

INSIDE THE STATE HOUSE...

A legislative report for the South Carolina Association of Heating and Air Conditioning Contractors

March 31, 2008

HVAC legislation is moving forward in the House: *House Bill 4594 is scheduled to be debated on the House floor on April 2nd.* The bill was briefly debated earlier in March, but debate was adjourned so that the House could focus on debating the state budget. Representatives Cato, Sandifer and Huggins remain our key supporters and floor leaders. We thank them for their support as well as the support of many other House members.

A special thank you is extended to our many members who have made contacts with their legislators, attended committee meetings and presented information and/or testimony. This is a wonderful team effort.

Our Senate companion bill, Senate Bill 67 was first debated on February 20, 2007 by a Senate Labor, Commerce and Industry subcommittee. The bill was given a favorable report on a 3 – 1 vote with Senator Bryant voting in opposition. The bill was considered by the full committee at its meeting on March 8, 2007. The bill was recommitted to subcommittee because a quorum was not present at the full committee meeting, and the bill was meeting with opposition from Senators Bryant and Grooms. The bill was considered again by the subcommittee on March 15, 2007. *It is expected that the bill will be considered by the Senate committee some time in April. The delay has been due to the committee's work on sprinkler legislation.*

Illegal Immigration: The House and Senate have spent a great deal of the 2008 session debating illegal immigration. The Senate passed a concurrent resolution (S.856) calling on Congress to convene a Constitutional Convention to address the issues related to immigration. The resolution is now in the House Judiciary Committee.

Senate Bill 392 has passed both the House and Senate. The versions of the bill are slightly different. Among other things, the bill orders SLED to reach an understanding with the federal government to help enforce immigration laws, requires law enforcement to determine the legal status of any person arrested for committing a crime, prohibits sanctuary cities, prohibits college admission and scholarships for illegal aliens, and prohibits paying public benefits and public employment for illegal aliens. The bill also makes it a felony to possess false identification papers, but provides safeguards for businesses that unknowingly hire illegal immigrants that use falsified documents. A joint House and Senate conference committee has been appointed to work out the differences in the two versions of the bill. The conferees are Senators Ritchie, Campsen and Sheheen and Representatives Harrison, Delleney and Viers. *The conference committee is scheduled to meet on April 1st.*

Senate Bill 857 requires that all state agencies in their official communication only use the English language. It has passed the Senate and is now in the House Judiciary Committee.

Mechanics Lien: Senate Bill 511 provides that a person must be licensed as a residential specialty contractor in order to file a mechanics lien. The bill is in the Senate Labor, Commerce and Industry Committee where it was debated by full committee on May 24, 2007. This legislation was carried over from the 2007 session. No further action has been taken to date.

Business Practices: Senate Bill 523 increases the bond from \$15,000 to \$30,000 for securing a license as a specialty contractor. The bill is in the Senate Labor, Commerce and Industry Committee. This legislation was carried over from the 2007 session. No action has been taken to date.

Senate Bill 525 revises existing definitions and adds new definitions relating to general and mechanical contractors. The bill is in the Senate Labor, Commerce and Industry Committee. This legislation was carried over from the 2007 session. No action has been taken to date.

Senate Bill 526 provides that specialty contractors or any entity licensed or registered may not request or receive more than three and one-half percent of the total contract price before construction begins except that the owner may contract to pay additional monies upon evidence of a valid receipt from the material or labor supplier. SCAHACC is carefully monitoring this bill and the impact it may have on our industry. The bill is in the Senate Labor, Commerce and Industry Committee where no action has been taken to date. Senate Bill 527 is a similar bill that is also in the Senate Labor, Commerce and Industry Committee. This legislation was carried over from the 2007 session. No action has been taken to date.

House Bill 3356 provides that a contract cannot be enforced for contracting work unless the entity's name appears on the contract as the entity performing the services. A license number must also appear on the contract. The bill passed the House on March 23, 2007 and has been referred to the Senate Labor, Commerce and Industry Committee where it was briefly debated by the committee on May 24th. The committee had concerns with the bill when it was debated in 2007. This legislation was carried over from the 2007 session. No action has been taken to date.

House Bill 3997 was introduced on April 24, 2007 and was referred to the House Labor, Commerce and Industry Committee where no action has been taken to date. The bill would increase the net worth requirements for contractors. This legislation was carried over from the 2007 session. SCAHACC representatives have met with Representative Kit Spires (Lexington County), the author of the bill to discuss ways in which we can work with him on this issue.

Workers' Compensation Commission: The Governor is recommending several changes in personnel at the Workers' Compensation Commission. He has offered the name of Samuel F. Painter of Columbia to replace Commissioner George Funderburk whose term expires June 30th of this year. The term runs until June 30, 2014. Painter is a practicing attorney. *To date, no vote has been taken on this appointment.*

The Governor also offered the name of Avery B. Wilkerson, Jr. of Cayce to replace Commissioner J. Alan Bass whose term expires June 30th of this year. The term runs until June 30, 2014. Wilkerson is currently the mayor of Cayce. *The Senate approved this appointment on March 27th.*

The Governor is asking to reappoint Derrick L. Williams of Columbia for a term to commence June 30, 2008, and to expire June 30, 2014. Williams is an attorney. *To date, no vote has been taken on this appointment.*

The Governor proposed to replace Commissioner David Huffstetler as chairman with Commissioner Andrea C. Roche of Prosperity. *The Senate approved this appointment on March 27th.*