on highway work zone signs, so that they read "WORK ZONE - \$200 Fine or 30 DAYS, or both FOR SPEEDING." The bill defines what constitutes the interstate system, and repeals current law which provides a speed limit for moving a mobile home on the highway. The House approved an amendment which provides that, notwithstanding any other provision of law, if a magistrate or municipal recorder reduces the points assessed on a speeding ticket, the fines imposed may be reduced at the option of the magistrate or municipal recorder.

The House amended and sent to the Senate **H.3304**, which targets the maneuver known as "slamming" in which a customer's utility service provider is changed without the customer's permission. As amended, this bill provides that it is unlawful to change, or initiate a change in a customer's utility provider of gas, heat, water, sewer, street railway, telephone, or electrical service without the customer's authorization. Customer authorization must be obtained utilizing marketing or anti-slamming guidelines approved by state and federal agencies. A violator is liable to the customer for all charges which the customer incurs, in excess of the costs normally incurred through the designated provider, during the period of the unauthorized change. Someone who willfully or knowingly violates the provisions is subject to a fine of \$500 to \$2,500 for each violation. The fines remain with the Public Service Commission.

The House approved and enrolled for ratification **S.357**, a bill which revises current provisions which provide a county law enforcement officer who is pursuit of an offender a jurisdiction that is extended into an adjacent county. Current law provides that the offender pursued in such a situation must have committed an offense in an unincorporated area of the county. The bill allows the extended "hot pursuit" jurisdiction to apply with regard to an offense committed anywhere within the county.

The House also approved and enrolled for ratification **S.562** which revises state law governing health facility licensure so as to provide that all facilities established to provide radiation therapy are subject to the certificate of need review by the Department of Health and Environmental Control.

The House amended and sent to the Senate **H.3120**. As amended, this bill requires that anyone convicted or adjudicated delinquent after June 30, 1999 of (1) homicide, (2) assault and battery against a child by a person sixteen years of age or older, or (3) a violent crime

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listed under SC Code Section 16-1-60 must be included in the State DNA Database. This bill also requires that anyone convicted before July 1, 1999, sentenced to, and serving a term of confinement for (1) homicide, (2) assault and battery against a child by a person sixteen years of age or older, or (3) a violent crime listed under SC Code Section 16-1-60 must be included in the State DNA Database. The amendment approved by the House 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 House sent to the Senate **H.3079**, a bill pertaining to the trade of military firearms and other specified weapons. As amended by the House, the bill revises penalties for the unlawful transportation, possession, sale, rental, or gift of a machine gun, military firearm, sawed-off shotgun or rifle within the state. The bill also provides that the State Law Enforcement Division (SLED) is authorized to issue to persons licensed pursuant to federal law special limited licenses which allow for the possession, transportation, and sale of machine guns in the state. License applications must include the applicant's full name, date and place of birth, social security number, business and residence address, a record of any criminal charges filed against the applicant in the United States for other than traffic violations and the disposition of the charges, a description of the machine guns to be possessed, transported, or sold in this State, including their make and serial numbers, the sites within the state to which the machine guns will be transported, and such other information as may be necessary. A licensed individual is prohibited from selling machine guns to agencies or persons other than those authorized by law to possess machine guns. The legislation requires reports of all sales or transfers of machine guns from the licensed person to other persons or agencies, and required contents of the report are specified. A license is valid for twenty-four months and SLED is authorized to suspend or revoke a license under specified circumstances.

The House approved and sent to the Senate **H.3335**. This bill will permit a driver's license or driver's permit applicant voluntarily to disclose a permanent medical condition and organ and tissue donor information on his license or permit. This information must be indicated by a symbol on the license or permit and maintained as part of the driver's record. This information must be available, upon request, to law enforcement, EMS, hospital personnel. Information about the license holder's organ and tissue donor status must also be available, upon request, to the S.C. Donor Referral Network.

The House amended and sent to the Senate **H.3028**. This bill adds a property tax exemption for one personal motor vehicle owned or leased by a person who is legally blind. The House amended the bill so as to provide that the property tax exemption allowed for one personal motor vehicle owned or leased by a legal guardian of a minor who is blind or required to use a wheelchair applies only to a vehicle that is used to transport such minors. The House also amended the bill so as to allow the property tax exemption for a vehicle used to transport a family member who has been adjudicated incompetent by reason of mental retardation.

The House returned **S.463** to the Senate with amendments. As amended, this joint resolution provides that a license previously issued to a contractor with an expiration date of December 31, 1998, is valid until September 1, 1999. New biennial licensure and renewal requirements for contractors are scheduled to go into effect on April 1, 1999. The joint resolution allows for the renewal of licenses to take place, without the new penalties, from April 1, 1999 to September 1, 1999. After September 1, 1999, late renewal penalties must be applied.

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The House approved and sent the Senate **H.3625**, a joint resolution to appropriate from fiscal year 1997-98 surplus funds sixteen million dollars to the South Carolina State Ports Authority for the Charleston Harbor Dredging Project.

The House sent to the Senate **H.3427**. This bill revises the requirements for reinstatement of an occupational therapy or occupational therapy assistant license if the license has been inactive for at least three years. Current law requires these applicants for reinstatement to pass an examination in addition to completing continuing education and supervised practice. This bill will make the examination conditional based on the number of years the license has been inactive. The board is in the process of promulgating regulations that will require an applicant to pass an examination only if the license has been inactive ten or more years.

## **SENATE FLOOR**

On Friday, March 5, **S.564** was read for the third time and ordered sent to the House. This bill relates to the hunting of migratory waterfowl on the portion of Lake Murray lying within the boundaries of Richland County.

On Tuesday, March 9, **H.3558** was read the third time and having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for ratification. This bill requires trustees in Dorchester County School District 4 to be elected in nonpartisan elections that are conducted at the time of the general elections.

On Tuesday the following bills were read for the third time and ordered sent to the House:

- **S.80** a bill that creates the South Carolina Community Economic Development Commission
- **S.177** a bill designating the "Spiritual" as the official music of the State
- **S.376** a bill exempting county sheriff departments and municipal law enforcement departments from liability when escorting funeral processions
- **S.404** a bill increasing the minimum hours a person may be required to perform litter-gathering labor or other form of public service if convicted of the offense of littering
- **S.652** a bill requiring all facilities established to provide radiation therapy to be subject to a certificate of need review by the Department of Health and Environmental Control

On Tuesday the Senate began debate on **S.263** a bill relating to maximum speed limits on interstate highways and other freeways. However, debate on this bill was interrupted by adjournment.

On Wednesday, March 10, the following bills were read the third time and having received three readings in both Houses, it was ordered that the titles be changed to that of an Act and they be enrolled for ratification:

- **H.3639** a bill that provides of the total county-wide ad-valorem tax levy for school operating purposes in Greenwood County, the revenue from three mills must be distributed to the school district in Greenwood County with the lowest assessed value
- **H.3360** a joint resolution to allow the South Carolina Forestry Commission to retain expenses reimbursed to it by the Federal Emergency Management Agency through the State of Florida for repairs and maintenance to commission fire protection equipment used in the Florida forest fire emergency in the summer of 1998 and for travel expenses incurred in that emergency

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On Wednesday, **S.388** was read for the third time and ordered sent to the House. This bill requires medical personnel to report gunshot wounds or requests for treatment of gunshot wounds to the county sheriff's department in which the treatment is administered or a request for treatment is received.

On Wednesday, **S.277** was amended, read the third time, and ordered sent to the House. This bill makes it unlawful for a person to sell or give away urine in this State or transport urine into this State with the intent of using the urine to defraud a drug-screening test.

On Thursday, March 11, the Senate concurred in the House amendments to **H.3346**, and it was ordered that the title be changed to that of an Act and it enrolled for ratification. This bill authorizes the Charleston County Park, Recreation and Tourism District to provide for and maintain gold courses.

On Thursday **H.3625** was read the third time and having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for ratification. This joint resolution appropriates from the fiscal year 1997-1998 surplus general fund the sum of sixteen million dollars to the South Carolina State Ports Authority for the Charleston Harbor Dredging Project.

On Thursday, the following bills were read the third and ordered sent to the House:

- **S.448** a joint resolution relating to expense reimbursements for state employees using a personal vehicle for official business
- **S.491** a bill correcting a directional reference relating to no wake zones in Beaufort County

After having received second reading on Wednesday, on Thursday the Senate resumed debate on **S.528** with the question being third reading of the bill. **S.528** enacts the "South Carolina Boating Reform and Safety Act of 1999." Senator Russell raised a Point of Order that Sections 15, 19, and 20 of the bill were out of order inasmuch as they were violative of Section 15, Article III, of the South Carolina Constitution. *(This section of the State Constitution requires that bills for raising revenue must originate in the House.)* The President sustained the Point of Order. Senator Hutto appealed the Ruling of the President. The Senate refused to uphold the Ruling of the President, and by a vote of 27 to 15 the Point of Order was overruled. Senator Matthews objected to further consideration of **S.528**.

On Thursday, **S.337** a bill relating to life insurance was amended, read for the third time, and ordered sent to the House.

On Thursday the Senate gave second reading to **S.542** a bill that amends the definition of "intangible property" in the Uniform Unclaimed Property Act.

Additionally, on Thursday the Senate adopted **S.516** a Senate Resolution requesting the President Pro Tempore to appoint a special committee to study the problem of littering along the roads and highways of this State. Senators Moore, Leventis, Thomas, Ravenel, Gregory, and Hutto were appointed to this special committee.

## **JOINT ASSEMBLY**

On Wednesday, March 10, the Senate and House of Representatives met in Joint Assembly and were joined by Governor Jim Hodges to meet with the State Easter Seals

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Representatives and recognize the commencement of the 48<sup>th</sup> annual Buck-a-Cup/Brace a Child campaign. The annual campaign benefits children and adults with disabilities in South Carolina.

## 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 full Education and Public Works Committee did not meet this week.

### JUDICIARY

During its March 2 meeting, the Judiciary Committee gave a favorable report with amendment to **H.3379**, "The Magistrate's Court Reform Act of 1999." However, the Judiciary Committee's proposed amendment to **H.3379** was not available at the time of printing of last week's Legislative Update (March 9, 1999).

As introduced, **H.3379** requires a magistrate appointed to office after January 1, 2000 to have a four-year baccalaureate degree (although a grandfathering provision exempts any magistrate serving on January 1, 2000 from this provision). The bill as introduced provides that the South Carolina Court Administration, in cooperation with the technical college system, must administer an eligibility exam to test the basic skills of persons seeking an initial appointment as a magistrate after January 1, 2000. The senatorial delegation under the bill as introduced must use the results of the eligibility exams to assist in its selection of nominees (the Governor appoints magistrates with the advice and consent of the Senate). Persons may be exempted from taking the examination if certain prescribed educational equivalency requirements have been met.

As introduced, the bill requires magistrates to observe 10 trials before presiding over a trial. Magistrates would be paid by the state through the South Carolina Court Administration, and counties would be prohibited from supplementing the salaries of magistrates. The bill as introduced establishes three base categories for salaries, depending on the population of the county where the magistrate is located. Magistrates in counties of 150,000 or more would be paid 55% of a circuit court judge's salary; for counties between 50,000 and 149,000, magistrates would be paid 45% of a circuit judges salary; and for counties below 50,000, magistrates would be paid 35% of a circuit court judge's salary. Under the bill as introduced, magistrates would not be paid 100% of the base salary until after four years in office.

As introduced, the bill increases the fee in magistrates court for issuing a summons and complaint in a civil action and for giving judgment from \$25 to \$45, increases the fee for proceedings by a landlord against a tenant from \$10 to \$20, and raises the costs charged by the court for writing bad checks from a maximum of \$20 to a maximum of \$41. The bill, as introduced, raises the fee for the party applying for a warrant to a maximum \$41 if the case is dismissed for lack of prosecution (current law provides a maximum \$20 liability). The bill, as

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introduced, allows concurrent civil jurisdiction for magistrates on specified legal actions that do not involve over \$7,500 (as opposed to the current cap of \$5,000 on these itemized legal actions).

The Judiciary Committee's proposed amendment prohibits a part-time magistrate from working more than forty hours a week, unless the chief magistrate determines there are emergency circumstances.

The Judiciary Committee's proposed amendment provides that the term of office for a chief magistrate is two years, and the office must be rotated among the magistrates as determined by the South Carolina Court Administration. Chief magistrates are entitled to a yearly supplement. However, the proposed amendment provides that a magistrate may be paid a supplement only for the period of time that he or she serves as a chief magistrate.

On Tuesday, March 9, the full Judiciary Committee began debate on **H.3356** a bill that prohibits the sale by a public body of any records, public or otherwise. However, debate on this bill was interrupted when the Judiciary Committee adjourned at 4:00 in order to attend a Ways and Means Budget Briefing. The Judiciary Committee adjourned before considering the following bills that were on the March 9 agenda:

- **H.3420** a bill pertaining to suits against firearms manufacturers, firearms trade associations, and firearms dealers
- **H.3531** a bill relating to the South Carolina Employment Security Commission
- **H.3509** a bill that establishes the "Personal Financial Security Act"
- **H.3075** a bill requiring notification to neighbors of a sex offender's residence
- **H.3293** a bill relating to the definition of the term "committee" in relation to campaign practices
- **S.352** a bill that ratifies an amendment to the State Constitution so as to provide that a candidate for the Senate or House of Representatives must be a legal resident of the district in which he or she is a candidate at the time he or she files for office
- **H.3500** a bill pertaining to members of a municipal or county election commission
- **H.3616** a bill relating to campaign contributions
- **S.36** a bill pertaining to persons serving in an office elected by the General Assembly
- **H.3465** a bill that provides that the minimum age for marriage for both males and females is sixteen
- **H.3398** a bill relating to attorney's fees in state initiated actions

## **LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Tuesday, March 9, and reported out several bills. The Committee gave a report of favorable with amendment to **H.3276** which pertains to charges and taxes imposed on telecommunications companies by municipalities. The Committee proposes an amendment which would completely replace the text of the bill, as introduced, but retains some of the original provisions. Under the proposed amendment, the legislation specifies a uniform manner in which municipalities may charge telecommunications companies for the use of public rights-of-way and sets a ceiling for business license taxes which municipalities impose upon telecommunications companies. Under the proposed system, telecommunications companies will pay an annual fee for use of municipal rights-of-way ranging in amount from \$100 to \$1000, based on municipal population. Telecommunications companies who already have access to municipal rights-of-way do not have to obtain new consent for that access. All telecommunications companies will continue to pay the charges established under existing agreements with municipalities

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until the year 2003, or until such time after 2003 that an existing agreement is set to expire. Where an agreement does not exist, telecommunications companies will pay a 0.2% business license tax on retail revenues generated by customers in municipalities until the year 2003. After the year 2003, where there is no existing agreement, telecommunications companies will pay a 0.5% business license tax on retail revenues generated by customers in municipalities. The rights-of-way charge and the business license tax provided in the legislation, and the ad valorem property taxes and cable television franchise fees, provided elsewhere under the law, are the only charges that may be assessed to telecommunications companies by municipalities.

The Committee gave a favorable report to **H.3029** which provides standards for the sale of regrooved and regroovable tires, specifying standards of quality, drawn from federal regulations, which must be met in order for such tires to be sold lawfully. A "regrooved tire" is defined as a tire, either original tread or retread, on which the tread pattern has been renewed or a new tread has been produced by cutting into the tread of a worn tire to a depth equal to or deeper than the molded original groove depth. A "regroovable tire" is defined as a tire, either original tread or retread, designed and constructed with sufficient tread material to permit the tire to be properly regrooved. The bill specifies how regroovable tires are to be labeled for sale. The bill does not apply to tires intended for export outside the United States or to tires intended solely for agricultural use or off-road industrial use.

The Committee reported favorably on **H.3535** which makes revisions to the Horizontal Property Act so as to allow its provisions to apply to proposed or anticipated construction or improvements. The Horizontal Property Act provides a procedure by which owners or co-owners of property may submit their property to a regime which may have provisions covering such matters as the incorporation of co-owners, common elements, deed and lease contents, and by-laws governing the property. This bill makes various revisions so as to allow the Horizontal Property Act to apply not only to existing structures, but to proposed or anticipated structures and improvements, as well.

The Committee also gave a report of favorable with amendment to **H.3304** which was then amended and approved by the full House of Representatives (see House Week in Review, this issue).

## **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. However, in anticipation of House consideration of the 1999-2000 budget bill, Ways and Means Committee members and staff provided briefings of their bill to standing committees of the House.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

**H.3690 SALE OF SWORDFISH PROHIBITED** Rep. Limehouse

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This bill adds swordfish to the list of game fish that cannot be sold, brought in, or purchased in South Carolina. Violators are subject to fines from \$100 to \$1,000 or imprisonment for up to thirty days.

**H.3732 RESTRICTIONS ON SHRIMP BAITING PERMITS Rep. Witherspoon**

State law requires a fisherman to obtain a land and sell license before he sells his catch to a wholesaler. A wholesaler must obtain a primary wholesale license before selling seafood to a retailer. This bill prohibits anyone who has been issued a land and sell license or a wholesale dealer license from obtaining a shrimp-baiting permit.

**S.564 HUNTING WATERFOWL ON LAKE MURRAY Sen. Courson**

This bill makes it a misdemeanor to hunt migratory waterfowl within 450 yards of any land or dwelling on the area of Lake Murray in Richland County without first obtaining the permission of the owner or occupant. Violators are subject to fines of up to \$200 or imprisonment up to 30 days.

**H.3733 POINT VIOLATIONS FOR LITTERING Rep. Barrett**

Current state law provides fines for littering while driving or hunting. This bill makes littering while operating a motor vehicle a 6-point driving violation and littering while hunting or fishing a 10-point hunting and fishing violation. The court must report violations to the Department of Motor Vehicles and the Department of Natural Resources respectively.

## EDUCATION AND PUBLIC WORKS

**H.3703 LICENSE PLATES FOR VETERANS AFFAIRS OFFICERS Rep. Breeland**

This bill authorizes the Department of Public Safety to issue one special motor vehicle license plate to a county Veterans Affairs Officer for a private motor vehicle registered in his name. The bill also provides for the design, distribution, and fee for such a plate.

**H.3714 SALE OF DRIVERS' IMAGES Rep. Clyburn**

This bill requires the Department of Public Safety (the Department) to mail a form to each licensed driver in South Carolina providing information on the current law authorizing the Department to sell a driver's photographic or digitized image from the driver's license records. The Department's form must give each driver the option to permit or refuse to have his or her image sold or distributed.

**H.3720 SC TUITION PREPAYMENT PROGRAM Rep. Bauer**

This bill provides that if the SC Tuition Prepayment Program should be discontinued and all tuition prepayment contracts canceled, contributors are entitled to a refund of all payments plus interest on these contributions from the date payment is made at the rate of four percent per annum. The bill also requires that if the fund does not have sufficient monies to make such refunds, the deficiencies will be paid from the State general fund.

## JUDICIARY

**H.3686 GUARDIAN AD LITEMS Rep. Altman**

This bill requires the guardian ad litem in cases where custody or visitation is an issue to be (1) an attorney, or (2) a person trained by the South Carolina Guardian Ad Litem Program, or (3) a person registered with the Department of Social Services (DSS) to serve as a guardian ad litem.

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**H.3686** requires DSS to establish a Registry of Guardian Ad Litem. Under the bill, DSS must maintain, annually publish, and make available to the public on request and through the internet the list of persons who are currently on the registry. The bill authorizes DSS to charge an administrative fee for the cost of reproducing the registry list. This bill details requirements for registering as a guardian ad litem, and the bill provides for a sixty-day comment period after receipt of an application from an individual. Under the bill, a person must submit a renewal application every two years in order to remain on the registry.

The bill requires DSS to establish procedures whereby complaints may be filed against a guardian ad litem. The bill also authorizes DSS to revoke a guardian ad litem's registration, if after notice and an opportunity for a hearing, DSS determines that the person is not fit or qualified to be a guardian ad litem. Under the bill, a person may appeal a decision of DSS to the Administrative Law Judge Division.

**S.181 KINSHIP FOSTER PROGRAM Sen. Washington**

This bill establishes the Kinship Foster Program within the State Department of Social Services (DSS). This program encourages the placement of children removed from their homes into the homes of relatives for kinship foster care. Under the bill, DSS is charged with establishing rules, regulations, and eligibility standards for becoming a kinship foster parent.

This bill also amends *South Carolina Code of Laws* §20-7-1640, relating to FBI fingerprinting of applicant for licensure as a foster parent and of persons eighteen years or older residing in the home. Currently, no person may be licensed as a foster parent until fingerprint reviews have been conducted and the results submitted to DSS. Under this bill, DSS is authorized to issue a temporary license to a person after the favorable completion of the State Law Enforcement Division Fingerprint review so long as each person subject to the fingerprinting requirement affirms in writing that he or she has not been convicted of any crime provided for in *South Carolina Code of Laws* §20-7-1642. The bill provides that the temporary license will be valid until such time as the Federal Bureau of Investigation Results are received by DSS, and a permanent license is issued or denied.

**S.328 WAIVER AND MERGER OF HORIZONTAL PROPERTY REGIME Sen. Cork**

This bill provides in the case of nonprofit long-term care retirement or life care facilities where there are co-owners that a  $\beta$  vote of the co-owners suffices to waive the regime and regroup or merge the records of the individual apartments with the principal property:

- if the individual apartments are unencumbered, or
- if encumbered, the creditors in whose behalf the encumbrances are recorded to agree to accept as security the undivided portions of the property owned by the debtors

**H.3691 WAIVER AND MERGER OF HORIZONTAL PROPERTY REGIME  
Rep. Gilham**

This bill provides in the case of nonprofit long-term care retirement or life care facilities where there are co-owners that a  $\beta$  vote of the co-owners suffices to waive the regime and regroup or merge the records of the individual apartments with the principal property:

- if the individual apartments are unencumbered, or
- if encumbered, the creditors in whose behalf the encumbrances are recorded to agree to accept as security the undivided portions of the property owned by the debtors

**H.3692 TIME FRAME TO FILE AN ACTION FOR ASSAULT OR AN ACTION FOR BATTERY Rep. Rodgers**

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Currently, (1) actions for assault and (2) actions for battery must be commenced within two years. This bill extends the time frame to file an action for assault or an action for battery to four years.

**H.3701 ELIMINATION OF STRAIGHT PARTY TICKET VOTING Rep. Davenport**

This bill deletes provisions that provide for straight party ticket voting on general election ballots, straight party ticket voting on any type of recorder, and voting for all of the candidates of one party by use of a voting machine.

**H.3702 PREPAYMENT WITHOUT PENALTY OF A LOAN OF ANY AMOUNT SECURED BY A MORTGAGE Rep. Quinn**

This bill amends *South Carolina Code of Laws* §37-10-103, relating to payments made on a loan agreement secured by a lien on real estate, so as to delete the one hundred thousand dollar limit and allow prepayment without penalty of a loan of any amount secured by a mortgage.

**H.3704 PAROLE Rep. Whatley**

Current law requires upon a negative determination of parole that a person confined for committing a violent crime must have his or her case reviewed every two years for the purpose of a determination of parole. Under this bill, upon a negative determination of parole, a person confined for committing a violent crime must have his or her case reviewed every five years for the purpose of a determination of parole.

**H.3713 JUDICIAL VACANCIES Rep. Delleney**

Under this bill, a person may not concurrently seek more than one judicial vacancy.

**S.177 OFFICIAL MUSIC OF THE STATE Sen. Jackson**

This bill designates the "Spiritual" as the official music of the State.

**S.376 EXCEPTIONS FROM LIABILITY FOR GOVERNMENTAL ENTITIES UNDER THE GOVERNMENTAL TORT CLAIMS ACT Sen. Anderson**

This bill amends *South Carolina Code of Laws* §15-78-60, relating to exceptions from liability for governmental entities under the governmental tort claims act, so as to exempt county sheriff departments and municipal law enforcement departments from liability when escorting funeral processions.

**S.404 LITTERING Sen. Gregory**

This bill increases from five to fifteen the minimum number of hours a person may be required to perform litter gathering labor or some other form of public service if convicted of the offense of littering.

**H.3729 AMENDMENTS TO THE SOUTH CAROLINA UNFAIR TRADE PRACTICES**

**ACT Rep. Jennings**

This bill amends the definitional section of the South Carolina Unfair Trade Practices Act (Act) to include a definition for the term "relator." Under this bill, the term "relator" means an informer, a party in interest who is permitted to institute a proceeding in the name of the Attorney General under this article when certified by the Attorney General or the court.

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This bill amends the Act so as to make it apply to trade practices in the business of insurance.

**H.3729** amends the section of the Act relating to the right of the Attorney General to bring actions for injunctions and actions to recover ascertainable losses for violations of the Act. Under this bill, the term "ascertainable loss" includes damages shown in the aggregate where proof of loss on an individual basis is not practical because of the number of damaged persons, the inadequacy of records, or other reasons the court considers appropriate.

This bill allows a court to make additional orders to restore a person who has suffered an ascertainable loss before the order declaring the practice unlawful becomes final.

The bill provides procedures whereby a relator may notify the Attorney General that individuals have suffered ascertainable loss because of unfair trade practices. If the Attorney General declines to act or fails to bring an action, under the bill the relator may serve written notice upon the Attorney General of the relator's intention to bring an action in the name of the State. If (1) the Attorney General certifies the relator's attorney's experience, and (2) the relator's attorney is willing and able to advance all costs and expenses to be incurred in the action, then the bill allows the relator to bring an action in the name of the State and others similarly situated as the relator to recover the ascertainable losses.

Under the bill, costs and expenses incurred in an action by a relator must be reimbursed from any common fund recovered in the action. The bill further provides that if no recovery is made, the relator or relator's attorneys bear the sole responsibility for all costs and expenses incurred and the State bears no liability for reimbursement. Additionally, the bill has a provisions regarding attorney's fees.

**H.3731 DRIVER'S LICENSES AND SPECIAL IDENTIFICATION CARDS**  
**Rep. Wilkins**

This bill requires an application for a driver's license or permit to state whether or not the applicant has ever been convicted of a felony in this State. If a person has been convicted of a felony under the laws of this State, under this bill his or her driver's license must have a one-digit code identifying the person in this manner. The bill requires that the code must be made known to appropriate law enforcement officers and other judicial officials.

**H.3731** requires an application for a special identification card to request whether or not the applicant has ever been convicted of a felony in this State. If a person has been convicted of a felony under the laws of this State, under this bill his or her special identification card must have a one-digit code identifying the person in this manner. The bill requires that the code must be made known to appropriate law enforcement officers and other judicial officials.

This bill also provides that the Department of Public Safety must be notified of persons (1) convicted of felonies, (2) incarcerated for felonies, (3) on parole for felonies, and (4) on probation for felonies so that an identifying code can be affixed to their driver's license or special identification cards.

**S.277 SELLING OR GIVING AWAY URINE WITH INTENT TO DEFRAUD A DRUG-SCREENING TEST** Sen. Thomas

This bill provides that it is unlawful for a person to sell or give away urine in this State or transport urine into this State with the intent of using the urine to defraud a drug-screening test. Penalties are established for failure to comply.

**S.388 MEDICAL PERSONNEL REPORTING GUNSHOT WOUNDS TO SHERIFFS**

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**Sen. Martin**

This bill requires medical and emergency personnel that (1) treat an individual suffering from a gunshot wound or (2) receive a request for such treatment to report the existence of the gunshot wound to the county sheriff department. The bill requires reports to be made as soon as possible, but not later than the time of the victim's release. Penalties are established for failure to comply with reporting requirements. However, under the bill a report is not necessary if a law enforcement officer is present with the victim while treatment is being administered.

When a person, acting in good faith, is required to make a report or participate in a judicial proceeding, this bill provides the person with immunity from civil and criminal liability.

This bill expressly provides that the confidential or privileged nature of communication between physician and patient or any other professional person and his patient or client is abrogated and does not constitute grounds for failure to report or the exclusion of evidence resulting from a report.

**LABOR, COMMERCE AND INDUSTRY**

**H.3687 AUTOMOBILE REPAIR BUSINESSES Rep. Altman**

This bill places specified requirements on motor vehicle repair facilities. Under the bill, a motor vehicle repair facility is required, upon the request of a customer, to provide a written estimate of the cost and time of the work and obtain the customer's consent before beginning any repairs which are expected to exceed fifty dollars in cost. The repair facility is prohibited from exceeding its approved estimate by more than ten percent of the cost or by fifty dollars, whichever is less, without obtaining the customer's consent. The bill provides that these notification of these requirements and customer rights must be conspicuously displayed on the premises. The legislation also requires repair facilities to disclose the use of parts not covered by warranties, "after market" or used parts. After market parts must be of like quality and kind and must have the same form, fit, and function as the part being replaced. A repair facility must offer to return to the customer parts which are removed from his vehicle and replaced during repairs. Penalties are provided for violations.

**S.29 AUTOMOBILE INSURANCE RECOUPMENT CHARGES Sen. Martin**

This joint resolution directs the Depart of Insurance to review recoupment fee data and trends under the new automobile insurance delivery system effective March 1, 1999, and to report to the General Assembly its findings upon comparison with data compiled under the previous system. Using this information, the Director of Insurance shall evaluate the impact which the data has on automobile insurance premiums, the insurance industry, and the consuming public, and make recommendations to the General Assembly.

**S.539 COUNTERSIGNATURES OF INSURANCE AGENTS Senate Banking and Insurance Committee**

This bill eliminates the current requirement that an insurance agent countersign all business conducted except for health and accident and life insurance policies and certificates issued under group insurance policies. The bill also eliminates the requirement that a licensed resident insurance agent countersign the bond used to meet the requirements by which a nonresident may be licensed to conduct business as an insurance broker in this state.

**S.540 AUTOMOBILE LIABILITY INSURANCE PROVIDED BY THE BUDGET AND CONTROL BOARD Senate Banking and Insurance Committee**

**March 16, 1999**

This bill provides that, to underwrite automobile liability insurance provided by the Budget and Control Board, the Board is authorized to either self-insure, purchase reinsurance, or use a combination of self-insurance and reinsurance. Should the Board elect to purchase automobile liability reinsurance, the reinsurance shall be procured through a bid process in accordance with the SC Consolidated Procurement Code with a contract not to exceed three years.

**H.3693 *TELEMARKETING* Rep. J. Smith**

This bill revises current requirements imposed upon those who make unsolicited telephone calls. The bill replaces current disclosure requirements placed on telemarketers with a requirement that a telemarketer disclose promptly and clearly to the person called: the identity of the seller; that the nature of the call is to sell goods or services; the nature of those goods and services; and, if the telemarketer is offering a prize promotion, the fact that it is no purchase or payment is necessary to participate. The telemarketer offering a prize promotion must, upon request, disclose the no purchase/no payment entry method. The bill establishes a definition for a prize promotion with regard to telemarketers. Upon request of the person called, a telemarketer must disclose the address which an individual may use to require that his name and telephone number be removed from the solicitor's in-house calling list.

**H.3715 *BUILDING CODES* Rep. Bailey**

This bill makes various changes in building code provisions. Under current law, upon initial employment by a political subdivision, an individual must be granted a provisional certificate of registration without examination which is valid for one year. Instead of one year, the bill provides that the certificate be valid for the time period stipulated by regulation for each registration classification. With regard to the building codes which municipalities and counties are required to adopt, the bill removes lists of specific codes from the statutes and instead provides that these political subdivisions must adopt building, residential, gas, plumbing, mechanical, fire, and energy codes as promulgated, published, or made available by the Southern Building Code Congress International, Inc. The bill likewise replaces the reference to specific building codes which municipalities and counties have the option to adopt.

**H.3716 *ELIMINATION OF MODULAR BUILDINGS BOARD OF APPEALS*  
Rep. Bailey**

This bill eliminates the Modular Buildings Board of Appeals and reassigns the responsibilities and authority of the Board to the South Carolina Building Codes Council. The bill makes various other revisions to statutes which pertain to modular building units, including a revision for the modular building unit sellers license which provides that the license expires on June thirtieth of each odd-numbered year, rather than each year, as current law provides.

**H.3717 *LIQUID PETROLEUM GAS DEALERS, TRANSPORTERS, AND  
EQUIPMENT INSTALLERS* Rep. Battle**

This bill establishes new licensure and regulation requirements for liquid petroleum gas dealers, transporters, and equipment installers. The bill reestablishes the Liquid Petroleum Gas Board and increases its membership from five to seven. The bill also conforms the licensure and regulation provisions to the statutory organizational framework established for professional and occupational boards under the administration of the Department of Labor, Licensing and Regulation. The bill repeals preexisting statutes which provide for the licensure and regulation of the liquid petroleum gas trade.

**S.80 *SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT  
COMMISSION* Sen. Matthews**

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This bill creates the South Carolina Community Economic Development Commission for the purpose of certifying community development financial institutions and community development corporations and awarding grants to these entities to assist in efforts to enhance the economic conditions of impoverished areas. The bill also establishes a state income tax credit equal to fifty percent of a taxpayer's investment in a community development financial institution, up to a maximum of fourteen million dollars for all taxpayers for all taxable years.

**H.3728 LOCAL AUTHORITY OVER MODULAR BUILDING UNITS Rep. Mack**

This bill specifies that local land use and zoning requirements, fire zones, building setback requirements, site development requirements, subdivision control, and on-site installation requirements, as well as the review and regulation of aesthetic requirements, are specifically and entirely reserved to local authorities with regard to the location, erection, and installation of modular building units. The bill provides a definition for modular building units.

**H.3735 REGULATION OF BURGLAR AND FIRE ALARM SYSTEM BUSINESSES**

**Rep. Bailey**

This bill conforms the provisions for the regulation of burglar and fire alarm system businesses to the statutory organizational framework established for professional and occupational boards under the administration of the Department of Labor, Licensing and Regulation. The bill also makes various revisions concerning the regulation of the alarm system industry.

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

**H.3705 COUNTY VETERANS AFFAIRS OFFICERS Rep. Breeland**

This bill gives preference for appointing a county veteran affairs officer first to a qualified veteran, then to a qualified non-veteran if the non-veteran is more qualified. The bill defines a "veteran" for appointment purposes as a person who served on active duty for more than 180 days and was released with an honorable discharge or was discharged because of a service-connected disability. The term of office for a county veteran affairs officer is extended from two to four years. The bill also requires that county veteran affairs officers complete a course and be accredited by the South Carolina Division of Veterans Affairs or through an accredited national veteran's service organization within two years of being appointed. Refresher training is required every two years to maintain accreditation.

**WAYS AND MEANS**

**S.97 SALARY SUPPLEMENTS FOR CORONERS Sen. Hayes**

This bill requires the General Assembly to appropriate a state salary supplement for coroners in the amount of one thousand, five hundred seventy-five dollars for each coroner, or ten percent of the coroner's salary, whichever is less. The bill requires that the amount appropriated must include employer's contributions, and that any county's reduction of a coroner's compensation will result in a corresponding reduction in the distribution due to the county under the State Aid to Subdivisions Act.

**H.3694 DELINQUENT PROPERTY TAXES Rep. Law**

This bill amends current law regarding notice of a tax sale to a mortgagee or assignee of a mortgage; regarding procedures for collecting delinquent property taxes; and regarding notice to the current owner of real property of the right of redemption of the property after its sale for taxes. The bill conforms the mailing requirements in each case to the United States Postal service practices. The bill requires that the certified mailed notice to an *individual* be

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by "restricted delivery, pursuant to United States Postal Service Domestic Mail Manual section S912." The bill also provides that if such notice is going to an *entity*, it must be by certified mail, "return receipt requested, pursuant to United States Postal Service Domestic Mail Manual section S912," to the last known post office address, without a designation of "restricted delivery."

**H.3700 SERVICE CREDIT FOR SC RETIREMENT SYSTEM Rep. Davenport**

This bill allows a member of the SC Retirement System to use up to ninety days of sick leave to qualify for the credited service requirements for service retirement.

**H.3726 DISTRIBUTION OF BINGO TAX REVENUES Rep. Jennings**

This bill revises the distribution of bingo tax revenues so as to provide that fifteen percent, but not less than one million dollars of that annual revenue, must go to the Office on Aging of the Department of Health and Human Services. Current law allocates seven and five one hundredths percent of the annual bingo tax revenue for this purpose, with no minimum amount specified. The bill further provides that thirty-five percent, but not less than three and one-half million dollars of the annual bingo tax revenue must go to the SC Department of Parks, Recreation, and Tourism Development Fund, to be allocated as provided under current law relating to that fund. Current law provides that twenty and eight tenths percent of the annual bingo tax revenue must go to this fund, with no minimum amount specified. The bill requires that the remaining annual bingo tax revenue must go to the State general fund. Current law provides that seventy-two and fifteen one hundredths percent of that annual revenue must be credited to the general fund.

**H.3727 ADDITIONAL PAID LEAVE FOR SCHOOL EMPLOYEES Rep. T. Brown**

This bill provides that an employer who gives a school employee up to eight hours of *additional* paid leave each year to attend certain school conferences, activities, or meetings regarding the employee's children who are enrolled in South Carolina schools in grades K-12; or who gives an employee who has expertise in a particular profession or subject up to twelve hours additional paid leave each year to discuss or teach this profession or subject in any school which offers grades K-12, is entitled to an individual or corporate income tax deduction in any calendar year equal to ten dollars per employee per hour of paid leave taken for that year for these purposes. The bill provides procedures and requirements for implementing these provisions.

**H.3730 REDEMPTION OF PROPERTY SOLD FOR DELINQUENT TAXES Rep. Rutherford**

This bill amends current law regarding redemption of property sold for delinquent taxes by providing that interest on the amount of the tax sale bid accrues at the rate of one percent or two-thirds of one percent a month or portion of a month, depending on the classification of the property. Current law provides that the interest accrues at the rate of eight or twelve percent on the whole amount, regardless of when the property is redeemed.

**H.3734 PROPERTY TAX EXEMPTION FOR PRIVATE PASSENGER MOTOR VEHICLES Rep. Edge**

This bill provides a property tax exemption, phased in over five years, for fifty percent of the fair market value of private passenger motor vehicles. The bill provides that the exemption will begin in 1999 at ten percent of the fair market value of the vehicle and will increase by ten percent per year until 2003, when the exemption will reach the full fifty percent and will be fixed permanently at that amount. Funds to reimburse local taxing entities for the exemption will be deducted from the Board of Economic Advisors' calculations of estimated state individual and corporate income tax revenues for a fiscal year, and will be credited to the Trust Fund for Tax Relief.

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The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page ([www.lpittr.state.sc.us](http://www.lpittr.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.