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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

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House Week in Review

On Wednesday, by a vote of 95 to 20, the House adopted H.4170, a concurrent resolution expressing support for single-gender education in South Carolina. Introduced by the Speaker, H. 4170 expresses the purposes of support for single-gender education, among which are diversity in educational opportunities and freedom to choose education options. This resolution was adopted amidst 2 sex discrimination suits which have been filed against the all-male Citadel. Opponents of the measure were critical of the pace at which this bill was adopted and questioned the wisdom of approving this statement in the midst of the suits. After House approval, the resolution was sent to the Senate General Committee, a subcommittee of which voted 2-1 to endorse the resolution on Friday. The resolution also calls for creation of a 10-member committee to study single-gender opportunities for women.

On Thursday, the House adopted the conference committee version of H. 3010, which is designed to avoid a repeat of the budget shortfalls from which the state has suffered in the last few years. This bill, sponsored by Representatives Carnell and Felder, provides that general fund appropriations may not exceed a base revenue estimate, as defined by the bill. This bill also provides for appropriation of any surplus which may result from this process. If the Senate adopts the conference committee report and H. 3010 is approved by the governor, this bill would be effective beginning in Fiscal Year 1994, which begins this July. A more complete summary of this bill is on page 12.

As the Update went to press, the Senate was concluding debate on the third reading of H. 3546, the Government Restructuring Bill. A summary of this bill begins on page 9, but because of publication deadlines, the summary reflects only the version passed by the House.

Bills Introduced

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

Judiciary

Operation and Transaction of Business by Nonprofit Corporations (H. 4180, Rep. Harrison). This lengthy bill is based on a Model American Bar Association Code and was prepared by a committee of the University of South Carolina Law Institute. The bill is designed to update provisions governing the operation and transaction of business by nonprofit corporations in South Carolina and address concerns that the State's current laws governing nonprofit corporations are antiquated.

Medical, Military, Public and Municipal Affairs

Task Force to Study Welfare Dependency (H. 4190, Rep. Wofford). This bill has been drafted out of concern that too many families have become increasingly dependent on the welfare system, unable to break the welfare cycle and achieve self-sufficiency and independence. In order to achieve the goal of developing a welfare policy which encourages recipients to become self sufficient, the bill proposes establishment of a task force to study welfare reform in South Carolina. The bill provides for membership of the task force, to include members of both the public and private sector, and provides for compensation and staffing of the task force. The bill also lists aspects of the problem of welfare dependency which the task force is to study, including, as examples, providing incentives for AFDC recipients to enter and remain in the workplace and methods to encourage recipients to limit the number of children born into families receiving AFDC. The task force is to submit a report to the General Assembly by January 15, 1994. The report is to include recommendations for welfare reform and must identify laws which need to be amended or repealed or which should be added. The report also must identify and seek waivers to federal obstacles to state flexibility.

Ways and Means

Revised Responsibilities of Tax Commission (H. 4182, Rep. Kirsh). This bill revises the responsibilities of the Tax Commission so as to provide that it is solely responsible for the appraisal, assessment and equalization of property of a distribution facility only if the facility has over 100,000 square feet in building space or when the facility qualifies for a property tax exemption. The bill also extends the commission's responsibilities to include enterprises engaged in research and development facilities and of real and personal property owned, used or leased by a transportation company for hire in the conduct of its business. Additionally, property assessed by the unit valuation method must be distributed to political subdivisions on the basis of gross investment unless otherwise provided.

County Boards of Appeal (H. 4183, Rep. Kirsh). This bill requires each county to establish a board of appeal, for the purpose of hearing appeals of taxpayers concerning the valuation, assessment and taxation of their property. The board consists of 7 to 12 members and is elected by the county's governing body. The bill provides for organization, compensation and meetings of the board and also provides that if the board fails to schedule a hearing within a year-and-a-half of the taxpayer's appeal, then the taxpayer's value is the taxable value contended by the taxpayer for the tax year in question. The bill lists conditions under which an appeal to the board is automatically extended to cover subsequent assessment dates. The bill also lists the procedure by which a taxpayer may appeal the board's finding to the Tax Commission and requires the assessor to maintain records of appeals.

Without Reference

Medicaid Trusts (H. 4185, Rep. Farr). This bill provides a way for the medically needy to qualify for Medicaid. Presently, up to 200 South Carolinians receive monthly benefit or pension checks, which place their income above the federal Medicaid nursing home limits (\$1,302) but below the average cost of a nursing home for a private pay patient (state average, \$2,285). Because their income is above the Medicaid income limit, they do not qualify for Medicaid; and because their income is below the rates charged by nursing homes, they cannot afford (and are not accepted by) nursing homes. These South Carolinians are caught in a classic "Catch 22" or, in Medicaid nomenclature, the "Utah Gap."

This bill allows persons falling in the "Utah Gap" to qualify for Medicaid by establishing a trust which meets the following criteria:

(1) the only property allowed to fund the trust is the applicant's monthly unearned income (i.e., pension or benefit checks);

(2) only the applicant and the state Medicaid program may be beneficiaries of the trust;

(3) as much of the trust must be distributed each month as allowed without violating federal requirements for Medicaid (this reduces the amount which is paid by Medicaid by reducing the difference between the nursing home's rate and the amount paid by the patient);

(4) when the applicant dies, any property remaining in the trust must pass to the State Health and Human Services Finance Commission (which must remit the state share of the trust to the general fund); and

(5) the trust must not be subject to modification by the beneficiary or trustee without approval of the State Medicaid program.

H. 4185 is based on a Colorado statute.

Child Fatality Review and Protection (S. 567, Sen. Moore). This bill creates a Department of Child Fatalities, the purpose of which is to expeditiously investigate child deaths in the state's counties. This Department is created within the State Law Enforcement Division (SLED) and is under the supervision of the chief of SLED. The bill lists the duties the department must carry out in achieving its purpose, which include, as examples, investigation and gathering of information on a child fatality upon receipt of a report of a child death from the county coroner or medical examiner and collection of data on child deaths.

The bill also creates a multi-disciplinary State Child Fatality Advisory Committee, consisting of 13 members. The bill provides for membership of the committee, which includes, among others, commissioners of several state agencies and the chief of SLED. The bill also provides for organization and meetings of the committee. The purpose of the committee is to decrease the incidence of preventable child deaths. The bill lists the duties the committee must carry out in achieving its purpose. As examples, the committee must undertake annual statistical studies of the incidence and cause of child fatalities in South

Carolina and educate the public regarding the incidence and causes of child deaths.

The bill also lists information with which the Department must be provided in carrying out its purpose and allows a clerk of court to issue a subpoena, if requested by the Department, to any state or local agency, board or commission, provider of medical care to compel the attendance of witnesses and production of information necessary for the discharge of the Department's duties. Meetings of the Committee and the Department are closed to the public when the committee and department are discussing individual cases of child deaths, though other committee meetings are open to the public. The bill lists other provisions pertaining to the disclosure of information in committee and department meetings and provides that anyone violating provisions pertaining to committee and department meetings is guilty of a misdemeanor and upon conviction must be fine up to \$500, jailed up to 6 months, or both.

The bill requires county coroners and county medical examiners to notify the Department when a child dies in any county as a result of violence; when unattended by a physician; in any suspicious or unusual manner, or when the death is unexpected and unexplained. Coroners and medical examiners also may petition for a warrant to inspect the home or premises last inhabited by a child if that home or premises is not the scene of the child's death, and the local magistrate (if petitioned by the coroner) or the circuit court (if petitioned by the medical examiner) must issue the inspection warrant if there is probable cause to believe that events in the home or premises may have contributed to the child's death.

The bill revises the definition of "abused or neglected child" so as to include a child whose death results from acts or omissions of his parent, guardian or other person responsible for his welfare. The bill also adds to the list of professions required to report suspected child abuse so as to require, among others, employees of emergency medical services or funeral homes to report suspected child abuse. The bill provides that information otherwise held in confidence by a local child protective agency is subject to disclosure if requested by the Department, and information pertaining to an unfounded case (a finding that abuse or neglect is more likely not to have occurred than occurred) of child abuse must be released when requested by the Department if essential to its duties. A \$2.00 (two-dollar) surcharge is added to the fee amount for an original death certificate, as determined by the Board of Health and Environmental Control, with the surcharge remitted to the general fund and appropriated to the Department of Child Fatalities each year by July 1.

List of Legislation Passed

(as of Monday, May 17)

Here is a list of some of the notable acts which either have been enrolled for ratification, ratified or signed into law.

Felony to Traffic in LSD and Revised Penalties for Transport, Distribution and Possession of Ice, Crank and Crack Cocaine (H. 3112, Rep. Wilkins). This act makes it a felony for anyone to traffick in 100 dosage units of LSD or more. The act provides penalties, which vary according to the number of times the offense is committed and the amount of LSD trafficked. As examples, the act provides for a term of imprisonment of 3 to 10 years and a fine of \$20,000 for a person convicted the first time of trafficking at least 100 but less than 500 dosage units of LSD. If the person is convicted the first time of trafficking in at least 500 but less than 1,000 dosage units of LSD, he must serve between 7 and

25 years in jail and be fined \$50,000. No prison sentence imposed on someone convicted of this felony may be suspended, nor may probation be granted.

The act also revises penalties for transport, distribution and possession of ice, crank and crack cocaine in the following manner:

(a) Possession/Attempted Possession Under 1 Gram: Removes the minimum sentence imposed on persons convicted of this offense so as to allow judges greater discretion in sentencing offenders. As an example, under this act, a person convicted a second time of this offense must serve any amount of time not exceeding 7 years, as opposed to being required to serve at least 4 years and not more than 7 years.

(b) Manufacturing/Distribution/Purchasing 1 Gram or More: Abolishes minimum sentences and reduces the maximum sentences imposed for these offenses, so as to allow a judge greater discretion in sentencing offenders. For example, a person convicted the first time of manufacturing, distributing or purchasing these substances under this act must serve no more than 15 years in jail, as opposed to between 15 and 20 years in jail. Also adds marijuana, depressants, stimulants and hallucinogenic drugs to the list of drugs for which a prior conviction results in a stiffer sentence being imposed on a person convicted of manufacturing, distributing or purchasing more than 1 gram or more of ice, crank or crack cocaine.

(c) Trafficking: Reduces from 100 grams or more to 10 grams or more the amount of ice, crank or crack cocaine which one must knowingly sell, purchase, manufacture or bring into this state in order to be guilty of the felony of trafficking in these substances, so as to make it easier to prosecute persons engaging in these activities. The act provides a range of penalties for trafficking, with stiffer penalties imposed depending on the volume of substances trafficked and the number of times the offense is repeated. As examples, a person convicted the first time for trafficking in at least 10 grams but less than 28 grams of these substances must serve between 3 and 10 years in jail and be fined \$25,000, while a person convicted the first time trafficking in at least 28 grams but less than 100 grams of these substances must serve between 7 and 25 years in jail and be fined \$50,000. The act also adds marijuana, depressants, stimulants or hallucinogenic drugs to the list of drugs for which a prior conviction results in a stiffer sentence being imposed on a person convicted of trafficking in ice, crank and crack cocaine.

Status: Signed into law on May 17, 1993.

Optometrists May Administer Pharmaceutical Agents (H. 3137, Rep. Baker). This act permits optometrists to purchase and administer pharmaceutical agents. The act defines pharmaceutical agents and requires that an optometrist must be either a diagnostically-certified or therapeutically-certified optometrist in order to administer pharmaceutical agents. The act also lists requirements an optometrist must meet in order to be certified to administer these agents and lists pharmaceutical agents which may be administered.

Optometrists are prohibited from establishing pharmacies in their offices or selling pharmaceutical agents prescribed in treatment unless there is a licensed pharmacist on staff when these prescriptions are filled. Therapeutically-certified optometrists must be held to the same standard of care as physicians and must maintain a minimum of \$1,000,000 in malpractice insurance coverage. The State Board of Examiners in Optometry is responsible for examining applicants for diagnostic and therapeutic certifications. Optometrists also are prohibited from performing surgery, as defined by the act. The act also increases from 12 to 20 hours the minimum hours of continuing education an optometrist must attend on an annual basis to renew an optometrist's license.

Status: Signed Into Law on May 14, 1993.

Coastal Carolina University (S. 215, Sen. Elliott). This act makes Coastal Carolina College a separate and independent institution of higher learning, apart from the University of South Carolina system, effective July 1, 1993. The college is renamed "Coastal Carolina University" The act provides for the university's board of trustees and the board's powers and duties.

Status: Signed into law on May 14, 1993.

Prohibited Health Care Referrals (S. 466, Sen. Thomas). This act prohibits a health care provider from referring patients to facilities and services in which a provider has a financial interest unless certain disclosure conditions are met. A health care provider must furnish patients with a written disclosure form before the referral is made to a facility or for services in which the provider has a financial interest, reporting, among other things, the existence of the provider's investment interest and the patient's right to go to any entity the patient chooses for the item or service. The act also prohibits kickbacks for referrals.

Status: Signed into law on May 17, 1993.

Bidding Required for Services Used or Paid For by Reinsurance Facility (S. 597, Sen. Saleeby). This act requires the Chief Insurance Commissioner to issue bids for all services paid for by or provided to, the Reinsurance Facility. This applies to designated carriers, a non-profit service association of insurance companies, or other companies not otherwise excluded under this act. The commissioner also must perform an audit of the records of the Reinsurance Facility and provide the General Assembly a comprehensive report regarding the audit. The act lists information which must be included in the audit and requires the commissioner to obtain from each designated carrier a complete audited financial statement from and a record of all transactions between each of the designated carriers and any entity with which a designated carrier contracts or has a business relationship. The act also prohibits a present designated carrier which has a contract or business relationship with any other entity subject to these provisions from being eligible to bid for facility business if the carrier refuses or fails to present the required financial statements.

Status: Enrolled for Ratification.

Catawba Indian Land Settlement Claim (S. 695, Sen. Hayes). This act requires that \$2.5 million be transferred from the Insurance Reserve Fund to the State's General Fund for the current fiscal year. Money transferred under these provisions must be held by the State Treasurer in a special account and paid to the U.S. Secretary of Interior for a portion of the settlement of the Catawba Indian Land Claim. After payment to the Interior Secretary is made, the General Fund is to transfer back to the Insurance Reserve Fund \$500,000 a year, plus interest.

Status: Enrolled for Ratification.

Child Day Care Regulations (R.1494, R.1518 and R.1519). The Department of Social Services promulgated this regulation to improve child care in South Carolina. The regulation, which became effective on April 23, 1993, affects three types of child day care: (1) public and private child day care centers which regularly receive thirteen or more children, (2) "family" day care homes (occupied residences) in which child day care is regularly provided to six or less children who are from at least two different families which are unrelated to the resident caregiver, and (3) child day care centers operated by religious bodies or groups which regularly provide child day care to six or less children.

Some of the significant changes contained in R.1494 are displayed below. All changes are not shown.

(1) public and private child day care centers(R.1494)

Before New Regulations

caregivers must be at least 14 years old.

caregiver must be literate.

a person could meet the qualifications for center director in one of three ways. In the alternative requiring the least education, the center director must have three years experience as a caregiver in a licensed/approved child day care facility. In the alternative requiring the highest educational level, the caregiver must have at least an associate degree.

no staff training required.

ratio of caregiver to child ranged from 1:8 for 0-2 years of age to 1:25 for children over age 5. Higher ratio allowed during naptime and no ratios existed for swimming.

unannounced visits allowed only upon receipt of a written signed complaint.

After New Regulations

caregivers must be at least 16 years old.

for new facilities, caregivers must have a high school diploma/GED and have either six months experience or be supervised for six months by an experienced caregiver. Within six months, caregiver must have six hours of relevant training or continue under direct supervision. Existing facilities must meet these requirements upon license renewal.

six alternative ways exist for for a person to meet the qualifications as a center director. In the alternatives requiring formal the least formal education, the center director must have a diploma in child development or early childhood education with two years experience; a child development associate credential, or; a high school diploma/GED with one year experience supervising other day care staff and two years experience as a caregiver. In the alternative requiring the most formal education, the center director must have a bachelor's degree in child development or early childhood education.

staff training phased-in over two years. Beginning with second year and thereafter, center director must have twenty hours annually and each caregiver must have fifteen hours annually.

ratios decreased over a three year phased-in period. In the third year, the ratio ranges from 1:6 for children 0 to 2 years to 1:23 for children 6 to 12 years. Higher ratios allowed for naptime, but ratios are lower than before new regulations.

DSS allowed to visit unannounced.

(2) family day care homes (R.1519)

Before New Regulations

no requirement for a telephone.

no reference to SLED checks.

no reference to unannounced visits.

no requirement that operator cooperate with DSS during investigation of child abuse or neglect.

After New Regulations

a working, listed telephone is required.

current SLED checks are required for operator, substitutes, emergency persons and volunteers.

DSS staff authorized to make unannounced visits to investigate complaints.

operator required to cooperate with abuse or neglect investigation.

(3) day care centers operated by religious groups (R.1518)

Before New Regulations

no reference to child abuse or neglect.

care of mildly-ill children addressed.

After New Regulations

if any member of staff has been determined to have abused or neglected any child, application may be denied or license suspended.

health practices for care of a was not mildly ill child are specified, along with health conditions for which child must be excluded from facility.

Status: Effective April 23, 1993

Legislation Passed by the House
(as of Monday, May 17)

Here are some of the more notable bills which the House has approved this session.

Government Restructuring, (H.3546, Rep. Sheheen). [NOTE: The Senate passed an amended version of H.3546 on May 17, 1993. Because Senate passage occurred close to the publication deadline for the Legislative Update, this summary only reflects the contents of the bill as it passed the House.)

This bill reduces the number of state agencies by about two-thirds, from nearly 150 agencies to approximately fifty. The reduction is accomplished by incorporating over eighty independent state agencies into sixteen new departments

and by placing other agencies under the Governor's Office, Attorney General's Office and the Judicial Department. Approximately twenty agencies and the Constitutional Offices retained their independent status.

The bill abolishes the boards and commissions for agencies incorporated within one of the sixteen new departments. The sixteen new departments are headed by a director appointed by the Governor, by and with the consent of the General Assembly. Agency directors are charged with overseeing, managing and controlling the operation, administration and organization of their new department. They are specifically empowered to: organize the department into appropriate divisions through consolidation or subdivision; consolidate existing positions authorized for the department; and redistribute funds for positions as the director determines most efficient. Department directors are also authorized to appoint deputy directors to head divisions of the department and to remove them at the director's will and pleasure.

Directors of the new departments must be qualified by a joint legislative screening committee and, except for the Chief of the Law Enforcement Department, may be removed by the Governor at his will and pleasure. The Chief of the Law Enforcement Department is appointed by the Governor by and with the advice and consent of the Senate and House, but he is appointed for a term of ten years. The Chief may be reappointed, but he may not serve more than a total of twenty years.

With the incorporation of Coastal Council within the new Department of Environmental Regulations, the Council is abolished and a "Coastal Zone Management Appellate Board" created. The Board is composed of the present fourteen members of Coastal Council until their terms expire. Thereafter, the Board will be composed of fourteen members: one elected by the governing body of each of the eight coastal counties and one elected by the legislators of each congressional district. The Board serves as an appellate board to review decisions of department staff relating to permits for altering uses of coastal waters, tidelands, beaches and primary ocean front sand dunes. Appeal from decisions of the Boards is to the Administrative Law Judge Division.

The Public Service Commission remains an independent state agency, but the bill changes the method by which Commission members are selected. The Public Service Commission continues to be governed by a seven member commission elected by the General Assembly, but members are no longer nominated by an eleven member Merit Selection Panel composed of non-legislative members. Instead, the bill provides for a screening committee of five House members, five Senators, and five members of the general public. One member of the general public is elected by the House and one is elected by the Senate. The remaining three members of the general public are appointed by the Governor.

To provide a more impartial resolution of disputes between state agencies and citizens, the bill creates an Administrative Law Judge Division.

The Division is created within the Governor's Office and is charged with presiding over and rendering a decision in "contested cases" - i.e., disputes in which the legal rights, duties or privileges of a person are to be determined. In the case of state agencies which retained their governing boards and commissions, the Administrative Law Judge Division serves as an administrative appellate body, reviewing decisions of the agency board. Only appeals from a few independent agencies - the Employment Security Commission, Human Affairs Commission and Public Service Commission - are specifically excluded from the appellate jurisdiction of the Administrative Law Judge Division.

The Administrative Law Judge Division consists of thirteen judges. The Governor appoints each judge with the advice and consent of the General Assembly, including designating one to serve as the chief judge. After the initial appointments, terms are for six years beginning on July 1. Administrative law

judges must meet the same qualifications as justices of the Supreme Court and judges of the circuit court - i.e., be a resident of South Carolina for at least five years, at least 26 years of age, and a licensed attorney for at least five years. In addition, members of the General Assembly are prohibited from being appointed an administrative law judge for four years after their service in the General Assembly ends.

Appointees as administrative law judges must undergo screening by a joint legislative committee, the same as judges of the judicial branch of government. They are prohibited from practicing law or being a partner or associate in a law firm during their term of office as an administrative law judge. The chief judge is paid 80% of a circuit judge's salary, and the associate administrative law judges are paid 70% of a circuit judge's salary.

In addition to presiding over "contested cases" and deciding appeals from the remaining state boards and commissions, administrative law judges are charged with conducting public hearings on proposed agency regulations. The administrative law judge is required to ensure fair and impartial treatment of participants in the hearing and to issue a written report making findings as to the need for and reasonableness of the proposed regulation. If the administrative law judge concludes that the need for and reasonableness of the proposed regulation has not been established, the promulgating agency must withdraw or modify the regulation or submit the regulation to the General Assembly with a copy of the administrative law judge's report.

Because many state agencies will have a single individual - the department director - who is able to promulgate regulations which may become law, the bill prescribes new procedures for promulgating regulations. One of these new procedures is described immediately above in the discussion of administrative law judges. In addition to this procedure, the bill requires agencies to include a statement of the reasonableness of proposed regulations in notices of public hearings on the regulations and in any renewal of emergency regulations which have a substantial economic impact. Agencies and the Division of Research and Statistics may also include a determination of the reasonableness of a regulation in their assessments of regulations with a substantial economic impact.

Status: Passed the House on March 25, 1993; passed the Senate with amendments on May 17, 1993.

House Appropriations Bill (H. 3610, Ways and Means Committee). Faced with the state's recent revenue shortfalls and downgraded credit rating, the House Representatives drew up a budget for FY 1993-94 which emphasizes more efficient spending. This cost reduction strategy calls for enhanced authority and flexibility for agency heads, consideration of zero-based budgeting, and greater investment in preventative care programs for medical and social problems. In addition to these new directions in the budgeting process, the House bill calls for the following major revenue enhancements:

Capital Gains Delay: est. \$10.9 million obtained by opting not to continue the ongoing initiatives to progressively raise the taxpayer's deduction for income derived from long term capital investment.

Motor Vehicle License Increase: est. \$2.5 million generated from a \$1 fee placed on license tags. Monies are earmarked for Emergency Medical Service programs.

Biennial Motor Vehicle Licenses: est. \$15.7 million in one time revenue generated from a requirement that all motor vehicles with standard bird tags be registered biennially.

Teaching Hospital Earned Revenue: est. \$15.2 million; and Hospital Earned

Revenue: est. \$50.0 million obtained from Medicaid programs.

Department of Mental Retardation Bed Fee: est. \$6.1 million raised by affixing a daily \$5 fee per bed in all Intermediate Care Facilities.

Beer/Wine Optional Sunday Sales: est. \$0.4 million.

Other (Departmental Revenue): est. \$2.8 million.

The total enhancements of an est. \$103.6 million coupled with the \$97.9 million figure representing the Available Revenue Less FY 1993-94 Base affords \$201.5 million available for allocation. The House proposes the following major appropriation increases:

Public Education: \$45,745,000 allocated. The sum provides for a 2.7% increase in the statewide salary schedule designed to place S.C. teacher salaries in line with the projected southeastern average. Simultaneously, local school districts are afforded more flexibility in granting teacher pay raises.

Medicaid: \$40,100,000 allocated to the Department of Health and Human Services to maintain current service levels in the Medicaid program.

State Health Plan: \$2,551,422 allocated.

Local Government Fund: \$6,358,406 funds the full formula.

Homestead Exemption: \$8,951,475 is allocated to reimburse the counties for the statutorily-required exemption of the first \$20,000 of value of a primary residence for those citizens over 65 years of age.

Debt Service: \$11,899,645 allocated to fund state-issued bonds on authorized building projects.

Department of Mental Retardation: \$6,100,000 raised from the new daily fee placed on beds in Intermediate Care Facilities. This revenue restores base funding for the department and allows an increase in family services and programs for the prevention of mental retardation.

State Employee Budgets: \$10,950,000 obtained from the delay in the capital gains tax rate reduction. The sum will allow for a one-time bonus to state employees in December, 1993.

Corrections: \$6,000,000 appropriated: \$4 million for to the Dept. of Rehabilitations and Corrections for the startup and transition costs for the Lee County, Trenton, and Watkins institutions; \$2 million to the Community Control Council under Probation, Parole, and Pardon so as to provide for alternatives to incarceration.

National Guard Pension: \$1,400,000 allocated.

1994 Primary Elections: \$1,565,500 allocated.

Status: Passed the House on March 25; Senate Scheduled to Begin Debate on Budget on Tuesday, May 18.

Appropriations Limit (H. 3010, Rep. Carnell). This bill is designed to avoid a repeat of the budget shortfalls which have plagued the state in recent years. Under this bill, general fund appropriations in any given year could not exceed the base revenue estimate, which is calculated as the lesser of the following:

(a) the total of recurring general fund revenues collected in the immediately previous fiscal year;

(b) recurring general fund revenues collected in the previous fiscal year plus 75 percent of the difference between that figure and the general fund revenue estimate of the Board of Economic Advisors for the upcoming fiscal year; or

(c) the general fund revenue estimate of the Board of Economic Advisors for the upcoming fiscal year.

The bill provides a procedure for increasing or decreasing the base revenue estimate and provides that appropriations of surplus may be made only for nonrecurring purposes.

Status: Conference Committee Report Adopted by the House on May 13, 1993.

Restrictions on Use of Personal Watercraft and Specialty Propcraft (H. 3073, Rep. Cooper). This bill lists restrictions pertaining to the operation of personal watercraft and specialty propcraft. As examples of restrictions, the bill prohibits the operation of these vessels unless persons on the vessels are wearing approved flotation devices and also prohibits these vessels from being operated in a manner which unreasonably or unnecessarily endangers life, limb or property. Anyone who violates these provisions is guilty of a misdemeanor and upon conviction must be fined not more than \$200 or jailed not more than 30 days. The bill also lists exceptions; as examples, these provisions do not apply to activity on private waters nor to law enforcement or emergency medical personnel operating these vessels while in the performance of their official duties. The bill defines "personal watercraft" so as to also include "jet skis" and also defines "specialty propcraft."

Status: Passed the House on May 7; Currently in Senate Fish, Game and Forestry Committee.

Textbook Reform (H. 3145, Rep. Meacham). This bill provides for greater public input in the selection of textbooks in schools and textbook accuracy requirements. The State Board of Education must appoint an Instructional Materials Review Panel for each area of study in which textbooks or instructional materials are considered, and the Board must promulgate regulations pertaining to membership of and guidelines for the panel. The Board also must develop criteria for approval of textbooks offered for sale in South Carolina. Additionally, copies of proposed textbooks approved by the Panel must be made available to the public for review at least 30 days before the date of the State Board meeting at which adoption of a textbook is to be considered. The textbook published must provide for correction of materials in the event that typographical or factual errors are found in the text.

Status: Passed the House on April 23; Currently in Senate Education Committee.

Classification of Crimes (H. 3151, Rep. Wilkins). This bill addresses what has been described as South Carolina's "non-system" for classifying crimes. In this "non-system," the General Assembly has created statutory crimes in isolation of one another. As the need for new crimes arose, the General Assembly defined the elements of a crime, categorized it as a felony or misdemeanor, and prescribed a range of punishment, but the General Assembly did so without benefit of any analytical framework and with only limited ability to perform an ad hoc comparison of the new crime to the hundreds of other existing offenses. Consequently, South Carolina has crimes classified as misdemeanors which carry longer maximum sentences than other crimes classified as felonies.

To rectify this situation, H. 3151 establishes a rational classification of existing crimes and a framework for classification of crimes created in the future.

For existing crimes, the bill changes the maximum prison terms of approximately 65 felonies and nearly 100 misdemeanors based upon their relative seriousness. Some of the changes are increases in the maximum sentence, while other changes are decreases in the maximum sentence. Under the bill, all felony offenses carry a minimum term of at least 5 years, and all misdemeanor offenses carry a maximum term of not more than 3 years.

The bill also recategorizes about 15 crimes which are now felonies as misdemeanors and about 80 crimes which are now misdemeanors as felonies. Again, the recategorization was based upon an evaluation of crime's relative seriousness.

Under the bill, existing crimes and crimes created in the future are arranged into 9 categories, with each category having its own unique maximum term of imprisonment as follows:

<u>FELONIES</u>		<u>MISDEMEANORS</u>	
<u>Category</u>	<u>Maximum Sentence</u>	<u>Category</u>	<u>Maximum Sentence</u>
A	30 Years	A	3 Years
B	25 Years	B	2 Years
C	20 Years	C	1 Year
D	15 Years		
E	10 Years		
F	5 Years		

H. 3151 is only the first step in a two-step process designed to achieve a fair and just system for sentencing convicted criminals. If the second step is pursued, it will be contained in a separate bill and will provide judges with a consistent method of assessing relevant sentencing factors, such as the defendant's prior criminal record. As presently envisioned, the assessment method (i.e., sentencing guidelines) will guide judges in imposing sentences within the categories established by H. 3151.

Status: Passed the House on March 12; Currently in Senate Judiciary Committee.

Hunter Education Program Required for Hunting License (H. 3255, Rep. Snow). This bill requires the State Wildlife and Marine Resources Department to establish a hunting education program, which anyone born after June of 1979 must complete in order to obtain a hunting license in South Carolina. In lieu of completing this program, a person may present evidence of completion of a hunting education program offered in another state or country, provided the program is comparable to the one offered in South Carolina.

Status: Passed by the House on May 6; Currently in Senate Fish, Game and Forestry Committee.

Disqualification of Handicapped Jurors (H. 3319, Rep. Baxley). This bill provides that a person who is blind, hearing or speech-impaired, or physically handicapped may not be disqualified to act as a juror or be excluded from a jury list or jury service because of these handicaps, unless the judge determines that the disability would interfere with the juror's ability to comprehend the evidence. If the court determines that a person's disability is such that the person cannot adequately serve as a juror, the court must make a finding on the record. The bill also establishes a Court Interpreter for the Deaf to assist a deaf juror in legal proceedings.

Status: Approved by the House on April 27; Currently in Senate Judiciary Committee.

Expanded Jurisdiction of Magistrates (H. 3517, Rep. D. Smith). This bill increases the jurisdiction of magistrates to include offenses where the maximum penalty which can be imposed does not exceed \$500, as currently opposed to \$200, or imprisonment of 30 days. The bill also provides that magistrates have jurisdiction over larcenies in which the value of property stolen does not exceed \$1,000, as currently opposed to \$20, and allows magistrates to order restitution. The bill also increases from \$200 to \$500 the maximum fine a municipal judge may impose on a person who violates a municipal ordinance or a state law within the court's jurisdiction.

Status: Approved by the House on April 15; Currently in Senate Judiciary Committee.

Lodging Establishments (H. 3890, Rep. McAbee). This bill lists activities which are not permitted in lodging establishments and allows the establishment to deny accommodations to or to eject persons engaged in prohibited activities. As examples, a lodging establishment may deny accommodations or eject a person who is disorderly or intoxicated or is unwilling or unable to pay for accommodations or services. The bill also provides that it is a misdemeanor, subject to a maximum fine of \$200 or up to 30 days on jail, for a person to use accommodations to engage in illegal activities, such as using or possessing a controlled substance or damaging a room or its furnishings. A person who damages a room or its furnishings also may be ordered by the court to provide restitution to the establishment for the damages and to anyone injured because of the damages. An innkeeper also may eject a person for violation of any federal, state or local law or regulation relating to the establishment or any of the establishment's rules, and an innkeeper who denies accommodations to a person for any of these reasons is exempt from liability in any civil or criminal action.

The bill also prohibits an innkeeper from denying accommodations to a person because of his race, creed, color, national origin, sex, disability or marital status. The definition of "lodging establishment" is expanded to conform to the State Tax Code, so as to include "any place in which rooms, lodging or sleeping accommodations are furnished to transients for consideration."

Status: Passed the House on May 14; Sent to the Senate.

State Policy on Single-Gender Education (H. 4170, Rep. Sheheen). This concurrent resolution constitutes a formal policy statement in support of single-gender educational opportunities in higher education. The Citadel is the only state institution which is single-gender, and currently it is facing 2 sex discrimination lawsuits, including 1 from a high school senior seeking admission to the school. Persons wishing to retain the Citadel's all-male enrollment hope to use this policy statement as a justification for retaining the institution's current status.

Passage by the House of this concurrent resolution comes at a time when Virginia Military Institute (VMI) is waiting to hear if the U.S. Supreme Court will hear an appeal of a similar discrimination lawsuit. VMI, located in Lexington Virginia, is also an all-male, state-supported military institution. In 1992, a federal appeals court, while not ordering VMI to admit women, directed the Commonwealth (state) of Virginia to guarantee that women have equal access to the type of education offered at VMI.

The concurrent resolution also calls for creation of a 10-member committee, with 5 appointed by the Speaker and 5 appointed by the Senate President Pro

Tempore, which will develop recommendations for the General Assembly to consider in exploring alternatives for the provision of single-gender educational opportunities for women. The committee must submit this report to the General Assembly at the beginning of the 1994 session.

Status: Adopted by the House on May 12; Currently in Senate General Committee.

Workers' Compensation Reform (S. 540, Sen. Saleeby). Under this bill every employer and employee in the state is presumed to have accepted, and to be bound by, the provisions of the workers' compensation act of Title 42. Considered as employees under the bill, officers in a corporation are allowed to reject coverage under the workers' compensation act and subsequently waive such an exemption so long as they give proper notice to the Workers' Compensation Commission in either case. Any employer who is exempt from Title 42 adopts it by obtaining workers' compensation or by operating under an approved self-insurance program.

The bill specifies that work-related stress unaccompanied by physical injury is not considered a compensable injury if its occurrence is incidental to ordinary personnel actions. The injuries which do qualify are subject to new record-keeping and reporting requirements: an employer is no longer compelled to report an injury which requires only minimal medical (not exceeding a Commission-set cost and not requiring the loss of more than one work day). Employers must still provide compensation for such minor injuries and include records of them on annual reports. More serious injuries must be reported within ten business days of occurrence.

Should an employer who is not exempt from the workers' compensation act refuse to secure insurance coverage for employees, he is fined \$50 per each day of refusal (the fee is \$100 per day in the case of willful or repeated violations). Should such an employer who has obtained neither an exemption nor proper insurance coverage be sued by an employee to recover damages for death or injury on the job, certain legal defenses are denied that employer: contributory negligence of employee, comparative negligence, negligence of a co-worker, and assumption of risk by employee.

The Workers' Compensation Commission is allowed to provide information and statistics to any state or federal agency charged with the duty of enforcing occupational safety laws. Such information is only permissible as evidence in a workers' compensation trial.

Health care providers are restricted from actively pursuing collection procedures against a workers' compensation claimants until their claims are finally adjudicated. Neither are health care providers allowed to actively pursue collection procedures against a workers' compensation claimants for charges in excess of fees on the Commission schedule. A \$500 penalty is paid to the claimant in the case of either violation.

The Omnibus Insurance Fraud and Reporting Immunity Act is established to uncover and prosecute insurance fraud (an offense which is made a felony under the bill). The act creates the Insurance Fraud Division within the Attorney General's Office to investigate allegations of fraud, prosecute violators, and collect fines. The act also grants immunity to whistle blowers who assist in the division in its investigations. The penalty for committing the felony of insurance fraud is set at no more than \$50,000, or up to 5 years' imprisonment, or both. Convicted parties may also be required to make full restitution of any economic benefit obtained through fraud.

Status: Passed the House on April 23; Currently in Senate Labor, Commerce and Industry Committee.

Driver Training Insurance Credit (S. 114, Sen. Giese). This bill requires that insurance companies give an "appropriate" credit to adult drivers who successfully complete a driver training course. Insurers must file the proposed amount of the driver training credit with the chief insurance commissioner for approval. The bill lists instruction requirements. Additionally, anyone age 15 or 16 must complete a driver training course prior to receiving a restricted or regular driver's license, effective October 1, 1994. The Insurance Department is authorized to issue a voucher to 15 and 16 year-olds to cover the cost of taking a driver training course, and upon completion the 15 or 16-year-old is qualified for a 10 percent youthful driver insurance credit.

Status: In House/Senate Conference Committee.

**Still on the Calendar or in Committee
(as of Monday, May 17)**

Listed below are some notable bills which either are still pending on the House Calendar or are still in committee.

Collection of Information on Health Care Expenditures (H. 3660, Rep. Wilkins). This bill requires the Budget and Control Board's Division of Research and Statistical Services to collect and analyze data on the total public and private health care expenditures for services rendered in all settings in South Carolina. This does not apply to inpatient data, however, which already is reported under current law. This information must be reported in a nonidentifying manner and available for public review.

Outpatient services data must include information on specific procedures performed; the number of times each procedure is performed; the cost per procedure performed; the type of health care provider performing each procedure, and the outcomes if known. These outpatient services must include information about the source of referral or origination point.

The bill creates a Data Oversight Council, to be appointed by the governor. The council will make recommendations to the General Assembly about the health information and policy needs of the state. The council also will work with the Division of Research and Statistics to develop regulations governing data collection and reporting. Data may not be released by the division except in a format recommended by the council and approved by a Legislative Data Oversight Committee. This committee will be comprised of 3 House members and 3 Senators. The bill also expands the types of financial and medical information hospitals must report to the division. The division will have the authority to link data bases for the purpose of providing better information to the General Assembly. Patient and health care provider information are confidential.

The bill also deletes obsolete references pertaining to the Medically Indigent Assistance Program.

Status: On House Second Reading Uncontested Calendar.

School Attendance Required of Pregnant Students and Students with Children (S. 352, Sen. Washington). This bill deletes the exemption from the state's mandatory school attendance law for a child who is married or has been married, an unmarried child who is pregnant, or a child who has had a child. However, the

school district attendance supervisor may grant a child who is the parent of a child a temporary waiver from attendance if he determines that suitable child care is unavailable.

Status: On House Second Reading Uncontested Calendar.

Off-Campus Religious Instruction (H. 3387, Rep. Fair). This bill requires a school district board of trustees to allow a student to be excused from school to attend a class in religious instruction. The bill lists conditions under which the student may attend this instruction; as examples, the student's parent or guardian must give written consent, and no public school personnel may be involved in providing the religious instruction. It is the student's responsibility to make up any missed school work.

Status: On House Second Reading Uncontested Calendar.

Continuing Education Required of Real Estate Brokers and Salesmen (H. 3636, Rep. Baxley). This bill requires, after July 1, 1994, a real estate broker, salesman, property manager or time share licensee to complete 6 hours of continuing education annually as a condition for renewal of his license. Instruction on changes in federal and state law affecting licensees must be included in the continuing education. A licensee who has successfully completed a 30-hour instruction course for qualification as a broker would be exempt from participating in continuing education for that particular year. Additionally, a licensee who decides to become inactive is not required to meet the continuing education requirement but must complete 6 hours of continuing education before returning to active status. A licensee who reaches age 55 and with a minimum of 20 years' continuous licensure also is exempt from the continuing education requirement.

The State Real Estate Commission must approve the schools, instructors and courses acceptable for this continuing education requirement and is authorized to promulgate regulations prescribing the overall parameters of the program and to require licenses to provide proof of compliance with the requirement as a condition of license renewal. However, a nonresident agent who has satisfied the continuing education requirements of his home state is deemed to have satisfied the requirements for this state. A nonresident agent who lives in a state that does not require continuing education must meet South Carolina's continuing education requirement.

Status: On House Second Reading Uncontested Calendar.

Early Child Development and Academic Assistance (S. 329, Sen. Setzler). This bill proposes two initiatives---(1) Early Child Development (preK-3rd grades) and Academic Assistance (4th-12th grades) to allow districts and schools to target assistance to students in need of academic help. Each district and school must write a plan addressing both initiatives, to be implemented by 1995-1996. Districts already meeting the intent of the law may obtain a waiver to start programs for 1993-1994 or 1994-1995 school years. The bill lists features which must be included in these plans and provides for their funding. Student progress is assessed 3 times---at the end of grade three, in grade eight and on the exit exam to evaluate the degree to which the purpose of the legislation is being met. Plans are not submitted or approved before funds are dispersed. If the goals and time lines are not met, the Department of Education will provide targeted technical assistance.

In response to H. 329, the House adopted a proviso in the budget which also establishes an early intervention program by directing schools to choose from a menu of options consisting of strategies to address needs of low-achieving

students. Schools must implement a change beginning with the 1993-1994 school year and must submit a plan to be approved by a peer review committee the following year. Plans have an early childhood component (K-3rd grade) and/or intermediate component (4th-12th grade). One of the options available to schools is an "alternative option" by which a school may try an approach other than one of the models listed on the menu to working with students. However, the plan must be based on strategies found to be effective in research and must be approved. Next year funds are allocated based on the same percentage as received for remedial and compensatory programs this year. The State Department of Education will develop a funding formula, to be presented to the Ways and Means and Senate Finance Committees for the following years.

Status: H. 329 is on the House Second Reading Uncontested Calendar.

Consumer Freedom of Choice in Motor Vehicle Insurance (H. 3246, Rep. H. Brown). This bill would give motorists the right to choose the kind of personal protection available in case of an automobile accident and the amount of financial protection they deem appropriate and affordable. Motorists no longer would be required to buy traditional fault insurance; instead, motorists would have the opportunity to buy a policy to protect themselves and their families regardless of fault in an auto accident. However, motorists could continue to retain the right to sue and be sued in auto accident liability cases. This concept of auto insurance commonly is referred to as "no fault choice."

Under this system, a motorist who retains the traditional system of insurance and is involved in an accident with another motorist retains the right to sue or be sued based on fault. Motorists choosing non-fault coverage and who are involved in an accident with a motorist would be promptly compensated for their economic losses, regardless of fault. However, these no-fault motorists also could sue the motorist at fault for economic damages if the damages exceed their personal protection limits and for non-economic damages if the injuries exceed the verbal threshold. No fault drivers who are at fault in an accident could still be sued for liability to others. Two no-fault drivers who are involved in an accident would be promptly compensated for their economic losses regardless of fault. In this case, the two motorists would not be able to sue for noneconomic damages based on fault unless the damages exceed a verbal threshold. However, if either motorist suffers a loss in excess of the policy's benefits, he could sue the person at fault for uncompensated economic loss.

If a motorist with fault coverage is involved in an accident with an uninsured motorist, the insured motorist could be compensated for losses under the uninsured motorist provisions of his policy based on fault and could sue the uninsured motorist for full damages based on fault. The uninsured motorist would forfeit any right to claim for property damage up to \$10,000 or to claim for non-economic loss against the driver with fault coverage except when the motorist with fault coverage was driving under the influence of drugs or alcohol or had committed intentional misconduct and was at fault in the accident. An uninsured motorist could claim against the motorist with fault insurance for economic losses based on fault.

If a person with no fault coverage is involved in an accident with an uninsured motorist, the insured would be compensated promptly for economic losses under his policy regardless of fault and would retain the right to sue the uninsured motorist based on fault if the injury exceeds the verbal threshold. The uninsured motorist would forfeit any right to claim for the first \$10,000 of property damage or for injury against the no-fault driver, except when the no-fault driver was driving under the influence of alcohol or drugs or had committed intentional misconduct and was at fault in the accident. The uninsured motorist, however, could sue the insured driver for economic losses based on fault.

Verbal threshold as defined in the bill is an injury consisting of permanent and serious disfigurement, permanent and serious bodily injury, permanent and serious loss of an important bodily function, or death.

The legislation directs that no fault policies be set at a rate 15 percent lower than the rates of traditional fault policies. This rate could not be raised or renewed between January 1 and December 31, 1994. No fault drivers would be required to carry mandatory \$5,000 property damage coverage. Basic personal protection benefits (no fault) would cover an aggregate limit of \$15,000 per person arising out of one accident. This coverage would consist of medical expenses, loss of income, replacement services and death benefits of \$5,000. No fault drivers would have the option of purchasing additional uninsured and underinsured driver coverage; however, a no fault driver could not collect on these coverages if he is at fault in an accident.

Insurers providing no fault coverage could require a covered driver to obtain care for injuries from a preferred provider or a designated managed health care system, if the injured driver consents to being subject to this care at an appropriately reduced premium. Incentives also could be offered to no-fault drivers to use seat belts, air bags and child restraint seats.

The bill lifts the mandate to write physical damage coverage and retains the Reinsurance Facility. All business ceded to the facility must be ceded at the Facility rate or the individual company's filed rate, whichever is greater, phased in over a 2-year period.

Drivers who have retained their safe driver discount would be allowed to drive without insurance upon the payment of \$250. This allows them to drive without insurance without violating the Financial Responsibility statutes. The fee would go into the uninsured motorist fund. All other drivers would be required by law to carry insurance.

Under this bill, four rates would replace the current two rates---the objective rate and the base rate---now in the law. The four rates would be the preferred rate, the standard rate, the non-preferred rate and the substandard rate. Anyone who has maintained a safe driver discount for the past 10 years must be given the preferred rate and may not be ceded to the Facility. A person who has lost the safe driver discount could only qualify for the non-preferred and substandard rates.

The bill also increases fines for driving without insurance and provides for public service requirements in addition to fines imposed for this violation.

Status: On House Second Reading Contested Calendar.

Comprehensive Auto Insurance Reform (H. 3421, Rep. Cato). This bill addresses several aspects of the auto insurance market, including lawsuits arising out of accidents, proof of insurance and rate tiers offered. The bill prohibits lawsuits for damages arising out of accidents for pain and suffering unless the injury reaches the "verbal" threshold or the at-fault person was driving under the influence or guilty of intentional misconduct. The bill defines "verbal threshold." Insurers no longer would be required to write physical damage coverages, and the insurance commissioner must compile an analysis for whom physical damage coverage is written and for whom such coverage is denied. The data must include categories of race, sex, income, occupation and geographical territory. The commissioner must report annually to the General Assembly.

Rates for policies ceded to the Reinsurance Facility are set at the designated agent's rate, or the individual company's filed rate, whichever is greater. This is phased in over a 2-year period. The bill also provides for a 4-tier rate system for auto insurance, replacing the current 2-tier system. The four tiers are: (1) preferred; (2) standard; (3) non-preferred; and (4)

substandard. The bill defines these rates and lists persons who must receive coverage at the preferred or standard rate. Insurance companies or agents must provide written notice to the insured of the tier in which he is written and the reasons he was written at that tier.

The bill requires officers to give a driver issued a traffic ticket an insurance verification form, to be completed by the driver and returned to the Highway Department. The Highway Department must contract with local law enforcement to confiscate plates on vehicles operated without insurance or on which coverage has lapsed. The local city, county or municipal governing body of the local law enforcement agency collecting the tag receives 50 percent of the reinstatement fee and 50 percent of the per diem fine collected for each license plate.

Additionally, the Highway Department must, on a daily basis, select a computerized sample of 500 registered vehicles and require them to provide verification of insurance coverage.

Finally, the bill requires insurers to submit rate filings by October 1, 1994, reflecting rate decreases, if any, attributable to repeal of the mandate to write physical damage coverages.

Status: On House Second Reading Contested Calendar.

Settlement of Catawba Indian Land Claims (S. 608, Sen. Hayes). This bill provides for the settlement of the Catawba Indian Land Claims settlement. The tribe claimed that its lands had been taken many years ago without congressional approval and had contemplated filing claims against over 60,000 landowners involving thousands of acres in Chester, Lancaster and York Counties. This settlement is an effort to resolve the claim. Among its features are the following:

---A \$50 million settlement, of which the federal government pays \$32 million and the State pays \$12.5 billion. The remaining \$5.5 million comes from local and private sources. The state's payments are to be made over 5 years, with a \$2.5 million payment every year. If the state's contribution falls short, the tribe has a cause of action against the state for the amount not paid when due.

---Allows the tribe to establish a tribal council, which may have criminal and civil jurisdiction and which may be vested with exclusive jurisdiction over internal matters of the tribe. However, if the tribe fails to establish a tribal council, then the State exercises jurisdiction over all civil and criminal cases arising out of acts and transactions occurring on the Reservation or involving members of the tribe.

---Lists provisions governing the playing of Bingo on the Reservation.

---All nonresidential buildings, fixtures and property improvements owned by the tribe or held in trust for the tribe by the United States are exempt from property taxes for 99 years after this settlement is effective.

---Residences located on the tribe's Reservation are exempt from property taxes, provided certain conditions as listed in the bill are met.

---Property and improvements owned by the tribe, its members, or both and which are not located on the Reservation are subject to property taxes.

---All personal property owned by the tribe and used solely on the Reservation is exempt from personal property taxes for 99 years following the effective date of the settlement. Motor vehicles owned by the tribe during the 99-year period are exempt from personal property taxes even if used off the

Reservation. All personal property located on the Reservation which is not exempt from personal property taxes is subject to property taxes.

---The tribe, its members and the Tribal Trust Funds are liable for the payment of all state and local sales and use taxes, except in limited circumstances; for example, purchases made by the tribe for tribal government functions are exempt from sales and local sales and use taxes for 99 years after this settlement becomes effective. However, the tribe must levy a special tribal sales tax on most items sold on the Reservation, with the tax rate equal to the state sales tax rate.

---All state and local environmental laws and regulations apply to the tribe and its reservation, and all public health codes of South Carolina and any county where the reservation is located are applicable to the reservation.

---The maximum land area authorized for the reservation is 4,200 acres, of which 600 acres include lands the tribe may not develop because of environmental considerations (flooding, etc.) or public right-of-way easements through the land. The bill lists provisions for expansion of the Reservation.

Status: On House Second Reading Uncontested Calendar.

Prescriptions May Be Issued by Therapeutically Certified Optometrists and Physician's Assistant (S. 622, Sen. Bryan). This bill permits therapeutically-certified optometrists and physician's assistants to issue prescriptions. Additionally, pharmacists are permitted to refill prescriptions on an emergency basis without authorization of the professional who prescribed the medication. The bill lists conditions under which the pharmacist may refill the prescription. These provisions do not abridge the right of the pharmacist to refuse to fill or refill a prescription. The bill deletes provisions which limit the number of physician's assistants a physician may supervise and allows the Department of Health and Environmental Control to issue registrations to nurse practitioners and physician's assistants to prescribe certain controlled substances.

Status: On House Second Reading Uncontested Calendar.

State Government Accountability and Reform (H. 4081, Rep. Boan). This bill gives state agencies greater flexibility in procuring services. As examples, the bill increases the minimum value of contracts which must be awarded by competitive sealed bidding from \$2,500 to \$50,000, and allows agencies to contract for architectural-engineering services or land surveying services up to \$18,000 (as currently opposed to \$12,000) per project or \$54,000 (as currently opposed to \$36,000) over a 24-month period without approval of the state engineer. The bill also provides that the minimum full-time workweek for State employees is 37.5 hours a week and allows agencies to vary an employee's work schedule through the use of alternative scheduling strategies. Additionally, the bill provides that reclassification, reassignments and transfers of employees to the same pay grade are not subject to grievance procedures.

Status: In House Ways and Means Committee.

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