



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, Jr., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate **PROPERTY TAX REFORM** legislation. The House approved **H.4450**, a joint resolution proposing a State **CONSTITUTIONAL AMENDMENT** on property tax reform. The joint resolution proposes to amend the South Carolina Constitution so as to:

- Define fair market value as the fair market value at the point of sale or at the point of significant improvement. The General Assembly is authorized to define by statute ownership transfer, improvement, and to provide a base year for determining fair market value.
- Provide for an additional homestead exemption over and above the current exemption equal to 100% of the fair market value of an owner occupied home. This exemption does not apply to property taxes levied to repay general obligation debt.

The House amended, approved, and sent to the Senate **H.4449**, a bill providing **ENABLING LEGISLATION** on property tax reform should voters approve the proposed constitutional amendments. The legislation:

- Eliminates the municipal, county and school operating property tax on owner-occupied homes. The portion of property tax attributable to bonded indebtedness remains in place.
- Imposes an additional 2% sales tax, bringing the total state sales tax to 7%. Accommodations and groceries are exempted from this increase. Any revenue collected in excess of the Board of Economic Advisors estimate for the additional 2% is to be placed in the Homestead Exemption Fund Reserve account.
- Completely removes the state sales tax on groceries. Any new local option sales taxes will not apply to groceries.
- Changes the reassessment method so that property is only reassessed when ownership is transferred or the property undergoes substantial improvement. Spouse to spouse and other types of court-ordered transfers are exempt.
- Provides local governments the option to initiate pro-rata taxing on property transfers and improvements beginning the month after completion (issuance of certificate of occupancy).
- Property tax replacement funding will be dollar-for-dollar in the first year. Political subdivisions are allowed to increase their millage rate to grow with the Consumer Price Index plus population growth. Exceeding this cap requires a 75% vote of the governing body. If an entity does not use all of its allowed increase in one year, the unused portion may be carried forward for two years.
- In subsequent years, state support for local governments will grow with the Consumer Price Index plus population growth in the county.

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- In subsequent years, the total amount of state support for school districts will grow with the Consumer Price Index plus population growth for the state. The growth will be distributed to the school districts per weighted pupil unit each year. For the purposes of growth in the property tax replacement funding an add-on weighting of .2 will be used for students in poverty.
- Any county that currently has a local option sales tax for property tax relief will be reimbursed for the owner occupied portion of the tax currently used for property tax relief. Current local option sales taxes adopted for property tax relief are to be applied to property tax relief for the remaining classes of property. In 2006, a county governing body may place a question on the ballot on the removal of an existing local option sales tax without a petition from the citizens.
- A spending limit is imposed on state appropriations. Appropriations are limited to the greater of the prior year's appropriation increased by personal income growth for the most recently completed calendar year or the prior year's appropriation increased by population growth in the state plus the Consumer Price Index. This spending limit may be overridden by a 2/3 vote of the membership of each branch of the General Assembly.
- A similar spending limit is also imposed on local governing bodies, except that population growth is defined as population growth within that jurisdiction. Appropriations are limited to the greater of the prior year's appropriation increased by personal income growth for the most recently completed calendar year or the prior year's appropriation increased by population growth in the state plus the Consumer Price Index. For a school district, the population increase is calculated by the increase in student enrollment for the most recently completed school year. For all other entities, population growth is defined as population growth within its jurisdiction.
- These spending limitations operate in conjunction with the millage limitations so that if more revenue is collected than expected, the amount of the excess revenue that the local government may retain is limited.
- The alternative financing plan used by school districts, commonly known as the BEST plan, will no longer be available. The local maintenance of effort requirement is revised so that the calculation includes only funds that are required by statute or that directly affect the classroom.
- The minimum local effort is revised to include only classroom related expenses. A 40% minimum is imposed for state effort to school districts.
- The Joint Sales Tax Exemption Review Committee is established for this purpose of studying all sales tax exemptions every ten years beginning in 2010. The Committee is required to report its findings to the General Assembly, recommend changes, and publish a comparison to other states.

The House amended Senate amendments to **H.3010**, legislation to create a **STATEWIDE CHARTER SCHOOL DISTRICT**, and returned the bill to the Senate. When the Senate did not concur in the amendments, the House appointed a conference

committee to address differences with Senate. Notably, the bodies differ with regard to how a state charter school district would be governed and how local funding for existing charter schools would be handled under the legislation.

The House approved and sent to the Senate **H.4301**, the “**PROTECTION OF PERSONS AND PROPERTY ACT.**” The stated intent of the legislation is to codify the common law Castle Doctrine which recognizes that a person's home is his castle and to extend the doctrine to include an occupied vehicle and the person's place of business. Under certain circumstances, this bill authorizes the lawful use of deadly force against an intruder or attacker in a person's dwelling, residence, or occupied vehicle. The bill provides that there is no duty to retreat if the person is in a place where he has a right to be, including the person's place of business, and the use of deadly force is necessary to prevent death, great bodily injury, or the commission of a violent crime. A person who lawfully uses deadly force is immune from criminal prosecution and civil action and may not be arrested unless probable cause exists that the deadly force used was unlawful.

The Senate concurred in the House's amendments on **H.3381**, the “**SOUTH CAROLINA LANDOWNER AND ADVERTISING PROTECTION AND PROPERTY VALUATION ACT**” and enrolled the bill for ratification. The legislation provides for the conditions under which a local governing body may require the removal of an off-premises outdoor advertising sign that is nonconforming under a local ordinance and otherwise regulate the use of billboards within its jurisdiction. Under the legislation, a local governing body may enact or amend an ordinance of general applicability to require the removal of any nonconforming, lawfully erected off-premises outdoor advertising sign only if the ordinance requires the payment of just compensation to the sign owners, except as otherwise provided in the bill. The payment of just compensation is not required if:

- (1) The local governing body and the owner of the nonconforming off-premises outdoor advertising sign enter into an agreement to relocate and reconstruct the sign. The agreement must include provisions for: (a) relocation of the sign to a site reasonably comparable to or better than the existing location, and (b) payment by the local governing body of the reasonable costs of relocating and reconstructing the sign.
- (2) The local governing body and sign owner enter into a voluntary agreement allowing for the removal of the sign after a set period of time instead of just compensation.
- (3) The off-premises outdoor advertising sign is adjudicated to be a public nuisance or detrimental to the health or safety of the populace; or
- (4) The removal is required for opening, widening, extending or improving streets or sidewalks, or for establishing, extending, enlarging, or improving a public enterprise, and the local governing body allows the off-premises outdoor advertising sign to be relocated to a comparable or better location and the local governing body pays the costs of the relocation.

For the purposes of relocating and reconstructing a nonconforming off-premises outdoor advertising sign under an agreement with the sign's owner, a local governing body, consistent with the welfare and safety of the community as a whole, may adopt a resolution or adopt or modify its ordinances to provide for the issuance of a permit or other approval, including conditions as appropriate, or to provide for dimensional, spacing, setback, or use variances as it considers appropriate as long as it does not

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affect the federal provisions for the relocation of outdoor advertising signs affected by state highway projects.

If a local governing body has offered to enter into an agreement to relocate a nonconforming off-premises outdoor advertising sign, and within one hundred twenty days after the initial notice by the local governing body, the parties have not been able to agree that the site or sites offered by the local governing body for relocation of the sign are reasonably comparable to or better than the existing site, the parties, by mutual agreement, may enter into binding arbitration to determine the comparability of the site offered for relocation. If this arbitration proceeding results in a determination that the proposed relocation site(s) are not comparable to or better than the existing site, and the local governing body elects to proceed with the removal of the sign, the parties shall determine just compensation to be paid to the sign owner. If the parties are unable to reach an agreement regarding just compensation within thirty days of the receipt of the arbitrators' determination regarding relocation, and the local governing body elects to proceed with the removal of the sign, the parties, by mutual agreement, may enter into binding arbitration to determine the amount of just compensation to be paid. If the parties choose not to enter into binding arbitration for the purposes of either relocation or just compensation and the local governing body elects to proceed with the removal of the sign, the local governing body shall bring an action in circuit court for a determination of the just compensation to be paid by the local governing body to the sign owner for the removal of the sign.

A local governing body shall not prevent the repositioning of a nonconforming sign on the same parcel of land to facilitate the development of the parcel so long as the repositioning of the sign does not increase the degree of the sign's nonconformity.

The requirement by a local governing body that the issuance or continued effectiveness of a zoning ordinance or issuance of a license or permit is conditional upon the removal or alteration of a lawfully erected sign constitutes a compelled removal that is prohibited without prior payment of just compensation.

An off-premises outdoor advertising sign may not be removed until the owner of the property on which it is located has been compensated fully by the local governing body requiring the sign's removal for a loss which may be suffered as a result of the removal of the sign through the termination of a lease or other financial arrangement with the sign owner. The compensation must include damage to the landowner's property occasioned by removal of the sign.

The provisions of this legislation may not be used to interpret, construe, alter, or otherwise modify the exercise of the power of eminent domain by an entity under the Highway Advertising Control Act or the manner in which outdoor advertising is valued by the South Carolina Department of Transportation.

H.3381 also prohibits a billboard for an adult or sexually-oriented business from being located within one mile of a public highway. An owner of an adult or sexually-oriented business who violates these provisions is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than one year. Each week a violation continues constitutes a separate offense.

The House returned **S.293** to the Senate with amendments. The Senate subsequently concurred in House amendments and enrolled the bill for ratification. This bill allows an **OFFICER EMPLOYED BY A GEORGIA OR NORTH CAROLINA LAW ENFORCEMENT AGENCY TO ENTER SOUTH CAROLINA IN FRESH PURSUIT OF A PERSON WHO IS IN FLIGHT** from the commission of a criminal offense in the neighboring state and to arrest the person. The bill provides for procedures to (1) determine the lawfulness of the arrest, (2) the release of the person arrested, and (3) the extradition of the arrested person. This provision applies only to law enforcement officers employed by Georgia or North Carolina when the state has enacted a provision similar to this section relating to the arrest and custody of a person pursued into a neighboring state. The authority granted by provision is limited to criminal offenses of the pursuing state that also are criminal offenses under the laws of South Carolina and that are punishable by death or imprisonment in excess of one year under the laws of the pursuing state.

The House returned **S.141**, relating to the **REQUIREMENTS FOR A NAME CHANGE**, to the Senate with amendments. The Senate subsequently concurred in House amendments and enrolled the bill for ratification. This bill provides that a petitioner seeking a name change who requests a background check from a law enforcement agency shall sign an affidavit stating he has never been convicted of a crime under a name other than the name in which he is making the request. A surrogate or person representing a petitioner over the age of 18 shall not be allowed to sign the affidavit. The bill provides that a person who knowingly and willfully falsifies the affidavit, upon conviction, must be fined not more than \$100 dollars or imprisoned for not more than six months, or both. The bill further provides that a person convicted of an offense requiring registration with the State Law Enforcement Division's Sex Offender Registry, and who knowingly and willfully falsifies the affidavit in order to obtain employment, including employment with a child day care center, or other entity that cares for vulnerable individuals, upon conviction, must be imprisoned for a period of not more than ten years. These provisions do not apply to a person who wishes to resume her maiden name as a result of a domestic action filed in family court. A family court judge may authorize a name change for a person wishing to resume her maiden name in another order including, but not limited to, an order for separate support and maintenance or a final divorce decree.

The House returned **S.490**, pertaining to **PROPERTY TAX LIENS**, to the Senate with amendments. This bill provides that payment of a lien for state or county taxes, without payment of a lien for municipal taxes, does not extinguish a lien for municipal taxes and makes the lien a first lien on the property until legally discharged. The bill also provides that if the tax sale of an item produces more cash than the full amount due in taxes, assessments, penalties, and costs, the overage must be applied to outstanding municipal tax liens on the property. Any remaining overage belongs to the owner of record immediately before the end of the redemption period to be claimed or assigned according to law. The legislation provides that if the defaulting taxpayer, grantee from the owner, or mortgage or judgment creditor fails to redeem the item of real estate sold at the delinquent tax sale within the prescribed twelve months and after the passing of an additional twelve months, the tax deed issued twenty-four months earlier at the delinquent tax sale is incontestable on procedural or other grounds. The legislation also establishes **RIGHTS OF REAL PROPERTY MORTGAGEES**.

The House approved and sent to the Senate **H.4474**, a joint resolution to **CLARIFY THE NOVEMBER 1, 2005, ACTION OF THE STATE BUDGET AND CONTROL BOARD RELATING TO THE SECOND INJURY FUND'S ASSESSMENT**. The joint resolution provides that the State Budget and Control Board requests that the Second Injury Fund make due immediately and payable only fifty percent of the amount assessed; and the Fund make due and payable the remaining fifty percent of the amount assessed only if and when the State Budget and Control Board determines that fiscal year to date Fund disbursements project a Fund balance of less than fifty million dollars to occur before June 30, 2006.

The House approved and sent to the Senate **H.3993**. This bill establishes state **EDUCATION STANDARDS FOR VOCATIONAL REHABILITATION COUNSELORS EMPLOYED BY THE DEPARTMENT OF VOCATIONAL REHABILITATION**. In absence of a state standard, federal law requires these counselors to have a Master's degree in rehabilitation counseling. The standards in this bill are broader than the federal standard and allow a counselor to have a Master's degree in a related field with relevant coursework. The broader education standard allows the Department of Vocational Rehabilitation the option to hire a less expensive candidate with another Master's degree and pay for relevant coursework when necessary instead of paying the employee to receive a Master's in rehabilitation counseling.

The House amended, approved, and sent to the Senate **H.3921**. This bill requires **MOBILE DENTAL FACILITIES** to register with the Board of Dentistry (Board). A mobile dental facility registrant is required to:

- have a licensed dentist responsible for services provided,
- ensure dental services are provided by a person authorized by law to provide them,
- display each dentist's and dental hygienist's license in view of the patients,
- maintain a confidential record documenting the location, date, time, and services provided to each patient,
- have written procedures for emergency and follow-up patient care,
- have means to call for help in a medical or dental emergency,
- ensure the facility complies with federal, state, and local laws on health, safety, sanitation, zoning, and business permits and have a working carbon monoxide detection device,
- give each patient an information sheet with contact information, names of dental staff who provided services, description treatment rendered, and recommendation for treatment at another facility if additional treatment needed,
- maintain patient records and give the Board at least 30 days notice if the records are to be transferred.

H.3921 further provides that a person or entity not registered with the Board is not entitled to compensation for services.

The House approved and sent to the Senate **H.4594**. This bill provides that for purposes of the nonrecognition of gain under the Internal Revenue Code and comparable provisions of state law, the **CONVEYANCE BY TIMBER DEED OF THE RIGHT TO CUT STANDING TIMBER** is considered a conveyance of a real property interest and as such under the laws of this State is a like-kind exchange with other similar conveyances

of a real property interest or with conveyances of similar investment real property owned in fee simple.

The House approved and sent to the Senate H.4585, a bill **DESIGNATING BOILED PEANUTS AS THE OFFICIAL STATE SNACK FOOD**.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The Judiciary Committee met on Tuesday, February 7, 2006.

H.3881, relating to **ALTERNATIVE POLLING PLACES IN CASE OF AN EMERGENCY**, received a favorable report. In an emergency situation, this bill allows an elector to vote in a location or at a polling place not within the precinct where the elector is registered to vote. However, the authority charged by law with conducting the election should designate an alternative polling place outside of the precinct only if no other location within the precinct is available for use as a polling place. The alternative polling place must be selected with consideration of the distance the electors would have to travel to vote. Every attempt must be made to notify electors of the alternative polling place before the election and on the day of the election through the media and by posted notice at the designated polling place. If an alternative polling place outside of the precinct is selected, the authority charged by law with conducting the election shall certify in writing to the State Election Commission that no other location within the precinct is available for use as a polling place and that the selection of a polling place was made with consideration of the distance electors would have to travel to vote.

The full committee gave H.4318 a favorable with amendment report. Relating to **ORDERS OF PROTECTION FROM DOMESTIC ABUSE** and the authority of the court in connection with issuing such orders, this bill authorizes the court to award the cost of medical treatment received by the petitioner as a result of the abuse that gave rise to the order of protection. If the court issues an order of protection, the bill provides that the court may order the respondent to pay the filing fee required by South Carolina Code Section 8-21-310(11)(a). The bill further provides that failure to comply with this requirement to pay the filing fee is punishable as contempt of court.

The full committee adjourned debate on **S.137**, which provides that the **FAMILY COURT MAY ORDER THAT CUSTODY OF A MINOR CHILD BE AWARDED TO THE CHILD'S 'DE FACTO CUSTODIAN' UNDER CERTAIN CIRCUMSTANCES.**

H.4347, relating to **BREASTFEEDING**, received a favorable with amendment report. The bill provides that a woman may breastfeed her child in any location where the mother is authorized to be and that such breastfeeding is not indecent exposure.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on February 7, and reported out two pieces of legislation.

The committee gave a report of favorable with amendment on **H.4428**, the “**SOUTH CAROLINA COMPETITIVE CABLE SERVICES ACT.**” The legislation establishes a uniform statewide framework under which cable television, satellite, telecommunications companies, and other providers may compete with one another in offering cable television services. The legislation provides for cable services to be offered under state-issued certificates of franchise authority. The Secretary of State is authorized to issue these certificates to applicants and collect a fee that is not to exceed one hundred ten dollars. Provisions governing state-issued certificates of franchise authority occupy the entire field of franchising or otherwise regulating cable service and pre-empt any ordinance, resolution, or similar matter adopted by a municipality or county that purports to address franchising. An existing cable service provider operating under a franchise previously granted by the governing body of a municipality or county is not subject to these state-issued certificate of franchise authority provisions until the franchise expires. If, however, another provider enters its service area, a cable service provider has the option of terminating existing franchises previously issued by municipalities and counties and instead offering cable service in those areas under a state-issued certificate of franchise authority. The holder of a state-issued certificate of franchise authority may be required, under an ordinance or resolution duly adopted by a municipality or county, to pay a state-issued certificate holder's franchise fee with a rate that must not exceed the lesser of: (1) the incumbent cable service provider's franchise fee rate imposed by the municipality or county, if any; or (2) five percent of the holder's gross revenues. The holder of a state-issued certificate of franchise authority may designate that portion of a subscriber's bill attributable to a franchise fee and may recover such amount from the subscriber as a separate item on the bill. This franchise fee is in lieu of a permit fee, encroachment fee, degradation fee, or other fee assessed on a holder of a state-issued certificate of franchise authority for its occupation of or work within the public rights-of-way. The legislation provides that no municipality or county shall levy a tax, license, fee, or other assessment on a cable service provider other than the franchise fee authorized by this legislation or a cable franchise fee imposed upon a cable service provider before January 1, 2006. The legislation shall not, however, restrict the right of a municipality or county to impose ad valorem taxes, service fees, sales taxes, or other taxes and fees lawfully imposed on other businesses within the municipality or county. The legislation establishes requirements for providing public, educational, and governmental (PEG) access channels.

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The committee gave a favorable report on **H.4474**, a joint resolution to **CLARIFY THE NOVEMBER 1, 2005, ACTION OF THE STATE BUDGET AND CONTROL BOARD RELATING TO THE SECOND INJURY FUND'S ASSESSMENT**. The joint resolution provides that the State Budget and Control Board requests that the Second Injury Fund make due immediately and payable only fifty percent of the amount assessed; and the Fund make due and payable the remaining fifty percent of the amount assessed only if and when the State Budget and Control Board determines that fiscal year to date Fund disbursements project a Fund balance of less than fifty million dollars to occur before June 30, 2006.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.1061 HERITAGE TRUST PROGRAM Sen. Gregory

This bill authorizes the Department of Natural Resources, acting through and in accordance with the terms of the Heritage Trust Program, to acquire, restore, improve, and manage additional properties suitable for inclusion in the Heritage Trust Program and to incur indebtedness for these purposes which is payable from the revenues derived from that portion of the state deed recording fee dedicated to the Heritage Land Trust Fund.

S.1095 PIGS Sen. Land

Current law provides that it is unlawful to release or transport for the purpose of release a member of the family Suidae (pig) for hunting purposes or in an attempt to establish or supplement a free roaming population; however, a landowner may capture and release a pig so long as: (1) the pig is captured pursuant to a permit issued without charge by the Department of Natural Resources, and (2) the pig is released on the same tract on which the pig was captured or on an adjoining tract with permission of the owner of the adjoining tract. Current law also provides that under no circumstances may a pig be released in a county other than the county in which the pig was captured. This bill deletes the phrase "for hunting purposes" from the first sentence.

H.4602 CONSTRUCTION AND DEMOLITION LANDFILLS

Rep. Moody-Lawrence

This bill provides that no construction and demolition landfill may be sited within three miles of an already existing construction and demolition landfill.

EDUCATION AND PUBLIC WORKS

H.4624 ISSUANCE OF LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES Rep. Vaughn

This bill increases from two hundred to four hundred the maximum number of manufacturer license plates that the Department of Motor Vehicles may issue to a motor vehicle manufacturer.

H.4625 SAFETY BELT EXEMPTION FOR PREGNANT WOMEN Rep. M.A. Pitts

This bill provides that a pregnant woman is not required to wear a safety belt while traveling in a motor vehicle in this State.

H.4629 ARREST OF A TEACHER Rep. Simrill

This bill provides that if a teacher is arrested, the arresting agency shall notify the principal of the teacher's school of the arrest, and upon such notification, the principal shall notify the State Board of Education. The bill provides that the State Board may revoke or suspend the teacher's certificate pursuant to current provisions of law.

H.4631 MOTORCYCLES AND MOPEDS Rep. Hosey

This bill provides that if a driver of a motorcycle or moped approaches an intersection that is controlled by a traffic-controlled device, the driver may, under certain conditions delineated in the bill, proceed through the intersection on a steady red light.

H.4634 FRATERNAL ORDER OF POLICE SPECIAL LICENSE PLATES Rep. Hinson

This bill provides that Fraternal Order of Police special license tags may be issued only to members of that group who present identification that their membership is active and in good standing. The bill also provides that persons issued this plate who cease to be a member of the organization must surrender their plate or they may be charged with a misdemeanor punishable by a fine of twenty-five dollars.

H.4635 LOCATION OF BUSINESSES WITHIN AN INTERSTATE'S RIGHT-OF-WAY Rep. Huggins

This bill provides that the Department of Transportation may allow certain specified businesses to locate within an interstate's right-of-way. The bill requires the Department to charge the owner or operator of such a business a reasonable fee for this privilege.

H.4641 MOTORCYCLES AND MOPEDS Rep. G.M. Smith

This bill provides that if a driver of a motorcycle or moped approaches an intersection that is controlled by a traffic-controlled device, the driver may, under certain conditions delineated in the bill, proceed through the intersection on a steady red light.

JUDICIARY

S.961 ISSUANCE OF A CORPORATE CERTIFICATE TO A PROPOSED MUNICIPALITY Sen. McConnell

The bill provides that the area seeking to be incorporated file a proposal for providing either directly or indirectly a substantially similar level of law enforcement services to the area's existing law enforcement coverage prior to seeking incorporation.

S.1017 YEAR OF MANUFACTURE MOTOR VEHICLE LICENSE PLATES Sen. Gregory

This bill provides that the Department of Motor Vehicles may allow year of manufacture license plates to serve as the official license plates for certain motor vehicles.

S.1083 STUDY COMMITTEE ON CRIMINAL DOMESTIC VIOLENCE ISSUES

Sen. Martin

The study committee on criminal domestic violence issues is scheduled to report its recommendations to the General Assembly by February 15, 2006. This bill extends the deadline for the report to no later than June 1, 2006.

S.1097 REVISED CODE VOLUMES Sen. McConnell

This joint resolution adopts Revised Code Volumes 11 and 18 of the Code of Laws of South Carolina, 1976, to the extent of their contents, as the only general permanent statutory law of the state as of January 1, 2006.

H.4610 INTERSTATE COMPACT FOR JUVENILES Rep. G.R. Smith

This bill repeals the current version of the Interstate Compact for Juveniles, and replaces it with a revised version. The compact deals with the management, monitoring, supervision and return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control to states other than where they were sentenced. Among other things, the revised version of the compact establishes an independent compact operating authority.

H.4618 STUDY COMMITTEE TO EXAMINE THE ISSUE OF REAPPORTIONMENT OF THE 16 JUDICIAL CIRCUITS Rep. Vaughn

This concurrent resolution establishes a study committee to examine the issue of reapportionment of the 16 judicial circuits. The bill has provisions for the makeup of the study committee and directs the study committee to recommend appropriate changes to the General Assembly by February 15, 2007.

H.4620 LOTTERY PRIZES Rep. Altman

This bill provides that a lottery prize must not be claimed by or paid to an illegal alien; the bill further provides that the prize must be forfeited to the commission.

H.4642 QUALIFICATIONS FOR A COUNTY CLERK OF COURT, AUDITOR, AND TREASURER Rep. G.M. Smith

This bill provides that a person is not eligible to hold the office of county clerk of court, auditor, or treasurer unless the person has: (1) obtained a four-year bachelor's degree from an accredited post-secondary institution; or (2) 10 years experience in the areas in which the county clerk of court, auditor, or treasurer has responsibilities.

LABOR, COMMERCE AND INDUSTRY

S.70 LOCATION OF SIGNS FOR ADULT/SEXUALLY-ORIENTED BUSINESSES

Sen. Thomas

This bill provides that an outdoor advertising sign for an adult or sexually-oriented business may not be located within one mile of a public highway. Certain exceptions are provided for businesses located within one mile of a public highway. Signs in existence

at the time of the effective date of this legislation that do not conform to the requirements may continue as a nonconforming use but must conform within three years. An owner of an adult or sexually-oriented business who violates these provisions is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than one year. Each week a violation continues constitutes a separate offense. The legislation does not prevent a local government from adopting different or more stringent local ordinances that govern advertising signs for adult or sexually-oriented businesses.

S.766 MOTOR VEHICLE CARRIERS Sen. Verdin

This bill prohibits any motor vehicle carrier from advertising or holding himself out as an operator for the transportation of persons or property without first having obtained a certificate from the Public Service Commission's Office of Regulatory Staff. The bill revises penalties for violating provisions regulating motor vehicle carriers, so as to provide that a violator may be imprisoned for a term not to exceed thirty days. The bill revises provisions for the regulation of household goods and hazardous waste carriers, so as to provide that a carrier operating in violation of the provisions may be imprisoned for a term not to exceed thirty days.

**H.4621 OPTIONAL LIMITED AUTOMOBILE INSURANCE COVERAGE
Rep. Walker**

This bill authorizes an insurer to provide automobile insurance coverage with certain limitations if the insured accepts the offer of alternative coverage. The bill provides that the form used when optional automobile insurance coverage is offered to an insured must not necessarily be completed by the insured, but must be signed by the insured to be used as evidence of informed selection.

H.4622 OPTIONAL AUTOMOBILE INSURANCE COVERAGE FORM

Rep. Walker

This bill provides that the form used when optional automobile insurance coverage is offered to an insured must not necessarily be completed by the insured, but must be signed by the insured to be used as evidence of informed selection.

H.4630 SERVICES FOR THE HEARING IMPAIRED Rep. Mack

This bill revises definitions in connection with telephone service for hearing and speech impaired persons, so as to eliminate references to a TDD user. The bill revises provisions relating to a statewide access program to services for those persons, so as to provide for real-time, closed-caption coverage of the news in the four geographic areas of the state and of the proceedings of the General Assembly, as well as an interpreter for those persons having business before the General Assembly. The bill revises provisions relating to an advisory committee to monitor the statewide telecommunications relay access service, so as to make the committee mandatory and to modify the appointments to it.

H.4633 WORKERS' COMPENSATION COVERAGE THROUGH A CAPTIVE INSURANCE COMPANY Rep. Bingham

This bill revises provisions relating to the licensing of a captive insurance company, so as to provide that an employer who may self-fund workers' compensation coverage is authorized to write workers' compensation coverage directly through a captive insurance company. The bill revises provisions relating to insurance or proof of financial ability to pay, so as to authorize a captive insurance company, which may pay direct compensation, the ability to write workers' compensation insurance.

WAYS AND MEANS

S.1101 REVENUE-RAISING REFERENDUMS IN ANDERSON COUNTY Sen. Bryant

This bill provides that when a referendum is held in Anderson County to seek approval for any revenue raising measure, the referendum must be held in an even numbered year at the time of the general election.

H.4608 FAIR MARKET VALUE OF REAL PROPERTY Rep. Ballentine

This bill provides that, for purposes of property taxation, the fair market value of real property is its fair market value when ownership of the property was last transferred, increased by the value of improvements to the property since ownership of the property was last transferred. The bill provides that the "base year" for determining property value is 2006.

The bill also provides circumstances in which ownership of real property is not considered to have been transferred in a transfer not subject to federal income tax, including certain transfers to a spouse, certain conversions, transfer to a corporation controlled by transferor, distribution by a controlled corporation, corporate reorganizations, and nonrecognition of gain or loss on a contribution to a partnership.

The bill is effective upon ratification of an amendment to the State Constitution (see **H.4609** below).

H.4609 PROPOSED CONSTITUTION AMENDMENT RE FAIR MARKET VALUE OF REAL PROPERTY Rep. Ballentine

This joint resolution proposes an amendment to the South Carolina Constitution providing that for purposes of property taxation, the fair market value of real property means its value when ownership of the property last was transferred, increased by the value of improvements made to the property since its ownership last was transferred. The proposed amendment also provides that the General Assembly may by law define an ownership transfer, and an improvement to real property, and establish a base year for determining initial fair market value of the property (See **H.4608** above).

H.4611 JOB DEVELOPMENT TAX CREDIT Rep. Talley

For purposes of the job development tax credit, this bill includes an apprenticeship (as defined in the bill) as a "new job."

S.776 TAX EXEMPTION FOR ANTIQUE MOTOR VEHICLES Sen. Verdin

This bill provides a property tax exemption for a motor vehicle licensed and registered as an antique motor vehicle.

H.4632 "SOUTH CAROLINA TRANSPORTATION REVENUE BOND ACT" Rep. Vaughn

This bill enacts the "South Carolina Transportation Revenue Bond Act," intended to provide an additional and alternative method for the provision of and financing of transportation and mass transit facilities. The bill authorizes and provides for the Commission of the Department of Transportation to request that the State Budget and Control Board issue transportation revenue bonds. Such bonds, if issued, would be nonrecourse bonds payable solely from and secured by a pledge of the Federal Highway Reimbursement Funds, as provided in the bill.

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