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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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CONTENTS

STATE DOCUMENTS

HOUSE WEEK IN REVIEW	02
BILLS INTRODUCED IN THE HOUSE THIS WEEK	14

NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate H.4934, the **SOUTH CAROLINA ISOLATED WETLANDS ACT OF 2004**. This bill provides a finding that isolated wetlands in South Carolina are at risk of degradation. H.4934 provides a program for limiting such degradation and, where and when appropriate, provides for long-term restoration and enhancement of isolated wetlands that have degraded or have been lost in the past. "Isolated wetlands" are defined in the bill as those areas that are inundated or saturated by water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions and that are not regulated under the federal Clean Water Act. The legislation specifically prohibits activities resulting in an impact to a Carolina Bay.

The bill provides that the State will implement an effective, balanced, statewide program to manage activities in and around isolated wetlands which balances isolated wetlands protection with economic growth; ensures that landowners are not denied the use of their property; avoids adverse impacts on the State's economy; streamlines the permitting process; and designates one state agency to implement the regulatory program.

The bill requires that the classification of an isolated wetland must be based on the determination of the appropriate federal agency, and provides that isolated wetlands are considered private property.

The bill authorizes and provides procedures for the Department of Health and Environmental Control (DHEC) to issue permits for the activities in isolated wetlands regulated under the bill. The bill allows applicants for permits to perform regulated activities in isolated wetlands of up to five contiguous acres without permit or DHEC approval. However, the bill requires proof of mitigation through notification to DHEC as provided in the bill. The bill requires that DHEC determine whether to issue a permit for an activity in isolated wetlands larger than five contiguous acres based on a sequential analysis as described in the bill.

The bill delineates certain specific activities which are not prohibited by or subject to regulation under the bill.

The bill provides for issuance by DHEC of general permits for any category of activities if DHEC determines that the activities in the category cause only minimal adverse environmental effects when performed separately, and shall have only minimal cumulative adverse effect on the environment. The bill provides that no general permit may be for a period of more than five years and may be revoked or modified under conditions specified in the bill.

The bill allows an applicant or other affected person to contest the granting or denial of an application through a proceeding pursuant to the Administrative Procedures Act.

The House gave second reading approval to H.4127, the **SOUTH CAROLINA RESTRUCTURING ACT OF 2004**. This bill establishes the **Department of Administration** (the Department), an Executive Branch department headed by a director appointed by the Governor. Various offices, divisions, or components of the State Budget and Control Board (the Board), Office of the Governor, and other agencies are transferred to and incorporated into the Department, including: Facilities Management and Business Operations and Fleet Management programs of the Division of General Services; Offices of Executive Policy and Programs, Economic Opportunity, and Volunteer Services; Intergovernmental and Community Relations; Developmental Disabilities Council; Continuum of Care; Children's Foster Care; Veterans' Affairs; Commission on Women; Victims' Assistance; Ombudsman; and Small and Minority Business.

The bill also establishes (within the Board) and provides for the **Division of the Office of the State Chief Information Officer**, to be supervised by the **State Chief Information Officer**. The Division is created to provide leadership and direction for the use of information technology within South Carolina government. This division is required to, among other things: develop a statewide plan for information technology; develop a process for review and approval of information technology initiatives and plans of governmental bodies; monitor information technology initiatives approved by the Board; develop policies, methods, standards, and procedures for management of information technology investments throughout their entire life cycles; oversee development of statewide information technology projects of governmental bodies; plan and forecast future needs for information technology; and evaluate information technology of governmental bodies to determine whether the merger of information technology and related resources is justified, as provided for in the bill.

The bill also creates and provides for the **Joint Information Technology Review Committee**, a joint committee of the General Assembly responsible for: reviewing reports and recommendations on information technology initiatives to determine if the expenditure of funds for the initiatives is justified; recommending to the Board information technology initiatives and priorities of future initiatives; and reporting to the General Assembly annually or upon request.

The bill also establishes and provides for the **Information Technology Business Case Review Panel** to review information technology initiatives of governmental bodies and advise the Chief Information Officer on development and implementation of information technology standards, policies, and procedures. The bill establishes and provides for the **Information Technology Architecture Oversight Panel** to advise the Chief Information Officer and to recommend and implement a process to assess if information technology initiatives adhere to the coordinated statewide strategic plan for information technology and the information technology plan of the governmental body proposing the information technology initiative, and to assess the soundness of the initiative.

The bill establishes and provides for an **Information Technology Innovation Fund** to be administered by the Division for the purpose of providing incentives to

governmental bodies to implement enterprise information technology initiatives and electronic government projects. Monies for this fund would come from the state budget process and from grants, gifts, donations, or other money.

The bill creates and provides for the **Office of the State Inspector General** as a division within the Department of Administration to be headed by the **State Inspector General**, appointed by the Governor. This office and position are established to, among other things, find and eradicate fraud, waste, misconduct, and abuse within executive branch government agencies; keep heads of executive agencies and the Governor informed about such findings; and provide leadership and control over satellite Inspector General offices in designated executive agencies which would report to and operate under the Office of the State Inspector General. The bill requires the State Inspector General to report to and cooperate with the State Attorney General and the Board regarding violations of criminal law and regarding instances when a civil action should be initiated by the State.

The House amended and gave second reading approval to H.5129, a bill establishing the **SOUTH CAROLINA SUNSET COMMISSION**. This bill establishes and provides for the South Carolina Sunset Commission (the Commission) and a Sunset Review Division (the Division) of the Legislative Audit Council. The Division is established to conduct sunset reviews of certain state agency programs and to report on their determination as to whether the programs have outlived their usefulness or must be changed. The bill provides for termination of the programs and functions of specific agencies for each year as provided in the bill beginning June 30, 2005, and continuing through June 30, 2016. The bill provides that the existence of any state agency or program may be reauthorized by the General Assembly for periods not to exceed twelve years. Newly created agencies shall exist for up to twelve years, or a lesser period of time if so designated by the General Assembly at the time of the agency's creation. The bill also provides for termination of an agency when legislation to reauthorize its existence is not enacted.

The House amended, approved, and sent to the Senate H.5080, a bill that **CREATES THE CAROLINA PUBLIC CHARTER SCHOOL DISTRICT** (the District). This bill creates the District as a statewide public body which must be considered a local education agency eligible to receive state and federal funds and grants available for public charter and other schools. The bill provides that the District must not have a local tax base and may not receive local property taxes. The bill provides for governance of the District by a board with three members appointed by the Governor, three appointed by the Speaker of the House, and three appointed by the President *Pro Tempore* of the Senate. The bill provides for terms of service and authority of the board, including but not limited to the authority to exercise general supervision over public charter schools sponsored by the District and to grant charter status to qualifying applicants for public charter schools.

The House approved S.898 and ordered the bill enrolled for ratification. This bill rewrites the **PRACTICE ACT FOR NURSES** to make it conform to the administrative framework established for all boards and commissions administered by the

Department of Labor, Licensure and Regulation (LLR). The bill also makes the following substantive changes:

- Increases the Board of Nursing membership to 10 by adding a lay person to the board and provides the chair of the State Board Medical Examiners serves as an advisory, nonvoting member;
- Authorizes the Board to collect information to report disciplinary actions to national databanks of disciplinary information;
- Updates and clarifies definitions related to the practice of nursing and incorporates definitions already used in Board of Nursing regulations;
- Revises licensure of Advanced Practice Registered Nurses (APRN) to allow them to supervise Licensed Practical Nurses (LPN) and prescribe controlled substances in Schedules III-V if authorized in individualized practice protocols approved by both the Board of Nursing and the Board of Medical Examiners;
- Requires proof of proficiency in the English language for applicants and requires Commission on Graduates of Foreign Nursing Schools certificate for foreign educated registered nurse applicants;
- Redefines misconduct to include ethical violations and adds committing an act of moral turpitude as grounds for disciplinary action;
- Provides options for demonstrating continuing competency through continuing education, national certification or re-certification, and employer verified work history.

The House amended, approved, and sent to the Senate H.4481, the **SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT ACT**. This bill establishes within the Governor's Office the South Carolina Military Preparedness and Enhancement Commission, charged to:

- Advise the Governor and the General Assembly on military issues and economic and industrial development related to military issues;
- Make recommendations regarding: development of policies and plans to support the viability of the military in this State; development of methods to improve employment opportunities for former members of the military residing in this State; development of methods to assist defense-dependent communities with programs to enhance the community's relationship with military installations and defense-related businesses;
- Develop and maintain a database of all prime contractors and subcontractors operating in this State who perform defense-related work;
- Provide information to communities, government officials, and state agencies regarding federal actions affecting military installations and missions;
- Serve as a clearinghouse for certain issues and information relevant to the bill;
- Assist communities: who have experienced defense-related closures or realignment; in enhancing their relationship with military installations and defense-related businesses and in the recruitment and retention of such businesses;
- Prepare a biennial strategic plan as provided in the bill;
- Foster development in the State of industries related to defense affairs.

The Commission is required to report annually to the Governor and the General Assembly information regarding certain specified topics, including military economic impact information; a statewide assessment of military installations and missions; a statewide strategy to attract new military missions and defense-related businesses; a statement identifying programs and services which assist communities in retaining military installations, and missions and efforts to coordinate relevant state agency programs and services that assist communities with these efforts; an evaluation of initiatives to retain existing defense-related businesses; and a list of agencies that impact the operating costs or strategic value of federal military installations in the State. The bill includes provisions regarding state agency cooperation with the provisions of the bill. The bill includes provisions regarding a defense community's military value enhancement statement to the Commission, and the bill provides procedures which the Commission must follow in working with the defense community pursuant to receipt of a military value enhancement statement.

The bill includes procedures and requirements for loans to be made available from the **South Carolina Military Value Revolving Loan Account** (the Loan Account), established in the bill to assist defense communities with eligible projects and to fund preparation of strategic impact plans stating a defense community's long-range goals and development proposals relating to the provisions of the bill. Funds for the Loan Account may come from the General Assembly, gifts, and grants. The bill delineates certain required information which defense communities must include in applications for financial assistance from the Loan Account.

The House returned S.1075 to the Senate with amendments. This bill provides for the **TEXTILE COMMUNITIES REVITALIZATION ACT**, the purpose of which is to create an incentive for renovation, improvements, and redevelopment of abandoned textile mill sites in this State. This bill provides, under specified conditions, that a taxpayer who improves, renovates, or redevelops an eligible site is eligible for either a tax credit against real property taxes levied by local taxing entities equal to twenty-five percent of the rehabilitation expenses made to the site times the local taxing entity ratio of each local taxing entity that has consented to the tax credit, or a credit against taxes to which the state's historic credit may apply equal to twenty-five percent of the rehabilitation expenses.

The House amended, approved, and sent to the Senate H.4565, which enacts the **PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2004** to facilitate public-private partnerships for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, and operation of education facilities and other State public infrastructure and governmental facilities. Among other things, the bill is intended to facilitate the bond financing provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 and other sources that support expansion and acceleration of financing qualifying projects through public-private efforts. The bill delineates processes for private entities to acquire approval of a qualifying project by the responsible public entity, and provides public entities with authority to contract for the delivery of certain services. The bill authorizes and provides for public entities to dedicate a property interest that it has for public use in a qualifying project in order to reduce the delivery time or to

minimize the cost of a project to the public entity. The bill requires and provides for agreements between public and private entities which must be entered into before projects may be undertaken, and the bill includes provisions for public entities in the event of a material default by the non-governmental entity or in the event that the public entity has cause to terminate the agreement. The bill provides that the South Carolina Consolidated Procurement Code does not apply, but the bill includes certain procedures which must be adopted by a public entity before it may enter into an agreement.

The House approved and enrolled for ratification **S.973** a bill pertaining to **TRUST FUND FOR TAX RELIEF**. This bill provides that operating millage levied in a county for alternative schools, career and technology centers, and county boards of education is considered school operating millage to which the homestead exemption for certain school operations applies, and the bill directs county treasurers to consider these operating millages when determining revenue lost when making disbursements to school districts from tax relief trust funds.

The House amended, approved, and sent to the Senate **H.4721**, a bill pertaining to **THEFT OF SERVICES** such as health care, legal, plumbing, electrical, mechanical, or other repair, installation, or maintenance activities. The legislation establishes criteria for failure to pay for services rendered as well as criteria for determining intent to avoid payment. The bill establishes criteria for notification of failure to pay for services rendered. A mechanism is provided under which an individual who brings an action for actual damages for theft of services is also entitled to certain punitive damages.

The House amended, approved, and sent to the Senate **H.5078**, a bill **PROHIBITING CERTAIN EXCLUSIVE CONTRACTS WITH A TELECOMMUNICATIONS SERVICE PROVIDER**. This legislation prohibits telecommunications service providers from entering into contracts that prevent other telecommunications service providers from obtaining easements on rights-of-way from property owners. The Public Service Commission's Office of Regulatory Staff is authorized to receive and review contracts, agreements, and arrangements that are subject to these provisions. Penalties are provided for violations.

The House amended, approved, and sent to the Senate **H.4038**, a bill providing for optional **EMERGENCY TELEPHONE NUMBERS ON DRIVER'S LICENSES**. This bill allows an applicant for a driver's license or a permit voluntarily to provide an emergency telephone number which must be indicated by a symbol on the driver's license and contained in the driver's record.

The House amended, approved, and sent to the Senate **H.4800**, regarding **IMMOBILIZED VEHICLES OF PERSONS CONVICTED OF CERTAIN ALCOHOL-RELATED OFFENSES**. This bill deletes language providing punishment for a person who falsifies a report concerning vehicles owned by or registered to that person. The bill also deletes the current provision which requires the court to assess a forty dollar fee for each motor vehicle owned by or registered to the person of convicted of certain alcohol-related offenses and adds a provision requiring payment of a fifty

dollar fee for each vehicle that was suspended before a suspended registration and license plate may be reinstated.

The House amended, approved, and sent to the Senate H.4802, a bill which **REVISES PROCEDURES FOR REINSTATEMENT OF A DRIVER'S LICENSE WHICH HAS BEEN REVOKED FOR DRIVING UNDER THE INFLUENCE**. The bill also revises provisions regarding notification of suspension of a driver's license; unlawful use of a driver's license; fraudulent application for a driver's license; unlawful alteration of a driver's license; issue or sale of a fictitious driver's license; or use of another person's driver's license. The bill revises notification procedures regarding habitual offenders who are convicted of operating a vehicle while the decision of the Department of Motor Vehicles (DMV) prohibiting the operation is in effect. In such instances, the *court*, rather than the DMV, would notify the Solicitor or Attorney General and he shall cause the appropriate criminal charges to be lodged against the offender.

The House approved and sent to the Senate H.4906, regarding the State's **GENERAL RESERVE FUND**. Currently, State law requires the State Budget and Control Board to provide for a General Reserve Fund, and requires that funds accumulating in excess of the annual operating expenditures must be transferred to the General Reserve Fund and the transfer must continue to be made in succeeding fiscal years until the accumulated total reaches three percent of the general fund revenue of the latest completed fiscal year. This bill provides that the transfer must continue until the accumulated total reaches three percent of the general fund, or such other percentage as may be required pursuant to Section 36, Article III of the Constitution of this State.

The House approved and sent to the Senate H.4907, also regarding the State's **GENERAL RESERVE FUND**. This joint resolution proposes to amend the State Constitution so as to require an additional amount equal to one percent of state general fund revenues in the latest completed fiscal year to be held in the General Reserve Fund each time the General Assembly enacts legislation which cumulatively has raised the then existing amount of state general fund revenues which may be used for annual debt service on state general obligation debt.

The House amended, approved, and sent to the Senate H.4901, regarding **OPERATION OF A MARINE TERMINAL AT PORT ROYAL**. This bill provides that the State Ports Authority has no statutory responsibility to operate a marine terminal at Port Royal, and requires that marine operations at Port Royal shall cease as soon as practicable. The bill also requires and provides for the State Ports Authority to sell all its real and personal property at Port Royal, and requires that terms of the sale, except for certain parcels which may be under long-term contract, may not extend beyond December 31, 2006. Provisions for sale of the property include, but are not limited to, a requirement that the property must be appraised and sold at fair market value. All proceeds from the sale must be retained by the State Ports Authority, except that the Town of Port Royal has the right to petition the Budget and Control Board and may be allocated a portion of up to five percent of the net proceeds. To receive these proceeds, the Town of Port Royal must show that the allocation is necessary to pay for infrastructure needs associated with the closing of the port.

The House amended, approved and sent to the Senate H.4921, the **ALL-TERRAIN VEHICLE SAFETY ACT**. This bill, cited as Chandler's Law, prohibits a person age sixteen or under from operating an all-terrain vehicle unless the person has completed certain all-terrain vehicle safety training as provided in the bill. The bill prohibits the Department of Natural Resources (DNR) from issuing an all-terrain vehicle operator's safety certificate to a person unless the person has successfully completed the training described in the bill. The bill requires DNR to establish, through regulations, procedures for a safety program. The bill provides registration requirements (with DNR) for all-terrain vehicles and provides that a registration is valid for three years. The bill prohibits a person age sixteen or younger from operating or riding an all-terrain vehicle unless the person wears a safety helmet and eye protection as provided in the bill. The bill prohibits operating an all-terrain vehicle on land without the permission of the landowner or land manager and provides that violation of this provision is a misdemeanor. The bill provides for increasing fines and/or imprisonment for first, second, and third or later offense violations of this provision, and provides that a third conviction within five years of a first offense will result in forfeit to DNR of all equipment used by the operator in connection with the offense, with the equipment to be used by DNR or sold at public auction. The bill includes provisions addressing negligent operation of an all-terrain vehicle and provides that violation of these provisions is a misdemeanor punishable by fine or imprisonment. A person with three convictions within a five-year period may not operate an all-terrain vehicle in this State until the person completes an all-terrain vehicle operational education program approved by DNR. The bill also provides that a person who violates any of the provisions of the bill is subject to a civil penalty of up to five hundred dollars for each violation. The bill prohibits DNR from releasing registration information to any county to be used for property tax purposes.

The House approved and sent to the Senate H.5101, which provides a definition for **LOW-SPEED VEHICLES** and provides for regulation of operation of these vehicles.

The House amended, approved, and sent to the Senate H.4747, a bill providing that the **DEPARTMENT OF SOCIAL SERVICES IS AUTHORIZED TO IMPOSE MONETARY PENALTIES FOR VIOLATIONS**. This bill authorizes the Department of Social Services (DSS) to take certain actions, including monetary penalties, when it determines that a facility - including child care institutions, children's residential group homes, and child daycare facilities - is in violation of any statutory provision or regulation relating to the operation or maintenance of the facility. In addition to monetary penalties, actions authorized by the bill include denial or revocation of a license or other operating permit. The bill classifies violations according to their seriousness and delineates factors which DSS must consider when arriving at a decision to take enforcement actions. The bill requires and provides for written plans of correction to be entered into between DSS and the facility when DSS requires corrective action. The bill provides a schedule for determination of monetary penalties based upon the classification of the violation and the frequency of the violation within a 36-month period. Penalties range from \$100 to \$10,000.00. The bill requires that revenues from penalties must be credited to the State's general fund.

The House returned S.45 to the Senate with amendments. This bill **ALLOWS THE LESSEE OF A VEHICLE TO RECEIVE A CREDIT OR REFUND ON PROPERTY TAXES PAID WHEN THEY ASSIGN THE LEASE OR SURRENDER THE LEASED VEHICLE TO THE LESSOR.** The bill also **EXEMPTS FROM PROPERTY TAX AN AMOUNT OF FAIR MARKET VALUE OF CERTAIN REAL PROPERTY SUFFICIENT TO ELIMINATE ANY VALUATION INCREASE ATTRIBUTABLE TO A COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAM.** The exemption does not apply to value attributable to property or improvements not previously taxed; real property transferred after the year in which the most recent countywide equalization program was implemented (with certain exceptions); and real property valued for property tax purposes by the unit evaluation method. With each subsequent equalization and reassessment program, the value of the property, reduced by the amount of exemption granted under the bill, may not increase except in the year following a disqualifying transfer in ownership. When the property is no longer eligible for the exemption due to a transfer, the property will be taxed in the tax year following the transfer at market value based on the transfer of ownership or at the appraised value. The bill includes a requirement for closing attorneys to notify buyers at real estate transfers that the property may be subject to taxation at fair market value during the next tax year. The bill outlines procedures for qualifying for the exemption and includes penalties for a person who signs a certification declaring that the property is eligible, obtains the exemption, and is subsequently found to be ineligible. The bill also provides for a task force to be appointed in 2014 by the Speaker of the House and the President *Pro Tempore* of the Senate to study the effects of these provisions on homeowners and on the real estate industry, and report findings and recommendations to the General Assembly by January 2015.

The House approved and sent to the Senate H.5085, a bill authorizing a **SOUTH CAROLINA INCOME TAX DEDUCTION FOR ORGAN DONATION**. The legislation allows a resident full-year individual taxpayer to deduct from South Carolina taxable income an amount not to exceed ten thousand dollars of unreimbursed expenses incurred by the taxpayer in the donation, while living, of one or more of the taxpayer's organs to another human being for human organ transplantation.

The House amended, approved, and sent to the Senate H.4848, a bill that authorizes and provides for **VIETNAM VETERAN SPECIAL LICENSE PLATES**.

The House amended, approved, and sent to the Senate H.4838, a bill providing for the issuance of "**HOME OWNERSHIP: THE AMERICAN DREAM" SPECIAL LICENSE PLATES**". The legislation provides that all funds collected in special license plate fees in excess of those needed for defraying program costs must be administered by the South Carolina Association of Realtors and deposited in an appropriate nonprofit account designated by the association for distribution to Habitat for Humanity International or another nonprofit fund designated by the association for the construction of new homes for low income families in South Carolina.

The House amended, approved, and sent to the Senate H.4758, a bill that authorizes and provides for **CAROLINA PANTHERS SPECIAL MOTOR VEHICLE LICENSE PLATES**.

The House returned S.658 to the Senate with amendments. This bill provides for **REVISED TERMS OF SERVICE FOR MUNICIPAL JUDGES**. The bill provides that each municipal judge must be appointed by the municipal council to serve for a term set by the council of not less than two years and not more than four years. Under current law a municipal judge serves for a term set by the council that is not to exceed four years.

The House amended, approved, and sent to the Senate H.4821, a bill that rewrites the **PRACTICE ACT FOR OPTOMETRISTS** to make it conform to the administrative framework established for all boards and commissions administered by the Department of Labor, Licensure and Regulation (LLR). The bill also makes the following substantive changes:

- Requires confiscation of optical supplies used in the unlicensed practice of optometry;
- Revises the academic requirements for licensure to require a Bachelor of Arts or Science instead of just two academic years at an accredited college or university. This change is in addition to the existing requirement for graduation from a school of optometry;
- Provides for licensure by endorsement for optometrists licensed in another state if they meet all the same conditions for licensure as a therapeutically certified optometrist in S.C. and have not been disciplined in the other state; and
- Establishes a limited grandfather provision for basic certified optometrists and diagnostic certified optometrists. They may continue to practice until September 30, 2007. After that date all optometrists must meet the requirements for licensure as therapeutically certified optometrists.

Under current law, a basic certified optometrist is licensed to practice without the use of drugs for diagnostic or therapeutic purposes. A diagnostically certified optometrist may use certain drugs (anesthetics, mydriatics, cycloplegics, miotics, dyes, and over the counter drugs) for diagnostic procedures and miotics only for emergency purposes involving eyeball pressure. A diagnostically certified optometrist must comply with education requirements and pass a pharmaceutical agent examination approved by the board.

After September 30, 2007, all practicing optometrists will be required to be therapeutically certified. Under current law, therapeutic certification requires the following additional elements:

- pass the Treatment and Management of Ocular Disease Examination approved by the National Board of Examiners in Optometry;
- take at least 110 hours of board-approved optometric education courses since December 31, 1988, and after graduation from optometry school, of which at least 40 hours must have been clinical instruction specifically related to the diagnosis and treatment of glaucoma;
- have at least 1200 hours of clinical training.

The House amended, approved, and sent to the Senate H.3881, a bill providing for **TORT CLAIMS ACT REVISIONS**. This bill revises the definition of "employee" used in the South Carolina Tort Claims Act, so as to include members of the South Carolina National Guard, members of the South Carolina State Guard, persons acting on behalf or in service of a governmental unit without pay or compensation, court-appointed attorneys, and public defenders. The bill provides that the term includes an independent contractor operating a veteran's nursing home under the jurisdiction of the Department of Mental Health or any other agency or department of state government. The bill also provides that, for the purposes of the Tort Claims Act, court-appointed attorneys are considered employees of the judicial department and public defenders are considered employees of the appropriate public defender corporation.

The House amended, approved, and sent to the Senate H.4310, a bill regarding the status of **TRAILERS UNDER PROPERTY TAX**. This bill provides that for purposes of property taxes, including certain assessment ratios provided pursuant to the South Carolina Constitution, a trailer used in camping and recreational travel, on which the interest portion of purchase money debt is deductible pursuant to the Internal Revenue Code as an interest expense on a qualified primary or second residence, is deemed a private passenger motor vehicle.

The House amended, approved, and sent to the Senate H.4440, regarding **PROPERTY TAXES ON BOATS**. This bill provides that a boat on which the interest portion of indebtedness is deductible under the Internal Revenue Code as an interest expense on a qualified primary or secondary residence is also a primary or secondary residence for purposes of property tax and is considered real property rather than personal property for property tax purposes. The bill also provides that the maximum *ad valorem* taxation on such a boat for any year is one thousand, five hundred dollars.

The House amended, approved, and sent to the Senate H.5086, the annual comprehensive **DEPARTMENT OF REVENUE TAXATION "CLEAN-UP" BILL**. This bill clarifies language, changes existing language by inserting omitted references and deleting obsolete sections, updates administrative procedures, and makes various other technical corrections to current law or procedure. The bill also allows a county under certain conditions to postpone implementation of a countywide reassessment for one tax year by ordinance, and extends, under certain conditions, the ten-year carry-forward period for unused economic impact zone investment tax credits against state income tax. The bill also requires and provides for tax

collectors to give notice to mortgagees when manufactured or mobile homes are levied upon for taxes, and requires tax collectors to keep records of such notice as provided in the bill. The bill requires that in order to be entitled to such notice, mortgagees must file with the tax collector a list of each mortgage as to which the notice is desired. The bill requires and provides for the tax collector to give notice of tax levy to any lienholders and provides requirements for lienholders to provide collateral lists to the tax collector. The bill also provides an exemption from sales

tax for prescription and over-the-counter medicines and medical supplies, including diabetic supplies, sold to a health care clinic that provides medical and dental care without charge to all of its patients.

The House amended, approved, and sent to the Senate H.4996, regarding **RELEASING PIGS**. This bill 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.

The House approved and sent to the Senate H.3989, regarding **COMMERCIAL SHAD FISHING**. This bill provides that beginning July 1, 2004, there is no open season for fishing for shad for commercial purposes in the Atlantic Ocean territorial sea. The bill also provides that beginning July 1, 2004, there will be no lawful times, methods, and equipment or size and take limits for shad in the Atlantic Ocean territorial sea.

The House approved and sent to the Senate H.5115, regarding **HUNTING MIGRATORY WATERFOWL**. This bill makes it unlawful to hunt migratory waterfowl in certain coves of Lake Marion and provides penalties for violation of these prohibitions.

The House adopted H.5185, regarding **LIMITATIONS ON AMENDMENTS** to legislation for the remainder of the 2004 session. This concurrent resolution proposes to adopt a joint rule of the Senate and House of Representatives for the 2004 session of the General Assembly so as to prohibit an amendment from being offered to a bill or resolution unless its substantial effect or impact relates to the bill or resolution.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

S.718 WILDLIFE MANAGEMENT AREAS Sen. Grooms

This bill allows and provides for the Department of Natural Resources (DNR) to promulgate regulations for the protection, preservation, operation, maintenance, and use of land leased or otherwise established as wildlife management areas. The bill also adds a fifty dollar fee to every fine assessed for violation of certain provisions regarding hunting waterfowl and directs that revenue from such fees be transferred to DNR to support the Wood Duck Box Project.

EDUCATION AND PUBLIC WORKS

S.759 UNIFORM ATHLETE AGENTS ACT OF 2004 Sen. Hayes

This bill revises provisions regarding athlete agents and student athletes.

JUDICIARY

S.798 REPEAT DUI OFFENDERS Sen. Thomas

This bill enacts "Hatley's Law" so as to provide that a person whose driver's license is suspended for a third or subsequent violation of driving under the influence of alcohol or another illegal substance or for a third or subsequent violation of driving with a suspended, cancelled, or revoked driver's license must not be allowed to register a motor vehicle in his name under certain circumstances, and must pay a motor vehicle reinstatement fee before he may register a motor vehicle in his name. The legislation also provides restrictions that pertain to water devices.

H.5176 RESIDENCY REQUIREMENT FOR CANDIDATES FILING FOR OFFICE

Rep. Altman

This bill requires a candidate filing for office to reside in the election district from which he is to be elected at the time of filing for that office.

H.5194 INFORMATION ON ALTERNATIVES TO ABORTION REQUIRED

Rep. Viers

This bill revises the requirement to provide certain information to a woman before she can undergo an abortion, so as to also require that information on alternatives to abortion be provided, including information on adoptions, health care, and financial assistance. The bill revises penalties for noncompliance, so as to increase fines for a first offense and to require clinic closure for one month for a second offense and permanent closure for a third offense.

H.5195 TRAFFIC CONTROL SIGNAL MONITORING SYSTEMS Rep. Harrison

This bill authorizes local governments to adopt ordinances for the civil enforcement of certain traffic laws by the use of traffic control signal monitoring systems. The bill revises provisions relating to the jurisdiction of municipal courts, so as to provide for jurisdiction over such noncriminal citations.

LABOR, COMMERCE AND INDUSTRY

H.5179 PROHIBITION ON THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR AN IMPROVEMENT TO REAL ESTATE SUBJECT TO A MECHANIC'S LIEN Rep. Koon

This bill prohibits the issuance of a certificate of occupancy for an improvement to real estate against which a valid, recorded mechanic's lien exists. The bill provides that the owner of the real estate must also file with the office issuing the certificate of occupancy an affidavit stating that all subcontractors who performed work on the improvements have been paid in full. This affidavit is required before the certificate of occupancy may be issued.

S.686 "PROPERTY AND CASUALTY INSURANCE PERSONAL LINES MODERNIZATION ACT" Sen. Thomas

This bill enacts the "Property and Casualty Insurance Personal Lines Modernization Act." The bill revises provisions relating to conditions under which insurance premiums may be raised, so as to eliminate fire, allied lines, and homeowners' insurance from this requirement, and to eliminate a provision authorizing a private insurer to underwrite certain essential property insurance and to file for rate increase under certain circumstances.

S.1126 PREMIUM SERVICE CONTRACTS Sen. Leatherman

This bill revises provisions relating to premium service agreements, to clarify provisions of premium service contracts and disclosures, including renewals. The bill revises provisions relating to premium service companies, to require certain regulations by the Department of Insurance. The bill revises provisions relating to cancellation of insurance contracts by premium service companies upon default, to clarify certain notices to insureds.

WAYS AND MEANS

S.1013 SOUTH CAROLINA TUITION PREPAYMENT PROGRAM Senate Finance Committee

Effective January 1, 2005, this bill prohibits the South Carolina Tuition Prepayment Program from accepting new participants until authorized to do so by joint resolution of the General Assembly. The bill provides for the State to meet its obligation to existing participants in the program if monies in the fund are insufficient to do so.

H.5175 INSTALLMENT PAYMENTS OF REAL PROPERTY TAXES Rep. Viers

This bill allows the governing body of a county, by ordinance, to allow taxpayers to pay real property taxes by installment payments determined appropriate by the governing body. Currently, such installment payments must be made quarterly.

**S.1025 CESSATION OF OPERATION OF MARINE TERMINAL
AT PORT ROYAL** Sen. Richardson

This bill provides that the State Ports Authority has no statutory responsibility to operate a marine terminal at Port Royal and requires that such marine operations shall cease as soon as practicable.

The bill requires and provides for the State Ports Authority to sell all its real and personal property and provides for disposition of proceeds from the sale.

The bill also adds the South Carolina Public Service Authority and the South Carolina State Ports Authority to those persons who may be removed from office by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity.

H.5197 ROLBACK TAX Rep. Clyburn

This bill provides that when real property is changed from agricultural use for the purpose of developing the real property for residential use, the rollback tax is imposed for the preceding two property tax years rather than the otherwise applicable five preceding property tax years.

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