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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 9

February 25, 1992

No. 6

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House Week in Review

Education claimed the attention of the House of Representatives last week, as the House gave final approval to a number of school-related bills and sent them to the Senate for consideration.

Among the legislation given third reading last week was H.4114, a bill that would offer an alternative procedure for approving home schooling programs. Also given a final reading and sent to the Senate was H.4005, a joint resolution requiring that all public schools implement a school breakfast program.

Legislation forbidding the use of "New Age" religious and occult philosophies in public school instruction was placed back on the House second reading contested calendar after 20 House members objected to the bill Wednesday.

And H.3117, legislation that would make the State Superintendent of Education a gubernatorial appointment, was recommitted to the House Judiciary Committee. H.3117 had been on the House second reading contested calendar since last session.

Ratified as acts were two bills dealing with higher education. S.361 will require the state Commission on Higher Education to develop and implement a program to provide information to eighth grade students and their parents on college-track courses, financial aid and how to apply to college. Also ratified and sent to the governor for his signature was H.3716, which would allow the College of Charleston, S.C. State, Francis Marion and Winthrop to change their names to universities. Lander College and The Citadel also could add university to their titles in the future if they desire under this legislation.

On Wednesday, Governor Campbell signed into law S.362, the State-run Primary Act, one of the major bills of the 1991 session.

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Also on Wednesday, the House gave final approval to legislation that would prohibit the execution of a mentally retarded person. H.3095 would require that a mentally retarded person, who is convicted or pleads guilty to murder, must be given a life sentence and not is subject to the capital punishment statutes. The bill provides a definition of mentally retarded. The legislation now goes to the Senate for debate.

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Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all legislation introduced in the House is featured here. The bill summaries are arranged according to the House standing committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Farm Animal and Research Facilities Protection Act (H.4438, Rep. Snow). This legislation would make it a felony for an unauthorized person to damage or disrupt a research facility where animals are housed. Under this bill an "animal facility" would be defined as a vehicle, building, structure or premises where an animal is kept, tested, handled, housed, exhibited, bred or offered for sale, including a research facility where research or testing on animals is conducted. Animals in this bill would mean any warm or cold-blooded animal used in food or fiber production, agriculture, research, testing or education, including poultry, fish and insects.

Under this bill, an offense would be committed if an unauthorized person enters a facility, hides himself, or attempts to exercise control over an animal in a facility.

Conviction would mean a fine of up to \$10,000 and/or jail time of up to three years.

Judiciary

Sale of Abandoned or Recovered Stolen Property (H.4429, Rep. Tucker). This legislation would allow sheriffs or police chiefs to keep and use abandoned or stolen property as part of their departments' inventory or turn it over to a non-profit organization. Currently, state statutes allows sheriffs and police chiefs to sell unclaimed stolen property or abandoned property and keep the proceeds. In addition, the bill would authorized the department to destroy property, such as prescription drugs, chemicals, cleaning products or weapons, that is not suitable for sale.

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Before recovered property can be sold or destroyed, the owner would have to be notified by certified mail. The notice must itemized the recovered property. The owner would have 15 days to recover his property. In addition, the department would have to hold the abandoned or stolen property 180 days before it could be declared abandoned. Proceeds from the sale of this property would be turned over to the county treasurer, who would first pay for the cost of the sale, and then deposit the balance into a special fund.

Discharging a Firearm (H.4430, Rep. Sharpe). Under this bill, it would be illegal to intentionally, negligently, or carelessly discharge a firearm in a manner in which it is likely to cause injury or death to people or animals, or destroy property. This legislation specifically would not apply to members of law enforcement or the military acting in the line of duty, or to hunting, fire arms ranges, target shooting or firing a weapon in self defense.

This offense would be a misdemeanor punishable by a fine of up to \$200 or jail time of up to 30 days.

Homicide by Child Abuse (H.4432, Rep. Wilkins). This legislation creates a new felony -- homicide by child abuse. A person who causes the death of a child under the age of 11 through child abuse or neglect or "under circumstances manifesting an extreme indifference to human life" would be guilty of this crime. In addition, a person who knowingly allows the abuse or neglect resulting in the death could also be charged. Conviction or a guilty plea would result in a 20 year to life sentence for committing the act, and a 10 to 20 year sentence for knowingly allowing the death.

The legislation specifically notes that in sentencing the judge could consider any aggravating circumstances, including the defendant's past history of child abuse. However, the bill states that a child's crying would not constitute provocation so as to be a mitigating circumstance.

Good Samaritan Engineers (H.4433, Rep. Larry Martin). Engineers who are requested by law enforcement or emergency officials to render services in the wake of a natural disaster would be granted immunity from any wrongful death, personal injury, property damage or other liability resulting from their engineering services. This voluntary emergency advice must be given within 90 days of the disaster unless the state of emergency is extended by the governor.

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Labor, Commerce and Industry

Landscape Irrigation Contractor Certification Act (H.4434, Rep. Larry Martin). This legislation would establish provisions overseeing the landscape irrigation business and create a five-member council to approve certifications. No business could engage in landscape irrigation without first being certified by the Land Resources Conservation Commission. The commission would establish a five person council of qualified professional landscape irrigation contractors to approve the certification of those eligible. In order to be certified, the applicant must be of good moral character, be 21-years-old and have a minimum of three years experience in landscape irrigation. The applicant also must take and pass an examination to be developed by the council. These qualifications would be in addition to any application fee or forms required by the commission. In addition to approving or disapproving people for certification, the council would maintain a registry of certified contractors, promulgate regulations, and adopt fees to pay for examination or other application processes.

~~Violation of the provisions of this bill would be punishable by a~~ civil fine of not more than \$2,500 for the first offense, and not more than \$5,000 for the second or subsequent offense.

Ways and Means

"New Job" Tax Credit Definition (S.1291, Sen. Pope). Under this legislation, the state tax credit extended in certain economically pressed counties for the creation of new jobs would be extended to those businesses that build back facilities that have been destroyed. Jobs reinstated by a business that has suffered a facility loss due to natural disaster or "acts of God" may qualify for the tax credit in the tax year in which the jobs are re-created. Destruction under this legislation would mean destruction of more than 50 percent of a facility.

Without Reference

Corporate Headquarters Income Tax Credit Revisions (S.1140, Sen. Waddell). This legislation, companion bill to H.4187 introduced earlier this session, would amend the current law outlining the tax credit allowed corporations locating their headquarters in South Carolina.

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Under this legislation, corporations establishing their headquarters in South Carolina would be allowed a state tax credit if they meet the following criteria:

- The real property costs of the headquarters establishment, expansion or addition must be at least \$50,000;
- The headquarters must result in the creation of at least 75 new jobs performing headquarters-related functions or research and development. These jobs must be permanent and full-time.

The amount of the credit would be equal to 20 percent of the qualifying real property costs.

Another 20 percent credit would be allowed under additional criteria, which would include the creation of at least 150 new full-time jobs performing headquarters-related functions or research and development. These jobs must have an average compensation level of more than one and a half times the per capita income of South Carolina at the time the jobs are filled.

The tax credit for the facility could be claimed only for the year the headquarters is placed in service for federal income tax purposes. The bill outlines when the credits may be claimed for staffing purposes, and what action would be taken if the staffing requirements are not met. The bill also defines headquarters, national headquarters, regional headquarters and jobs performing headquarters-related functions.

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