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## WEEK IN REVIEW - MARCH 22 – 26, 1999

### HOUSE FLOOR

The House of Representatives completed its work on the Fiscal Year 1999-2000 State Budget, approving a total allocation of \$5.92 billion. The House sent to the Senate H.3696, the 1999-2000 General Appropriation Bill. The House also approved three measures which make supplemental and Capital Reserve Fund appropriations. Joint Resolution H.3697 appropriates \$91,766,327 from the Capital Reserve Fund. Joint Resolution H.3698 appropriates \$66,121,835 from supplemental funds from Fiscal Year 1997-98 (Previously, the House passed H.3625 which appropriates \$16 million in FY 1997-98 supplemental funds for the Charleston Harbor Dredging Project, making the total appropriation of FY 1997-98 supplemental funds \$82,121,835). Joint Resolution H.3699 appropriates \$141,679,545 in Fiscal Year 1998-99 supplemental funds.

Highlights of the Fiscal Year 1999-2000 Appropriations include:

- A pay raise for state employees, including \$48.3 million allocated for a 2% base pay increase and an average 2% merit increase, effective July 1, 1999.
- The budget includes in excess of \$124 million in additional tax relief.
- \$44 million is allocated to begin reducing automobile taxes and begin the elimination of sales tax on food. The phased-in elimination of the sales tax on food is to be accomplished by reducing that tax by one cent each year for five years.
- An additional \$5.7 million is allocated to increase the senior citizen income tax deduction from \$11,500 to \$15,000.
- A total of \$270 million new funds devoted to public education. Also, the Education Improvement Act funding increases by \$27.1 million to \$481.6 million. The Base Student Cost increases by 3.1% to \$1,937.
- A total of \$16.2 million is allocated to reduce class size in the first grade, with a target ratio of one teacher for every seventeen pupils.
- \$10 million funding for the Governor's "First Steps" program, an initiative to help prepare children for kindergarten. The program's content is not included in the House budget, but will be debated as separate legislation.
- \$8.9 million is included along with a proviso which establishes an alternative school program for disruptive students.
- Teachers' salaries are raised to \$325 above the Southeastern average. Also, \$6.1 million is included to pay teachers for the time they spend writing academic plans for students who fall behind (these plans are a requirement of the 1998 Education Accountability Act);
- \$3 million is devoted to parts and fuel for school buses and \$8 million increase is recommended for school bus replacement.

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- School building renovation and construction funding is increased to \$39 million.
- \$3 million of Education Improvement Act funds are appropriated for the Governor's Institute of Reading, an initiative intended to improve literacy levels in early grades;
- A change in the method of distributing homeowner property tax relief money to school districts, basing the amount of relief on population rather than on tax rates; This new approach freezes the amount of relief at the current level in 25 districts, and directs that anything above the current total statewide relief amount of \$240 million be divided among the other 61 districts based on population.
- \$10 is allocated for the hiring of 50 additional Highway Patrol troopers. The budget provides for a 5% increase in the salary of entry level troopers. Funding is provided for the purchase of approximately 400 patrol cars and other equipment.
- \$12 million is devoted to upgrading the computer system at the Division of Motor Vehicles. The House approved an amendment which prohibits the Department of Public Safety from selling photographs, signatures, and social security numbers.

In addition to budgetary matters, the House amended, approved, and sent to the Senate **H.3379**, the Magistrate's Court Reform Act of 1999. **H.3379** requires a magistrate appointed to office after January 1, 2000 to have a four-year baccalaureate degree or a two-year associate degree from a college, university, or state technical college (although a grandfathering provision exempts any magistrate serving on January 1, 2000 from this provision). The bill 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. The bill requires magistrates to observe 10 trials before presiding over a trial.

The bill establishes three base categories for salaries, depending on the population of the county where the magistrate is located. Under the bill, a county may not pay a magistrate less than the appropriate base salary, but a county is in no way prohibited from paying a magistrate more than the established base salary. Magistrates shall receive an annual pay increase based on the percentage increase received annually by circuit court judges. The bill prohibits a part-time magistrate from working more than forty hours a week, unless the chief magistrate determines there are emergency circumstances. 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, to be paid only for the period of time that he or she serves as a chief magistrate. The South Carolina Court Administration must review and approve each county's designation of full-time and part-time magistrates. With the approval of Court Administration, a magistrate and the appropriate county governing body may contract with a municipality to preside over its court in the manner provided by law.

**H.3379** increases various magistrate court fees. The bill increases the fee 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

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charged by the court for writing bad checks from a maximum of \$20 to a maximum of \$41. The bill 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 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 House amended and sent to the Senate **H.3158**, the "South Carolina Religious Freedom Act." This bill prohibits the State or its political subdivisions from substantially burdening an individual's exercise of religion unless the State or political subdivision can prove that its actions are 1) in furtherance of a compelling state interest, and 2) the least restrictive means of furthering that compelling state interest. This bill allows a person, whose exercise of religion has been burdened by the State or any of its political subdivisions, to assert the violation as a claim or defense in a judicial proceeding. Furthermore if the person prevails, he or she is entitled to attorney's fees and costs. **H.3158** does not affect, interpret, or in any way address the portions of the federal or state constitutions prohibiting laws respecting the establishment of religion. Granting state funding, benefits, or exemptions to the extent permissible under either the federal or state constitution is not a violation of this bill. The House approved an amendment to the bill which specifically addresses the way in which the act is to be applied with regard to those incarcerated in correctional facilities. Under the adopted amendment, an action by a state or local correctional facility which interferes with a prisoner's exercise of religion is to be considered in furtherance of a compelling state interest if the facility demonstrates that: (1) the religious activity proposed by the prisoner is presumptively dangerous to the prisoner; (2) the proposed religious activity poses a direct threat to the health, safety, or security of other prisoners, correctional officials, or the public; or, (3) the religious activity requires the correctional facility to expend excessive funds. A correctional facility's regulation may not be considered the least restrictive means of furthering a compelling state interest if a reasonable accommodation can be made to protect the safety or security of prisoners, correctional officials, or the public.

The House amended and gave second reading to **H.3276** which pertains to charges and taxes imposed on telecommunications companies by municipalities. The legislation establishes 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 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 House approved and sent the Senate **H.3469**. This bill prohibits hunting, fishing, or trapping on lands or private waters (or entering upon these lands or waters for the purpose of

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hunting, fishing, or trapping) without permission from the owner or his or her agent. Penalties are provided.

## SENATE FLOOR

### TUESDAY MARCH 23

**S.403** was read for the second time with notice of general amendments, carrying over all amendments to third reading. This bill pertains to abused and neglected minors, foster care, child custody, and the Department of Social Services.

### WEDNESDAY MARCH 24

**H.3415** was read for the third time and ordered enrolled for ratification. This bill pertains to educational requirements for real estate brokers, salesman, and property managers.

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

- **S.311** a bill requiring the School to Work Advisory Council to report to the House Education and Public Works Committee and the Senate Education Committee about the progress made in establishing the school-to-work system
- **S.488** a bill authorizing state supported colleges, universities, and technical schools to establish policies for the expenditure of public funds for events which recognize academic and research excellence by educators, students, and guests of the institution
- **S.620** a joint resolution prohibiting the Department of Public Safety from selling or furnishing social security numbers, digitized photographs, and/or digitized signatures in its records to private parties
- **S.100** a bill (1) allowing a county by ordinance to postpone implementation of revised values resulting from the equalization program for not more than one property tax year, and (2) providing that the postponement does not alter the schedule of appraisal and equalization

**S.586** was read for the third time, passed, and ordered sent to the House. This bill relates to the issuance of capital improvement bonds.

By a division vote of 30-2, **S.535** was made a Special Order. This bill establishes the "South Carolina First Steps to Readiness Act." On Thursday, the bill was read for the second time, passed and ordered to a third reading with notice of general amendments. Also on Thursday, the bill was placed in the status of Interrupted Debate.

### THURSDAY MARCH 25

**H.3040** was read for the third time and ordered enrolled for ratification. This bill outlines when (1) citizens of a foreign jurisdiction and (2) the qualified dependents of foreign nationals may be exempt from motor vehicle licensing requirements.

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**S.398**, a bill relating to professional engineers and land surveyors, was amended, read for the third time, and ordered sent to the House.

**S.56** was amended and read for the second time with notice of general amendments. This bill relates to the Public Service Commission's regulation of water and sewer utilities.

**S.70** was amended and read for the second time with notice of general amendments. This bill relates to property exempt from bankruptcy proceedings, attachment, levy, or sale.

**S.199**, a bill relating to the registration and license requirements for day care centers and group homes, was amended, read for the second time, and ordered placed on the third reading calendar.

The following bills were read for the second time and ordered placed on the third reading calendar:

- **S.577** a bill prohibiting a person from seeking more than one judicial vacancy at the same time
- **S.654** a bill pertaining to (1) minors purchasing beer, wine, or alcohol and (2) educational programs for retail establishment employees designed to prevent the sale or transfer of alcohol to minors

**S.3**, a bill relating to the operation of casino gambling cruises, was amended and placed in the status of Adjourned Debate.

## **HOUSE COMMITTEE ACTION**

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

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

### **JUDICIARY**

The Judiciary Committee gave a favorable report with amendment to **H.3356**. The bill as introduced, prohibits the sale by a public body of any records, public or otherwise. The Judiciary Committee's proposed amendment rewrites the bill.

The Judiciary Committee's proposed amendment to **H.3356** prohibits the Department of Safety from selling, providing, or otherwise furnishing a private party with the following information:

- personal information on height, weight, and race
- social security numbers in its records
- copies of photographs or signatures, whether digitized or not, taken for the purpose of a driver's license or personal identification card

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The proposed amendment prohibits the Department of Safety from releasing any part of an identification record of a child younger than fifteen years of age to a private party.

The Judiciary Committee's proposed amendment to **H.3356** provides that records of height, weight, race, photographs, signatures, and digitized images from a driver's license or personal identification card are not public records.

The proposed amendment to **H.3356** also prohibits a private person from using an electronically stored version of a photograph, social security number, height, weight, race, or signature of a person, if the electronically stored information was obtained from a driver's license record.

The Judiciary Committee adjourned debate for one week on **H.3420**. This bill pertains to lawsuits brought by the State and its political subdivisions against firearm manufacturers, firearm trade associations, and firearm dealers.

**H.3293** received a favorable report with amendment from the Judiciary Committee. This bill amends the definition of the term "committee" as it relates to campaign practices. As introduced, the bill provides that the term "committee" includes 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. The Judiciary Committee's proposed amendment changes the wording of the bill from "an individual" to "a person."

The Judiciary Committee gave a favorable recommendation to **S.352**. This bill 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 the office.

**H.3616** received a favorable recommendation with amendment from the Judiciary Committee. This bill amends *South Carolina Code of Laws* §8-13-1316, relating to restriction on campaign contributions received from political parties, so as to provide that a recipient given a contribution in violation of this section must remit it to the Children's Trust Fund within seven days of its receipt. The Judiciary Committee's proposed amendment extends the seven day time frame to ten days.

**H.3531** received a favorable report from the Judiciary Committee. This bill provides that each office on the South Carolina Employment Security Commission is a separate office and must be assigned a numerical designation. Under this bill, each election must be for a specific seat on the Commission. The bill further provides that the term of office for the commissioners begins on July 1 of each presidential election year.

The Judiciary Committee gave **H.3398** a favorable recommendation with amendment. As introduced, this bill provides for the awarding of attorney's fees in any civil action or administrative proceeding brought by or against the State, a political subdivision of the State, or an agency of the State. The Judiciary Committee's proposed amendment clarifies that the bill applies to the Administrative Law Judge Division.

Under this bill, the prevailing party (unless the prevailing party is the State, a political subdivision, or an agency) may be allowed to recover reasonable attorney's fees to be taxed as costs against the appropriate agency or losing party, if it is found that: (1) the agency or losing party acted without substantial justification in pressing its claim against the prevailing

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party, and (2) there are no special circumstances that would make the award of attorney's fees unjust.

Also under this bill, the prevailing party may petition for attorney's fees within thirty days following the later of: (1) final disposition of the case, or (2) the issuance of a final administrative decision. The petition for attorney's fees must be supported by an affidavit setting forth the basis for the request.

## **LABOR, COMMERCE AND INDUSTRY**

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

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

The full Medical, Military, Public and Municipal Affairs Committee did not meet last week.

## **WAYS AND MEANS**

The full Ways and Means Committee considered two bills. The committee adjourned debate on **H.3663**, which concerns property tax on increases in the fair market value of owner-occupied residential property

The committee began discussion on **H.3571**, and agreed to meet again on March 30 to continue consideration. This joint resolution proposes amending the SC Constitution so as to provide that property tax must be levied separately on any classification of personal property created to include a portion of the "all other personal property" classification but subject to an assessment ratio of less than ten and one-half percent. The millage rate that would be imposed on this new class may not exceed the rate imposed for 2000 except upon referendum approval or by a "positive majority" (as defined in the resolution) vote of the governing body.

The resolution also proposes creating a new property tax classification consisting of personal property not used in a trade or business which must be titled by a state or federal agency excluding aircraft and units of manufactured housing and providing an assessment ratio for this new class equal to nine and thirty-eight hundredths percent of fair market value declining over four years to a permanent rate of six percent.

The resolution requires that these proposed amendments be submitted to voters at the next general election for representatives.

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

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

#### **H.3783 Game Zones Rep. Ott**

This bill moves Calhoun County from the third game zone, comprised of Aiken, Lexington, and Richland Counties, to game zone six. Berkley, Charleston, Dorchester, and Orangeburg counties currently make up game zone six.



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**H.3769 South Carolina Coastal Council Rep. Miller**

This bill amends several sections relating to the agencies transferred to the South Carolina Department of Health and Environmental Control (DHEC) pursuant to government restructuring. The bill recreates the South Carolina Coastal Council (SCCC) and transfers all duties from the coastal division of DHEC to the SCCC. The appointment process for members of SCCC is revised. The bill clarifies advertisement procedures for public notice of permits, and requires permit applicants of marina and commercial dock facilities to demonstrate a need for the facilities before the application is considered. Under the bill, if a member of the General Assembly requests a permit hearing from SCCC, the hearing must be granted.

**EDUCATION AND PUBLIC WORKS**

**S.154 VETERANS' MONUMENT COMMISSION Sen. Passailaigue**

This joint resolution establishes the Veterans' Monument Commission, a nine member appointed body charged to design and establish a Capitol Grounds monument honoring South Carolina's U.S. Armed Forces veterans. The resolution requires the Commission to report to the General Assembly by January 15, 2000, a proposed design, location, and dedication date for the monument. The resolution provides that the monument is to be paid for with private funds only, and the Commission members will receive no pay, subsistence, or mileage. The Commission is dissolved upon dedication of the monument.

**S.263 SPEED LIMITS Sen. Peeler**

This bill repeals the *SC Code* section which sets the maximum speed limit at fifty-five miles per hour except on streets and highways where federal law permits the State to raise the limit above fifty-five. The bill raises the maximum speed limit on South Carolina interstate highways to 70 miles per hour, sets the limit on multilane divided primary highways at sixty miles per hour, and raises the maximum speed limit on unpaved roads to 45 miles per hour. The maximum speed limit for urban districts remains at thirty miles per hour, and the speed limit for other highways remains at fifty-five miles per hour.

The bill repeals current law regarding speed limits for transporting mobile homes, and adds a provision that manufactured, modular, or mobile homes must not be transported at a speed in excess of ten miles below the posted speed limit when the posted 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 requirements for vegetation management of the medians, roadsides, and interchanges along the interstate highway system, including a provision that the Department of Natural Resources may increase the distance from the pavement required to be mowed if the Department determines that vegetation management causes an increase in safety risks because of the attraction of wildlife to the highways.

The bill also provides that a commercial vehicle driver may not be assessed points against his driving record for failing to comply with lane restrictions posted on the interstate highway system by the Department of Transportation.

**H.3765 SC HIGHWAY PATROL Rep. Davenport**

This bill requires that a District Commander of the SC Highway Patrol Division must maintain his primary residence within the district in which he is assigned and must be on-call twenty-four hours a day, seven days a week.

**H.3780 AMENDMENTS TO 1998 EDUCATION ACCOUNTABILITY**

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**ACT Rep. Townsend**

This bill revises the 1998 Education Accountability Act provisions regarding students in grades three through eight who do not perform at their grade level or standard. Currently, the Act provides that an individual academic plan must be prepared for such a student, and at the end of the school year, the student's performance will be reviewed. Under the current Act, if the student's work has not improved to grade level or if the terms of the academic plan have not been met, the student may be retained or may be required to attend summer school. **H.3780** adds language to that section, providing that the student may be required to attend a comprehensive remediation program (which operates outside of the normal school day) the following year, designed to address objectives outlined in the academic plan for promotion. The bill includes a provision requiring each district board of trustees to establish policies on promotion and retention, and provides that students who attend remediation programs are considered to be on academic probation, and at the end of the academic probation year, the student may be promoted or retained, based on the local board policy.

The bill also provides that, beginning in 1999-2000 with the students in the third grade class, if a student has been on academic probation and if either school work is not up to grade level or assessment results again show standards are not met, then the student shall be retained. The bill provides for an appeal of the retention if there is a "compelling reason" why retention is not in the student's best interest.

**S.311 SCHOOL TO WORK ADVISORY COMMITTEE Sen. Martin**

This bill provides that the School-to-Work Advisory Committee, an existing council whose purpose is to guide, encourage, and facilitate actions which enable the state school-to-work system to be implemented, must report to the House Education and Public Works Committee and to the Senate Education Committee by January 1, 2000, as to the progress made in establishing the school-to-work system. The report is to include difficulties encountered by the system as well as any actions required by the General Assembly to ensure success of the system. The bill prohibits use of state funds to continue the advisory council and provides that the council shall terminate on December 2, 2002.

**JUDICIARY**

**H.3759 "YEAR 2000 COMMERCE PROTECTION ACT" Rep. Cobb-Hunter**

This bill allows persons engaged in commerce in South Carolina that suffer economic loss as a result of a Year 2000 problem, the opportunity to recover the economic loss while providing persons responsible for the Year 2000 problem a safe harbor from unlimited liability.

**S.45 "HATE CRIME PENALTY ENHANCEMENT ACT" Sen. Jackson**

This bill increases penalties for an underlying offense, when the offender's choice of victim or property was influenced in whole or in part because of the offender's belief or perception regarding the victim or property owner's race, color, ethnicity, national origin, ancestry, religion, gender, sexual orientation, or disability. Under this bill, the penalty for an underlying offense may be increased regardless of whether or not the offender's perception or belief was correct.

The decision to seek sentencing under this section is in the discretion of the solicitor, but the defendant and defendant's counsel must be given notice at least ten days before the trial. The bill allows a defendant to present evidence of any mitigating circumstances in order to avoid the enhancement of the penalty for the underlying offense. Note that this section does not apply to any crime if proof of race, color, ethnicity, national origin, ancestry, religion, gender, sexual orientation, or disability is required for conviction of the crime.

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This bill authorizes courts to make findings that a child intentionally selected a victim or property on the basis of the child's belief or perception regarding the victim or property owner's race, color, ethnicity, national origin, ancestry, religion, gender, sexual orientation, or disability. This bill also authorizes the court to order a child for whom such findings are made to participate in a cultural diversity educational program.

This bill requires the State Law Enforcement Division (SLED) to establish and maintain a central repository for the collection and analysis of information regarding hate crimes. Under the bill, local law enforcement agencies are required to make monthly reports to SLED concerning hate crimes. This bill authorizes SLED to promulgate regulations as to how to monitor, record, classify, and analyze the information. The bill requires SLED to summarize and analyze the information and file an annual report with the Governor, the House and Senate Judiciary Committees, and with the Federal Bureau of Investigation.

SLED must make available to local law enforcement agencies, units of local government, and state agencies any information, records, or statistics that may be reasonably necessary to these entities in carrying out the duties imposed upon them by law. However, the bill provides that the information is subject to all confidentiality requirements imposed upon it by law.

Under this bill, the Criminal Justice Academy Division of the Department of Public Safety will provide training to police officers as to how to respond to hate crimes.

There is a severability provision in the event any portion of this bill is found to be unconstitutional.

**H.4764 RETIRED JUDGES ASSIGNED BY THE CHIEF JUSTICE OF THE SUPREME COURT TO PRESIDE OVER CERTAIN CASES Rep. Sheheen**

This bill provides that an active retired judge from the circuit court has the same powers at chamber as a judge of the circuit court.

**H.3786 PARTY PRIMARY AND CERTIFICATION OF CANDIDATES Rep. Fleming**

This bill requires written certification of the names of all candidates to be placed on primary ballots. The written certification must contain a statement that each candidate certified meets or can meet the qualifications for the office for which he or she has filed. Under this bill, the State Election Commission must provide each party with an affidavit to be used to certify a candidate. If April ninth falls on a Saturday, this bill extends the deadline to file the certification to twelve o'clock noon on the following Monday. This bill establishes penalties for (1) failure to file and (2) knowingly falsifying an affidavit.

## **LABOR, COMMERCE AND INDUSTRY**

**H.3766 COMMERCIAL MAILINGS Rep. Meacham**

This bill requires all commercial catalogues, brochures, leaflets, and flyers mailed to a resident of this State to provide in its contents a clear printed explanation of how the recipient can request that the mailing no longer be sent to his residence. The mailer shall honor all such requests from recipients. A violation constitutes an unfair or deceptive act or practice in the conduct of trade or commerce. The Attorney General is authorized to issue a written warning for a violation. Upon finding that a second violation has occurred, the Attorney General may take action to enforce these provisions. The provisions do not apply to mailed requests for voluntary donations for nonprofit organizations.

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**H.3770 "RIGHT TO WORK" LAWS Rep. Cato**

This bill revises the means of enforcing the State's "Right to Work" laws which protect employees from practices which have the effect of making employment contingent upon membership in a labor union or organization. Under the bill, the Director of the Department of Labor, Licensing and Regulation, or his designee, is charged with ensuring compliance with "Right to Work" laws and is directed to cooperate with employees making meritorious claims against employers. In the course of investigating claims, the Director is authorized to hold hearings and enter a workplace to evaluate compliance. The Director is authorized to assess a violator a civil penalty of not more than one hundred dollars for each offense. The Director shall promulgate regulations establishing procedures for administrative review of the civil penalties assessed. The legislation also provides that it is unlawful for a person or labor organization to cause or encourage a violation of the state's "Right to Work" laws. Under the bill, it is unlawful for a person or a labor organization to directly or indirectly participate in an agreement, arrangement, or practice that has the effect of requiring, as a condition of employment, that an employee be, become, or remain a member of a labor organization or pay to such an organization any dues, fees, or charges. Such an agreement is unenforceable. Under the legislation, a person who has been denied employment or deprived of continued employment through force, intimidation, obstruction, interference, or through other means in violation of the State's "Right to Work" provisions is entitled to recover from the employer actual damages as well as punitive damages awarded at the discretion of the court or jury.

**H.3778 PATIENTS' COMPENSATION FUND Rep. Vaughn**

This bill eliminates the Board of Governors which currently oversees the Patients' Compensation Fund, which is used to defray some of the costs of medical malpractice or other liability claims, settlements, or judgements incurred by license health care providers. In eliminating the Board of Governors, the bill provides that the Patients' Compensation Fund is established within the Department of Insurance under the executive authority of the Department's Director.

**H.3779 AMUSEMENT RIDERS SAFETY CODE Rep. Dantzler**

This bill revises the definition of "serious injury" under the South Carolina Amusement Riders Safety Code so as to provide that a serious injury is an injury that results in death or requires immediate in-patient hospitalization. Under the new definition provided in the bill, a fracture or disfigurement is considered a serious injury even if no hospitalization is required.

**H.3784 TRANSIENT AND TEMPORARY BUSINESSES Rep. Cooper**

This bill provides that no person, except an authorized manufacturer's or distributor's representative may sell, offer for sale, or knowingly permit the sale of baby food, drugs, cosmetics, medical services, and any product which has an expiration date at a transient or temporary business. The bill specifies the information which must be included in the written authorization which manufacturer's or distributor's representatives must possess, and penalties are provided for presenting fraudulent authorization. In addition to other pertinent penalties provided under the law, a violator is guilty of a misdemeanor and subject to a fine of not more than one hundred dollars. The bill establishes a procedure under which the Department of Consumer Affairs shall maintain a record of violations which is open to public review. The provisions do not apply to authorized sales presentations or to individuals who sell by sample, catalog, or brochure for future delivery.

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## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

### **S.240 WASHINGTON LIGHT INFANTRY AND SUMTER GUARDS BOARD OF OFFICERS Sen. McConnell**

This bill increases the number of members serving on the Washington Light Infantry and Sumter Guards Board of Officers from five to seven. Under the bill, the Commander/Chairman makes the appointments. Currently, two members are appointed by the membership of the Washington Light Infantry, two appointed by the Sumter Guards, and one appointed by the above four appointees.

### **S.493 COSMETOLOGISTS AND NAIL TECHNICIANS Rep. Moore**

This bill changes the term manicurist to nail technician and revises the definitions of cosmetology and esthetician. Under the bill, the Advisory Committee to the State Board of Cosmetology may receive the same mileage, subsistence, and per diem as provided for members of state boards, committees, and commissions. A cosmetology school that is part of a high school, trade school, or industrial school must be licensed by the board, but is exempt from executing a bond. The bill provides for biennial renewal of licenses issued by the Board of Cosmetology. A licensee may place his or her license on inactive status by completing and submitting a form to the board. To reactivate an inactive license, an individual must submit a fee and comply with the continuing education requirements as provided by regulations.

## WAYS AND MEANS

### **H.3758 INCOME TAX DEDUCTIONS FOR SENIOR CITIZENS Rep. Bauer**

This bill increases from \$11,500 to \$50,000 the deduction of taxable income allowed to individual taxpayers who are age seventy-five or over for purposes of determining state income taxes, beginning in the 1999 taxable year. The bill also extends this increased deduction over a seven year period to individual taxpayers who have attained the age of sixty-eight years.

### **H.3767 INSTALLMENT PAYMENTS OF AD VALOREM TAXES Rep. Mack**

This bill requires that county governing bodies *must* allow a taxpayer to elect to pay his *ad valorem* taxes on real property located in the county in *monthly* installments. Current law provides that the governing body of a county *may*, by ordinance, allow taxpayers to elect to pay these taxes in *quarterly* installments.

### **H.3768 MUNICIPAL SALES TAX ACT Rep. Rodgers**

This bill allows a municipal council to impose a one percent sales and use tax by ordinance, subject to referendum approval, and provides for the imposition of the tax if it is approved. The bill requires publication of the ballot question two weeks before the referendum, and the bill provides a sample ballot question that an actual ballot question must substantially duplicate.

The bill also provides for rescission of the tax by referendum pursuant to a petition of at least fifteen percent of the voters of the municipality, or by ordinance. The bill requires publication of the rescissory question two weeks before the referendum, and provides a sample question that the rescissory ballot must substantially duplicate.

The bill provides that this tax may not be imposed if the municipality is within a county which has adopted an optional sales and use tax, and if a county adopts a countywide local option

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tax after a municipality has approved a municipal tax, the municipal tax is rescinded upon the effective date of the imposition of the countywide tax.

The bill also provides for administration and collection of the tax and provides for distribution of the revenues, which must be used to reduce municipal tax millage in the manner that the municipal council determines.

**H.3781 STATE INCOME TAX DEDUCTIONS Rep. Knotts**

This bill adds to the allowed deductions from SC income tax, employer-paid obligations of an employee to establish service credit in the state retirement systems.

**H.3782 "SC CONSERVATION INCENTIVES ACT" Rep. Campsen**

This bill allows an income tax credit equal to twenty-five percent of the value of a federal income tax charitable deduction for a qualified conservation contribution of a qualified real property interest located in South Carolina. The bill caps the credit, and provides for carry-forward and transfer of any unused credit.

The bill also creates the "Conservation Grant Fund" (the Fund), consisting of any monies appropriated to it by the General Assembly and other monies received from public or private sources, and provides for board authority, oversight and administration of the Fund. The bill requires that revenues in the Fund be used only to: defray administrative costs in administering the provisions of the bill; provide education on conservation easements; make conservation grants. The bill delineates specific costs for which grants from the fund may be used, and prohibits using these funds to pay the purchase price of any interest in real property.

The bill also amends the SC Probate Code relating to transactions authorized for personal representatives for the benefit of the interested persons, so as to authorize a personal representative or trustee, as applicable, with the consent of all affected parties, to make a donation of a qualified conservation easement to obtain a federal estate tax and state income tax credit benefit. The bill also provides for the method to obtain the consent of persons otherwise unable to give such consent.

**S.100 PROPERTY TAX APPRAISAL Sen. McConnell**

This bill provides that a county may, by ordinance, postpone for not more than one property tax year the implementation of revised values resulting from a countywide reassessment and equalization program.

**S.488 EXPENDITURE OF PUBLIC FUNDS BY INSTITUTIONS OF HIGHER LEARNING Sen. Moore**

This bill provides that costs associated with events and meetings at colleges, universities, and technical colleges honoring excellence and accomplishments of students, guests, faculty, and employees are considered to meet the public purpose test and therefore may be paid by the institution. The bill provides that the institution's governing board must establish policies for the expenditure of these funds.

**S.586 CAPITAL IMPROVEMENTS BOND BILL Senate Finance Committee**

This bill authorizes the issuance of over \$290 million in capital improvement bonds for colleges and universities, state technical and comprehensive education projects, public education, and other agencies. Projects included in the bill which are \$10 million or more include \$12 million for the University of Charleston Physical Education Center; \$10 million for the SC State University Hodge Hall Science Building; \$10 million for expansion of the Hollings Cancer Center at the Medical University of South Carolina; \$13 million for technical

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system education and training equipment; \$10 million for ETV's conversion to digital transmission; \$11.9 million to the School for the Deaf and Blind for renovation of Walker Hall; \$15 million to the State Department of Education for school buses and maintenance of vehicles; \$10 million to the SC Department of Agriculture for the Columbia Farmer's Market; \$10 million to Clemson PSA for the Agriculture and Life Science Complex; \$10 million to the Department of Parks, Recreation and Tourism for state parks; and \$24 million to the State Ports Authority for harbor dredging.

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**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.