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## WEEK IN REVIEW - MARCH 15 - 19, 1999

### HOUSE FLOOR

The House began debate on H.3696, the 1999-2000 General Appropriation Bill, on Monday morning. After working throughout the week and all night on Thursday, the House gave the bill second reading early Friday morning. House floor debate on appropriations from the Capital Reserve Fund (H.3697) and on supplemental appropriations for 1997-98 (H.3698) and 1998-99 (H.3699) are set for special order following third reading of the General Appropriation Bill.

The House included in its General Appropriation spending plan over \$250 million in anticipated video poker funds. A proposal to amend the bill so as to ban video poker was offered on Thursday night. This proposed amendment failed on a tie vote.

A detailed summary of the House-passed bill will be available after the bill receives third reading. Some of the highlights of the bill which passed second reading include:

- A pay raise for state employees, including a 2% cost of living adjustment and an average 2% merit increase;
- \$44 million in sales and property tax relief, to include:
  - A phased-in elimination of the sales tax on food, reducing that tax by one cent each year for five years.
  - \$20 million to cut car taxes;
- \$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.
- Funding and an accompanying proviso to start 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 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.

In addition to work on the Fiscal Year 1999-2000 Budget, the House approved and sent to the Senate **H.3535** which makes revisions to the Horizontal Property Act so as to allow its provisions to apply to proposed or anticipated construction or improvements. The Horizontal Property Act provides a procedure by which owners or co-owners of property may submit their property to a regime which may have provisions covering such matters as the incorporation of co-owners, common elements, deed and lease contents, and by-laws governing the property. This bill makes various revisions so as to allow the Horizontal Property Act to apply not only to existing structures, but to proposed or anticipated structures and improvements, as well.

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

The House tabled **H.3695** which requires that all facilities established to provide radiation therapy are subject to certificate of need review by the Department of Health and Environmental Control.

## SENATE FLOOR

### TUESDAY MARCH 16

**S.542** a bill that amends the definition of "intangible property" in the Uniform Unclaimed Property Act, was read for the third time and ordered sent to the House.

**S.398** was amended and read for the second time with notice of general amendments. This bill pertains to the regulation of engineers, land surveyors, and cross-border engineering.

**S.586** was read for the second time, passed, and ordered to a third reading with notice of general amendments, carrying over all amendments to the third reading. This bill relates to the issuance of capital improvement bonds. However, the bill was placed in the status of Adjourned Debate, and it will not be taken up for consideration before March 24, 1999.

### WEDNESDAY MARCH 17

**S.263** a bill relating to maximum speed limits on interstate highways and other freeways was amended, read for the third time, and ordered sent to the House.

**S.528** was amended, read the third time and ordered sent to the House. This bill establishes "The South Carolina Boating Reform and Safety Act of 1999."

**H.3415** was amended, read for the third time, and ordered returned to the House. This bill pertains to educational requirements for real estate brokers, salesman, and property managers. However, on Thursday the third reading of the bill was reconsidered, and the bill was ordered returned to the third reading calendar.

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

- **S.7** a bill that establishes the “Medical Radiation Health and Safety Act”
- **S.454** a bill that clarifies the requirements for reinstatement of an occupational therapist’s inactive license
- **S.598** a bill relating to the South Carolina Court of Appeals

**H.3040** was read for the second time with notice of general amendments. 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.

**S.11** was read for the second time, passed, and ordered to a third reading with notice of general amendments. This joint resolution relates to property tax assessments. However, on Thursday the bill was placed in the status of Adjourned Debate, and it will not be taken up for consideration before April 1, 1999.

## THURSDAY MARCH 18

The Senate concurred in the House amendments **S.463**, a joint resolution relating to contractor licenses. Accordingly, it was ordered that the title be changed to that of an Act and the Act enrolled for ratification.

**S.154**, a joint resolution establishing the Veterans’ Monument Commission, was read for the third time and ordered sent to the House.

**S.493** was amended, read for the third time and ordered sent to the House. This bill relates to the regulation, licensure of, and educational requirements for nail technicians, skin care specialists, and cosmetology.

**S.45** was read for the third time, passed, and ordered sent to the House. This bill establishes the “Hate Crime Penalty Enhancement Act.”

## HOUSE COMMITTEE ACTION

Due to budget debate on the House floor throughout the week, no standing committee meetings were held.

## BILLS INTRODUCED IN THE HOUSE THIS WEEK

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

**S.491 *No Wake Zones on Hilton Head Island* Sen. Cork**

This bill establishes no wake zones on several creeks and coves on Hilton Head Island. The no wake zones must be clearly marked with signs designated and installed as specified by the South Carolina Department of Natural Resources.

**H.3741 *Environmental Emergency Fund Act* Rep. Sharpe**

This bill creates the Environmental Emergency Fund Act. The Environmental Emergency Fund is created under the act to fund exigencies that may require funds for certain activities that do not fall into any existing program. The Fund must be financed from fines and penalties levied by the South Carolina Department of Health and Environmental Control (DHEC), excluding any funds that are explicitly directed for distribution by another statute. The fund balance is limited to \$250,000. When the fund reaches the \$250,000 limit, excessive funds shall be deposited in the general fund of the state. The commissioner of DHEC must certify that expenditures from the fund for a specific emergency are necessary to protect the environment or public health.

**H.3751 *No Wake Zone* Rep. Rodgers**

This bill establishes a no wake zone on Lucy Point Creek in Beaufort County. These boundaries must be clearly marked with signs designated and installed by the South Carolina Department of Natural Resources.

**S.528 *Boating Reform and Safety Act of 1999* Sen. Gregory**

This bill makes technical and substantive changes to the laws governing boating safety and administration. The definition of "negligent operation" is clarified. The bill provides for suspension of boating privileges for negligent operation and criminal penalties for operation while under the influence. The requirement to submit to a chemical test for the determination of alcohol is simplified. Substantial penalties are provided for anyone operating a watercraft while their boating privileges are suspended. The bill increases penalties for failure to stop and render assistance when a boat has been in a collision with another boat or with other property.

## JUDICIARY

**H.3745 *"SOUTH CAROLINA FAMILY RESPECT ACT"* Rep. Campsen**

This bill provides that the office of the Governor will publish an informational pamphlet entitled 'South Carolina Family Respect.' The language of the pamphlet is included in the bill. The bill requires the pamphlet to be distributed to government agencies, offices, and other entities. These other entities include:

- applicants for a marriage license
- individuals that request a certified copy of a birth certificate
- adolescents involved in a county funded adolescent pregnancy prevention program
- couples that file a petition for divorce
- public schools districts that teach sex education
- county health departments to be given to pregnant minors and people seeking birth control
- local mental health facilities

The government agencies, offices, and other entities are charged with promoting the ideals of the pamphlet and distributing the pamphlet to their constituencies and clients.

**H.3745** designates the Friday before Mother's Day of each year as 'Family Respect Day.' Public high schools must observe Family Respect Day by devoting an appropriate period of time in either classroom instruction or a student body assembly program addressing the sociological, financial, and educational benefits of the family, abstinence before marriage, and monogamous sexual relationships within the bonds of matrimony.

**S.542 THE TERM "INTANGIBLE PROPERTY" AS USED IN THE UNIFORM UNCLAIMED PROPERTY ACT Sen. McConnell**

This bill amends the definition of term "intangible property" by excluding from that definition (1) trading stamps and (2) electronic entries representing trading stamps which are awarded to retail customers incident to the purchase of goods.

**S.598 SOUTH CAROLINA COURT OF APPEALS Sen. Judiciary Committee**

Currently, all appeals are filed in the Supreme Court, which in turn transfers the cases to the Court of Appeals. This bill repeals the current procedures for appeals. This bill provides that appeals may be taken in the manner provided by the South Carolina Appellate Court Rules. This bill makes other relevant changes regarding the Court of Appeals. Samples of these changes include:

- requiring the Code Commissioner to note by annotation decisions of the Court of Appeals
- requiring the Attorney General to report to the General Assembly cases argued, tried, or conducted by him in the Court of Appeals
- designating the Court of Appeals as a court of justice
- defining the jurisdiction of the Court of Appeals
- changing references in statutes from "the Supreme Court" to "appellate court"
- adding references in statutes to the "Court of Appeals"
- repealing *South Carolina Code of Laws* §14-8-540 relating to procedures for appeals to the Court of Appeals
- repealing *South Carolina Code of Laws* §15-37-150 relating to the costs of an appeals to the Supreme Court
- repealing *South Carolina Code of Laws* §17-4-90 relating when the time to appeal commences in certain cases involving indigent persons

Note that the Supreme Court has exclusive appellate jurisdiction of cases concerning the death penalty, public utility rates, significant constitutional issues, public bond issues, and election issues.

**LABOR, COMMERCE AND INDUSTRY**

**S.337 CONSUMER CREDIT TRANSACTIONS AND INSURANCE Sen. McConnell**

This bill provides for various revisions relating to consumer credit transactions. These revisions include, providing that the amount of life insurance coverage be based upon net coverage plus six monthly payments for loans with a term in excess of sixty months. The bill provides that the definition of disability shall be based on the insured's own occupation on the date of the disability for the first year and on an occupation with substantially equivalent remuneration thereafter. The bill lowers the rates for credit life insurance. The bill requires that credit insurance be portable. The legislation lowers the maximum premium for non-filing insurance. The bill enhances consumer disclosure requirements. The bill requires that it must be the consumer's choice to purchase insurance for less than the length of the loan.

**H.3740 INSURANCE COVERAGE FOR CONTRACEPTION Rep. Meacham**

Under this bill, every entity providing a health benefit plan that provides coverage for prescription drugs or devices shall not exclude or restrict coverage for prescription

contraceptive drugs or devices. Also under this bill, every entity providing a health benefit plan that provides coverage for outpatient services shall not exclude or restrict coverage for outpatient contraceptive services. In the coverage of prescription contraceptive drugs, devices, and outpatient services, the deductibles, coinsurance, and other limitations must apply just as they do for other prescription drugs, devices, and outpatient services. The bill applies these provisions to health benefit plans that are delivered, issued, or renewed on and after July 1, 2000.

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

### **S.454 Occupational Therapists and Occupational Therapy Assistants Sen.**

#### **Land**

This bill makes technical amendments to clarify the requirements for reinstatement of inactive licenses for occupational therapist and occupational therapy assistants.

### **S.7 Medical Radiation Health and Safety Act Sen. Short**

This bill establishes minimum educational standards, exams, and certification of persons using radioactive materials or equipment emitting ionizing radiation on humans for medical purposes. The bill creates the South Carolina Radiation Quality Standards Association Board (SCRQSA). SCRQSA board members are appointed by the Governor from specific trade associations and shall serve for a term to be established by the board. The board shall establish continuing education requirements and terms of re-certification.

Under the bill, a person must have a certificate from the SCRQSA to use radioactive materials or equipment including X-ray machines for diagnosis or therapeutic purposes. The bill prohibits anyone from using a title such as 'Radiographer' or 'Radiation Therapist' without first being certified by SCRQSA. Licensed practitioners, dentists and their auxiliaries, and students attending a school with a curriculum that is approved by SCRQSA are exempt from certification requirements. The bill contains a grandfather clause for persons employed as a radiologic technologist for three of the past five years to receive certification within two years of the effective date of this act upon application and payment of a fee. Persons employed as a radiation technologist for one of the last three years will be given the chance to take an examination prior to the effective date of the act and will be issued a license if they receive a satisfactory score.

## **WAYS AND MEANS**

### **S.448 MILEAGE REIMBURSEMENT FOR STATE EMPLOYEES Sen. Drummond**

This joint resolution reduces from 32.5cents per mile to 31 cents per mile the mileage reimbursement for state employees using a personal vehicle for official business. The resolution does not change the current provision that when a state employee uses his personal vehicle for official business, even though motor pool vehicles are available, the reimbursement rate is 28.5 cents per mile.

### **H.3739 CLASSIFICATION OF PROPERTY FOR TAX PURPOSES Rep. Sharpe**

The stated purpose of this bill is to eliminate additional property taxes which are the result of changes in property taxation, and to restore the administration of property tax laws which existed prior to such changes. The bill *deletes* the current provision that if a change in ownership of owner-occupied residential property (assessed for tax purposes at a four percent assessment ratio) occurs and the new owner does not qualify for the four percent assessment ratio, the six percent assessment ratio shall apply only for the portion of the tax

year in which the property is owned by the new owner, and the four percent ratio shall apply for the portion of the tax year in which the person qualifying for this ratio owned the property. The bill *does not delete* the language of this section which provides that no further applications are necessary from the current owner while the property for which the initial application was made continues to meet the eligibility requirements for the four percent assessment ratio, and if a change in ownership occurs another application is required.

The bill provides that revenue rulings by the Department of Revenue which increase *ad valorem* property taxes by changing the property's classification during the tax year or by denying exemptions are null and void. The bill also requires the Comptroller General's Office to issue a statement of the effect of all proposed legislation and revenue rulings and regulations of the Department of Revenue upon the administration, collection, and enforcement of property tax laws by the county auditors, treasurers, and tax collectors. The statement for proposed legislation must be attached to the legislation. If the statement for a proposed revenue ruling or regulation indicates that the proposed ruling or regulation is adverse to the county auditor's, treasurer's, or tax collector's administration, collection, or enforcement of property tax laws, further action on the ruling or regulation is abated unless presented to the General Assembly in the form of legislation for the proposed enactment of statutory law.

**H.3747 ELIGIBILITY FOR STATE EMPLOYEE HEALTH BENEFITS Rep. Hinson**

This bill includes school board members, whether or not they receive a salary, and their eligible dependents among those for whom the State Budget and Control Board must make available health, dental, life, accidental death and dismemberment, and disability insurance plans and benefits.

**H.3748 LEASE PURCHASE OR FINANCING AGREEMENTS Rep. Walker**

This bill amends current law regarding lease purchase or financing agreements being subject to applicable constitutional debt limitations, by conforming the treatment of a lease purchase agreement for energy efficiency products and a guaranteed energy savings contract in the calculation of the debt limit to the provisions of the section specifically excluding them from those types of agreements subject to the debt limit.

**H.3750 PROPERTY TAX VALUATION Rep. Walker**

This bill amends current law regarding the multiple lot discount allowed for purposes of property tax valuation when undeveloped acreage is surveyed into individual residential subdivision lots. The bill deletes the provision in this section which requires the county assessor to appraise each lot as an individual property and then discount his gross actual market value estimate of the developer's lot holdings under specified conditions. The bill provides that the value of these lots and any improvements is deemed to be its undeveloped value until the sooner of the date the lot is sold or the residence constructed thereon is certified for occupancy.

**H.3743 INSURANCE COVERAGE FOR "SCALP HAIR PROSTHESES" Rep. Simrill**

This bill requires the State Budget and Control Board to ensure that health insurance for state employees and retirees includes coverage for "scalp-hair prostheses" prescribed by specified care-providers as medically necessary for hair loss suffered as a result of certain conditions. The bill also requires that insurance companies licensed to do business in South



Carolina which provide coverage for prostheses must include coverage for scalp-hair prostheses as provided in the bill.

**H.3744 EARLY RETIREMENT FOR POLICE OFFICERS Rep. Rutherford**

This bill reduces from twenty-five to twenty years the required credited service of a member of the SC Police Officers' Retirement System ("the System") to elect service retirement at any age. The reduction would be phased in over five years. The bill requires the State Budget and Control Board to increase employer and/or employee contributions to the System sufficient to pay for this reduction.

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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.