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**WEEK IN REVIEW - MAY 10-14, 1999**

## HOUSE FLOOR

The House of Representatives devoted much of the Legislative Week to consideration of video poker legislation. The House took up H.3002, the bill which the House passed to prohibit gambling cruises and which the Senate amended to include provisions for the regulation and taxation of video poker machines and other such coin-operated devices. The House amended Senate amendments, striking the Senate version in its entirety and replacing it with a House plan for regulation, but adjourned for the week without approving the bill and returning it to the Senate. The issue which generated considerable debate was whether House-approved video poker regulations should retain the \$125 maximum payout per individual, per day, per location as provided under current law, or revise the limit on payouts so as to provide for a \$125 maximum per payout. On Wednesday, the House rejected an amendment which would have revised the maximum payout, and, instead, adopted an amendment on Thursday which retains the limitation provided under current law. The amendment approved by the House also revises licensure fees and application and renewal procedures; taxes net machine income; prohibits casinos; restricts activities which may be conducted at sites with video poker; places limits on advertisement; limits hours of operation; prohibits a business with video poker machines and other such devices from deriving the primary portion of its proceeds from the machines; establishes computer monitoring of machines; provides for background investigations of license applicants; and establishes limitations for the location of licensed video poker machines. On Thursday, the House also approved an amendment which provides for a statewide referendum conducted on November 2, 1999, to determine whether or not video game machine payouts will continue to be allowed in the State. The amendment imposes a one-time surcharge on video poker machines and other such games with a free play feature, with funds to be used to defray the cost of conducting the referendum. The issue awaits the attention of Representatives when the House resumes its activities.

The House returned S.379 to the Senate with amendments. The House amended S.379 by deleting the Senate-approved bond authorization and, instead, providing that beginning fiscal year 2000-2001, and annually each fiscal year until the fiscal year ending June 30, 2008, the General Assembly must appropriate \$125 million to the Public School Facilities Improvement Fund. As amended, these funds would be allocated to the local school districts based on the distribution formula established for Barnwell revenues. As amended, the bill provides that if the tax on coin-operated devices is not sufficient to meet the annual allocation of \$125 million, any funds derived from a statewide school lottery would be used to reach the annual allocation of \$125 million. The House further amended the bill to provide that, in addition to all other funds provided in the legislation, surplus general fund revenues in excess of those officially recognized by the Board of Economic Advisors must be deposited in the Public School Facilities Fund each year. This transfer of funds is authorized to continue until the Public School Facilities Fund reaches the amount of one billion dollars. The House amended the bill to provide that the Education Oversight Committee shall report annually to the General Assembly and the Governor beginning July 1, 2000, on the amount of allocations to the several school districts and the manner in which such funds were used. The report may also include recommendations for improvements the School Facilities Improvement Act. The House also amended the bill to direct the State Department of Education to have experienced architects develop sets of model school plans for elementary, middle, and high schools that shall be made available for use by local school boards free of charge.

The Speaker of the House appointed a Committee of Conference to address differences with the Senate on H.3696, the General Appropriation Bill.

The House amended, approved and sent to the Senate **H.4000**. This bill authorizes the State Department of Education (the department) to grant waivers to schools and school districts from specified state statutory and regulatory educational requirements under certain conditions. Schools or school districts may be granted such waivers only if they have developed a reform plan, and if the waiver will assist the school or the district in reaching its educational goals. The bill includes requirements for the Department in monitoring and reviewing districts which receive waivers, and provides that the Department shall not approve a waiver application for a period exceeding five years. The bill prohibits the Department from granting waivers relating to maintenance of effort; comparability of services; parental participation and involvement; distribution of funds to local school districts; school attendance areas; and applicable constitutional requirements. The bill requires that the Department report to the General Assembly and the Governor on statutory and regulatory requirements that have been waived; the effect of the waivers upon state and local education reforms; and the performance of students affected by the waivers.

The House amended, approved and sent to the Senate **S.277**. As introduced, this bill provides that it is unlawful for a person to sell or give away urine in this State or transport urine into this State with the intent of using the urine to defraud a drug-screening test. Under the amendment approved by the House, it is also illegal to: attempt to foil or defeat a drug or alcohol screening test by the substitution of a sample or the advertisement of a sample substitution, or other spiking measure; adulterate a urine or other bodily fluid sample with the intent to defraud a drug or alcohol screening test; or, possess adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol screening test. Penalties are established for failure to comply with the provisions of **S.277**.

The House amended, approved and sent to the Senate **H.3804**. This bill prohibits the manufacture, transportation, possession, or use of bombs and weapons of mass destruction. As amended, the term "poisonous gases" as used in the bill does not include tear gas devices designed to be carried on or about the person that contain not more than fifty cubic centimeters of the chemical. **H.3804**, as amended, provides that a person who knowingly hinders or obstructs certain individuals while in the detection, disarming, or destruction of a destructive device is guilty of a felony. The bill, as amended, provides that a person who transmits a false alarm to the effect that a destructive device or hazardous substance of any nature has been placed where its explosion, detonation, or release would cause damage, injury, or death to human life or property, knowing the same to be false is guilty of a felony. The amendment to **H.3804** adopted by the House provides that the bill does not apply to the lawful use of: small arms ammunition, components of small arms ammunition, ammunition reloading equipment, or the use of small arms propellant when used in war reenactments. Nor do the provisions of this bill apply to the military or naval forces of the United States, to the duly organized military force of a state or territory, or to police or fire departments in this State when they are acting within their official capacities and in performance of their duties

The House approved and sent to the Senate **H.3764**. This bill allows an active retired judge from the circuit court to have the same powers at chamber as a judge of the circuit court.

The House approved and returned to the Senate **S.577**. Under this bill, a person may not seek more than one judicial vacancy at the same time.

The House approved and returned to the Senate **S.660** which pertains to the abuse or neglect of a vulnerable adult. This bill provides that any person who: knowingly and willfully abuses, neglects, or exploits a vulnerable adult is guilty of a felony (Class F); knowingly and

willfully abuses or neglects a vulnerable adult resulting in great bodily injury is guilty of a felony (Class D); and knowingly and willfully abuses or neglects a vulnerable adult resulting in death is guilty of a felony (Class A). **S.660** provides that a person (1) who is required to make a report, and (2) has actual knowledge that abuse, neglect, or exploitation has occurred, and (3) who knowingly and willfully fails to report the abuse, neglect, or exploitation is guilty of a misdemeanor. The bill further provides that a person who willfully and knowingly obstructs or in any way impedes an investigation conducted pursuant to *South Carolina Code of Laws* Chapter 35 (Adult Protection) of Title 43 (Social Services) upon conviction is guilty of a misdemeanor. Penalties are established for failure to comply.

The House approved and sent to the Senate **H.3870**, a bill enacting the "South Carolina Notoriety for Profit Act." This bill allows eligible persons (victims and their families) or the State Office of Victim Assistance to recover profits obtained or generated from the commission of a crime. The bill also repeals *South Carolina Code of Laws* §15-59-40 through 15-59-80, relating to moneys paid into the court.

The House amended, approved and sent to the Senate **H.3419**, the "South Carolina Shooting Range Protection Act of 1999." This bill defines the terms "shooting range" and "substantial change in use." The legislation regulates nuisance actions for noise brought by property owners against shooting ranges. This bill also provides conditions and limitations for the regulation of noise control of a shooting range by a county or municipal ordinance. This bill does not prohibit a local government from regulating the location and construction of a shooting range or the noise produced by the expansion of activity at a shooting range.

The House amended, approved and returned to the Senate **S.337** which pertains to the state's small loan industry. The bill makes revisions regarding gross life coverage, the definition of "disability," credit life rates, portability, medical underwriting, disclosure requirements, incontestability, claims practices, electronic transactions, and non-filing insurance. These revisions include, providing that the amount of gross life insurance coverage be based upon the periodic installment payment multiplied by the number of scheduled periodic installment payments for a loan of sixty months or less. For loans in excess of sixty months the amount is set as the amount necessary to liquidate the remaining debt in a single lump sum payment, excluding all unearned interest and other unearned finance charges, plus six monthly installment payments. The bill provides that the most restrictive definition of "disability" shall be based on the insured's own occupation on the date of the disability for the first year and on an occupation with substantially equivalent remuneration thereafter. The bill provides maximum rates for credit life insurance. The bill requires that credit insurance be portable. The legislation lowers the maximum premium for non-filing insurance. The bill enhances consumer disclosure requirements. The bill requires that it must be the consumer's choice to purchase insurance for less than the length of the loan.

The House amended, approved and returned to the Senate **S.398** which conforms guidelines for the Board of Registration for Professional Engineers and Land Surveyors to the uniform statutory framework provided for boards and commissions under the authority of the Department of Labor, Licensing and Regulation. The bill also makes various other substantive changes. The amendment proposed by the Committee makes several revisions to the Senate's version of the bill, including removing the advice and consent of the Senate from the process by which the Governor appoints members of the Board.

The House approved and enrolled for ratification **S.454**. This bill revises the requirements for reinstatement of an occupational therapy license and an occupational therapy assistant license. If the license has been inactive for at least three years, current law requires the

applicant for reinstatement to pass an examination in addition to completing continuing education and supervised practice. This bill makes the examination conditional on the number of years the license has been inactive.

The House amended approved and returned to the Senate **S.728**, The Automated External Defibrillator Act. Under this bill, a person or entity that acquires an automated external defibrillator (AED) must: require its designated AED users to have current training in CPR and AED used by the American Heart Association, American Red Cross, or National Safety Council; maintain and test the AED according to the manufacturer's operational guidelines and keep written records of maintenance; employ or obtain a health care professional to serve as its AED liaison; have in place an AED program approved by its AED liaison; include in its AED protocol or guidelines that a person who renders emergency care using an AED must activate the emergency medical services system or 911 as soon as possible; report any clinical use of the AED to the AED liaison. Any person or entity 1) acting in good faith, and 2) acting gratuitously is immune under this bill from civil liability for the application of an AED, unless the person or entity was grossly negligent. Under the bill, a person or entity acquiring an AED and meeting the above-requirements shall be immune from civil liability for the application of an AED. A prescribing doctor shall be immune from civil liability for authorizing the purchase of an AED, unless the authorization was grossly negligent. This bill does not apply to emergency medical services, a doctor's office, or a health care facility.

The House approved and enrolled for ratification **S.333**. This bill exempts a licensed massage therapist from continuing education requirements if the therapist has a "Certificate of Massage" issued by SLED prior to January 1, 1974. The bill also deletes the limitation on terms a person may serve on either the LLR Massage Therapy Advisory Panel or Disciplinary Panel.

The House approved and enrolled for ratification **H.3430**. This bill exempts recipients of the Purple Heart (when their vehicles bear a disabled veteran's or Purple Heart license plate) from the payment of municipal parking meter fees.

## SENATE FLOOR

TUESDAY MAY 11, 1999

Upon unanimous consent, **H.3581**, the "South Carolina First Steps to Readiness Act," was recalled from the Committee on Education and taken up for immediate consideration with the question being the second reading of the bill. The Senate amended the bill and gave it second reading with notice of general amendments.

**S.709**, a bill prohibiting intentionally leaving an establishment without paying for gasoline dispensed into a motor vehicle, was read for the third time and ordered sent to the House.

**S.753** was amended, read for the third time, and ordered sent to the House. This bill authorizes the Department of Natural Resources to promulgate regulations for the protection, preservation, operation, maintenance, and use of wildlife management areas and land owned by the Department.

The following bills received second reading with notice of general amendments:

- **H.3783**, a bill moving Calhoun County from game zone three to game zone six

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- **H.3909**, a bill relating to the unlawful taking of certain large-mouth bass in Lake Robinson
- **H.3951**, a bill pertaining to prohibited acts in an establishment licensed to sell beer or wine

**H.3643**, a bill relating to motorboats on Tugalo Lake, was read for the second time.

**WEDNESDAY MAY 12, 1999**

The House insisted upon its amendments to **H.3696**, the general appropriations bill. Senators Drummond, McConnell, and Setzler were appointed to the Committee of Conference.

The House insisted upon its amendments to **H.3697**, a joint resolution to appropriate monies from the Capital Reserve Fund for fiscal year 1998-99. Senators Drummond, McConnell, and Setzler were appointed to the Committee of Conference.

The House returned **S.728**, a bill enacting the "South Carolina Automated External Defibrillator Act," with amendments. The Senate concurred in the House amendments and a message was sent to the House accordingly. It was ordered that the title be changed to that of an act, and the act enrolled for ratification.

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

- **S.116**, a bill pertaining to limits established for taking black bass from certain lakes and rivers
- **S.671**, a joint resolution giving legislative approval to the mission statement of the Department of Natural Resources
- **S.702**, a bill revising the prohibition on the use of bait to lure bears

The Senate adopted a committee amendment and gave second reading to **S.238**, a bill relating to hunting deer near a residence or school.

**H.3748** was amended and read for the second time with notice of general amendments. This bill pertains to 1) lease purchase or financing agreements for energy efficiency products, and 2) loan agreements for energy conservation measures.

The Senate resumed its interrupted debate of **H.3276**, a bill pertaining to municipal charges to telecommunications providers, with the question being the third reading of the bill. The bill was amended; however, debate was interrupted by adjournment, with Senator Ravenel retaining the floor.

**THURSDAY MAY 13, 1999**

The House returned **S.379**, the "State School Facilities Bond Act," with amendments. The Senate proceeded to a consideration of the bill with the question being concurrence with the House amendments. The Senate amended the House amendments and returned the bill to the House with amendments.

**H.3960**, a bill pertaining to fish and game, was read for the third time and ordered returned to the House with amendments.

**H.3833** was amended, read for the third time, and ordered sent to the House. This bill allows state agencies to collect tax revenues or license fees through electronic means.

**S.450** was read for the third time and ordered sent to the House. This bill pertains to trotline hooks used in Lakes Marion and Moultrie.

The following bills were read for the second time with notice of general amendments:

- **H.3581**, a bill relating to the authority of certain state financial institutions
- **H.3337**, a bill providing that the most senior administrative law judge, rather than the judge elected to seat 2, exercises the powers and functions of the chief administrative law judge in the event of a vacancy in that office
- **H.3035**, a bill pertaining to the maximum penalties that a municipal judge may impose and the amount of restitution that a magistrate may order
- **H.3118**, a bill relating to employer contributions to the Unemployment Compensation Fund
- **H.3329**, a bill defining the term "prevailing party" for actions to enforce mechanics' liens
- **H.3888**, a bill pertaining to Commissioners of Municipal Housing Authorities

The Senate adopted a committee amendment and gave second reading with notice of general amendments to the following:

- **H.3535**, a bill amending the Horizontal Property Act
- **H.3640**, a bill pertaining to the destruction of criminal records

**S.297** was amended and read for the second time. This bill allows a person to possess an open container in certain portions of a moving limousine or chartered bus.

The Senate adopted a committee amendment and gave second reading to **H.3301**, a bill relating to appeals from final orders of adoption.

## JOINT ASSEMBLY

The House of Representatives and Senate met in Joint Assembly on Wednesday, May 12, for the purpose of electing members of the boards of trustees for several educational institutions. The following individuals were elected by lawmakers: Mr. Julian G. Frasier, III, The Citadel, At-Large District; Mr. Clark B. Parker, Coastal Carolina University, First Congressional District, Seat 1; Mr. Oran P. Smith, Coastal Carolina University, Second Congressional District, Seat 3; Mr. Payne H. Barnette, Jr., Coastal Carolina University, Third Congressional District, Seat 5; Ms. Elaine W. Marks, Coastal Carolina University, Fourth Congressional District, Seat 7; Ms. Juli Streater Powers, Coastal Carolina University, Fifth Congressional District, Seat 9; Mr. Fred F. DuBard, Jr., Coastal Carolina University, Sixth Congressional District, Seat 11; Mr. H. Franklin Burroughs, Coastal Carolina University, At-Large District, Seat 13; Mrs. Robin R. Agnew, Lander University, First Congressional District, Seat 2; Mr. Arnold Collins, South Carolina State University, First Congressional District, Seat 1; Mr. Samuel Glover, South Carolina State University, Second Congressional District, Seat 2; Mr. John A. McCarroll, South Carolina State University, Fourth Congressional District, Seat 4; Mr. Vince Rhoads, Wil Lou Gray Opportunity School, At-

Large Seat; Dr. Louise T. Scott, Wil Lou Gray Opportunity School, At-Large Seat; Mr. Lowell C. "Butch" Spires, Wil Lou Gray Opportunity School, At-Large Seat; and Mr. Robert L. Thompson, Winthrop University, At-Large District.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

### EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

### JUDICIARY

On Tuesday, May 11, the full Judiciary met and gave a favorable recommendation to **S.598**. Currently, all appeals are filed in the Supreme Court, which in turn transfers cases to the Court of Appeals. Note that the Supreme Court has exclusive appellate jurisdiction for cases concerning the death penalty, public utility rates, significant constitutional issues, public bond issues, and election issues.

**S.598** repeals the current procedures for appeals. This bill provides that appeals may be taken in the manner provided by the South Carolina Appellate Court Rules. This bill makes other relevant changes regarding the Court of Appeals; samples of these changes include:

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

**H.3764** received a favorable report from the Judiciary Committee. This bill allows an active retired judge from the circuit court to have the same powers at chamber as a judge of the circuit court.

**S.577** also received a favorable report from the Judiciary Committee. Under this bill, a person may not seek more than one judicial vacancy at the same time.

The Judiciary Committee gave a favorable recommendation to **S.660**. This bill provides that any person who

- knowingly and willfully abuses, neglects, or exploits a vulnerable adult is guilty of a felony (Class F)
- knowingly and willfully abuses or neglects a vulnerable adult resulting in great bodily injury is guilty of a felony (Class D)
- knowingly and willfully abuses or neglects a vulnerable adult resulting in death is guilty of a felony (Class A)

**S.660** provides that a person (1) who is required to make a report, and (2) has actual knowledge that abuse, neglect, or exploitation has occurred, and (3) who knowingly and willfully fails to report the abuse, neglect, or exploitation is guilty of a misdemeanor. The bill further provides that a person who willfully and knowingly obstructs or in any way impedes an investigation conducted pursuant to *South Carolina Code of Laws Chapter 35 (Adult Protection)* of Title 43 (Social Services) upon conviction is guilty of a misdemeanor. Penalties are established for failure to comply.

The Judiciary Committee gave a favorable report with amendment to **H.3075**. As introduced, the bill requires a sheriff to provide written notification of a sex offender's residence to every residence within a four-block radius of the sex offender's residence. Neighbors must be notified within ten days of the date that the sex offender registered his or her change of address with the sheriff. As introduced, the bill authorizes a sheriff to provide this information to people outside the four-block radius so long as the sheriff believes the disclosure of such information will deter crime. The introduced version of the bill requires notification to the neighbors to include the following information: full name of the offender; any aliases; identifying physical characteristics; date of birth; address; type of offense; the date, city, and state of conviction; and a photocopy of recent photograph of the convicted sex offender. The Judiciary Committee's proposed amendment to **H.3075** rewrites the bill.

The Judiciary Committee's proposed amendment to **H.3075** requires the State Law Enforcement Division to develop and maintain a protocol manual to be used by contributing agencies in the administration of the sex offender registry.

Currently, information collected for the sex offender registry is open to public inspection. However, an individual must request that a sheriff release information regarding a *specific person*. The Judiciary Committee's proposed amendment to **H.3075** deletes this requirement and requires the sheriff to provide a listing of the sex offender registry for publication in a newspaper with general circulation within the county. The Judiciary Committee's proposed amendment authorizes a sheriff to disclose information regarding persons listed on the sex offender registry so long as the sheriff believes the release of such information will deter criminal activity or enhance public safety.

Currently, an individual requesting information contained in the sex offender registry must divulge his or her own name, and provide the name or address of the person or persons about whom the information is sought. Current law allows the information to be disclosed only to the person making the request. The Judiciary Committee's proposed amendment to **H.3075** deletes these provisions.

**H.3392** received a favorable recommendation from the Judiciary Committee. This bill amends *South Carolina Code of Laws* §23-11-110, relating to the qualifications necessary to offer as a candidate for sheriff, so as to provide that service as a coroner for ten years satisfies the same requirement as ten years service as a summary court judge.

The Judiciary Committee gave a favorable report to **H.3870**, a bill enacting the “South Carolina Notoriety for Profit Act.” This bill allows eligible persons (victims and their families) or the State Office of Victim Assistance to recover profits obtained or generated from the commission of a crime. The bill also repeals *South Carolina Code of Laws* §15-59-40 through 15-59-80, relating to moneys paid into the court.

**H.3858** received a favorable recommendation from the Judiciary Committee. This bill amends *South Carolina Code of Laws* §4-9-82, relating to the transfer of the assets, properties, and responsibilities of a public service district for the delivery of clinical medical services. The bill deletes the requirements that (1) the services must be clinical, and (2) the transfer must be to another political subdivision or an appropriate health care provider in the district. Currently, a transfer is not complete until the question of the transfer has been submitted to and approved by a favorable referendum vote of the majority of the qualified electors of the district voting in the referendum. The bill allows the referendum vote to be conducted either as a special referendum or at the same time as a general election. The bill further provides that a referendum is not necessary when the transfer of the assets, properties, and responsibilities is made to certain entities. The bill authorizes a hospital public service district to dissolve upon the completion of the transfer and assumption of the responsibilities and obligations of the district.

The Judiciary Committee gave a favorable report to **S.324**. This bill amends *South Carolina Code of Laws* §33-31-302, relating to the general powers of a nonprofit corporation under the South Carolina Nonprofit Corporation Act of 1994, so as to clarify that a nonprofit corporation may serve as a trustee of a trust in which it has a beneficial interest. This bill further provides that a nonprofit corporate trustee of a trust in which it has a beneficial interest is not conducting a trust business with regard to that trust.

The Judiciary Committee gave a favorable recommendation with amendment to **S.177**, a bill designating the “Spiritual” as the official music of the State. The Judiciary Committee’s proposed amendment to **S.177** briefly outlines the history of the “Spiritual” and its unique South Carolina heritage.

**H.3656**, a bill abolishing common law marriage in South Carolina, was tabled.

**H.3086** received a favorable report with amendment from the Judiciary Committee. This bill revises the newspaper notice and notice-posting requirements for beer or wine permit applications and alcoholic liquor license applications.

As introduced, **H.3086** requires advertisement 1) in a newspaper nearest to the proposed location of the business, and 2) in a newspaper most likely to give notice to interested citizens. The Judiciary Committee’s proposed amendment requires the newspaper to be a South Carolina newspaper.

Currently, whether or not a newspaper meets the requirements of this section is based solely on available circulation figures. **H.3086** adds the proposed location of the business as a factor to be considered in determining whether or not the newspaper meets the requirements of this section.

The introduced version of **H.3086** requires applicants to notify, through the mail, all residences and businesses within a three-block radius of the proposed location of the business about the application for a beer or wine permit or an application for an alcoholic liquor license. The Judiciary Committee's proposed amendment deletes this provision from the bill.

**H.3086** requires the notice to be run in the legal notice section of the newspaper. As introduced, the bill requires that a sign, providing notice to the public about the application for beer or wine permits and alcoholic liquor, must be placed at the closest intersection to the proposed location of the business. The Judiciary Committee's proposed amendment deletes this requirement from the bill.

Currently, notice must also be given by displaying a sign for 15 days at the site of the proposed business. The bill increases the size requirements for the sign.

The Judiciary Committee gave a favorable recommendation to **H.3701**. This bill deletes provisions that provide for straight party ticket voting on general election ballots, straight party ticket voting on any type of recorder, and voting for all of the candidates of one party by use of a voting machine.

**H.3786** received a favorable recommendation with amendment from the Judiciary Committee. As introduced, this bill requires written certification of the names of all candidates to be placed on primary ballots. The written certification must contain a statement that each candidate certified meets or can meet the qualifications for the office for which he or she has filed. Under the introduced version of this bill, the State Election Commission must provide each party with an affidavit to be used to certify a candidate. If April ninth falls on a Saturday, the introduced version of this bill extends the deadline to file the certification to twelve o'clock noon on the following Monday. As introduced, this bill establishes penalties for (1) failure to file and (2) knowingly falsifying an affidavit.

**The Judiciary Committee's proposed amendment to H.3786 was not available in time to be included in this week's *Legislative Update*.**

The Judiciary Committee gave a favorable recommendation to **S.373**. As introduced, this bill defines the term "resident" for voting purposes to mean a person's domicile, and the bill defines the term "domicile" as person's fixed home where he or she has an intention of returning when absent. A person has only one domicile. Under this bill, a person has changed his or her domicile if that person (1) has abandoned his or her prior home, (2) established a new home, (3) has a present intention to make that place his or her home, (4) and has no present intention to leave that place. The introduced version of the bill allows a spouse to establish a separate domicile for voting purposes. As introduced, the bill establishes a procedure for the challenging of the qualifications of an elector. The bill requires any challenges of the qualifications of an elector to be made in writing to the board of registration in the county of registration. Under the bill, the board of registration must (within ten days of the challenge and after first giving notice to the elector and his challenger) hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications. The bill also includes a list of factors that the board may consider as proof of residence. The bill provides that written notification of a change in address submitted by an elector for registration or voting purposes is deemed given under oath. Penalties are established for fraudulently providing a change of address.

**The Judiciary Committee's proposed amendment to S.373 was not available in time to be included in this week's *Legislative Update*.**

The following bills were recommitted to their appropriate subcommittees:

- **H.3529**, a bill enacting “The Equalization of Defendants’ and Victims’ Rights Act of 1999” (*recommitted to the Constitutional Laws Subcommittee*)
- **S.708**, a bill pertaining to various sex offenses (*recommitted to the Criminal Laws Subcommittee*)
- **S.70**, a bill exempting individual retirement accounts, individual retirement annuities, and individual retirement trusts from attachment, levy, and sale under any mesne or final process issued by any court or bankruptcy proceeding (*recommitted to the Special Laws Subcommittee*)

On April 20, the Judiciary Committee gave a favorable report with amendment to **H.3419**, a bill that creates the “South Carolina Shooting Range Protection Act of 1999.” The bill regulates nuisance actions for noise brought by property owners against shooting ranges. The bill provides conditions and limitations for the regulation of noise control of a shooting range by a county or municipal ordinance. However, the bill does not prohibit a local government from regulating the location and construction of a shooting range.

As introduced, **H.3419** defines the term “shooting range” to mean an area designated and operated by an individual, proprietorship, partnership, corporation, club, or other governmental or legal entity for use of firearms. The Judiciary Committee’s proposed amendment defines the term “shooting range” to mean an area that is

- (a) designated, utilized, and operated by a person for the firing of firearms; where,
- (b) the firing of firearms is the usual, regular, and primary activity occurring in the area; and where
- (c) the improvements, size, geography, and vegetation of the area ensure that a projectile discharged from a firearm in the general direction of a target does not escape its boundaries by virtue of the trajectory of the projectile, or by virtue of a backstop, berm, bullet trap, impact barrier, or similar device designed to prevent the escape of such projectiles.

The Judiciary Committee’s proposed amendment to **H.3419** defines the term “person” as an individual, partnership, limited liability company, corporation, club, association, governmental entity, or other legal entity.

As introduced, **H.3419** defines the term “substantial change in use” or “substantial change in the use” to mean that the current primary use of the range no longer represents the activity previously engaged in at the range. The Judiciary Committee’s proposed amendment expands this definition to include “an expansion of the activity at the shooting range.”

## **LABOR, COMMERCE, AND INDUSTRY**

The full Labor, Commerce and Industry Committee did not meet this week.

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

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

## WAYS AND MEANS

The full Ways and Means Committee did not meet this week.

## BILLS INTRODUCED IN THE HOUSE THIS WEEK

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

**H.4096 SOUTH CAROLINA NEIGHBORHOOD PROTECTION ACT Rep. Neal**

This bill creates the South Carolina Neighborhood Protection Act. The bill creates a cause of action to recover money damages or equitable relief for anyone whose property is adversely impacted by pollution, impairment, or destruction of natural resources due to the use of an adjacent property.

**H.4098 ENVIRONMENTAL BILL OF RIGHTS ACT Rep. Neal**

This bill creates the Environmental Bill of Rights Act. The Act provides for a cause of action to be brought in circuit court for declaratory or equitable relief against any person for protection of the air, water, land, and other natural resources. The action may be brought in any county where one or more of the defendants reside at the time the action begins. If all defendants reside out-of-state, the action can be brought in any county designated by the plaintiff. The bill also allows a plaintiff to bring an action against the state to challenge an environmental quality standard, limitation, regulation, order, license, or permit issued by the State or an instrumentality of the State.

**H.4099 DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL Rep. Neal**

This bill revises the procedures for the General Assembly to review the qualifications of the Governor's appointees to the Board of the Department of Health and Environmental Control (DHEC). The bill also requires that DHEC develop a long-range strategy for preserving and protecting the state's natural resources. DHEC must prepare a statement on the costs and benefit of actions to implement this strategy. Under the bill, DHEC is required to review and consider the past compliance history of an applicant when making a permit decision.

**H.4071 DEPARTMENT OF NATURAL RESOURCES BOARD Rep. Bowers**

This bill increases the membership on the Board of the Department of Natural Resources from seven to nine. Members are chosen from nine multi-county districts with a fair and equitable rotation of appointments among all the counties comprising an appointment district.

**S.753 WILDLIFE MANAGEMENT AREAS Sen. Martin**

This bill authorizes DNR to promulgate regulations for protection, preservation, operation, maintenance, and management of wildlife management areas and land owned by DNR. The bill outlaws hunting during closed seasons, camping, swimming, rock climbing, pets, operation of boats and other motor vehicles, and other actions inconsistent with protection and use of wildlife management areas. Violators face fines of up to \$200 or imprisonment for up to 30 days.

### EDUCATION AND PUBLIC WORKS

**S.421 ELIGIBILITY FOR LIFE SCHOLARSHIPS Sen. McConnell**

The bill provides that the current LIFE Scholarship eligibility requirement to enroll in an eligible institution within two years of graduating from high school shall be extended by the number of years an individual honorably serves on active duty in the US Armed Forces after enlisting within three months of high school graduation, and serving for a period not to exceed four years.

**H.4070 OPEN ENROLLMENT FOR GRADES K-12 Rep. Vaughn**

This bill requires the State Board of Education to develop, and the State Department of Education to implement, a program of open school enrollment in which each public school of the State must participate. Private schools may participate if they so desire. The open enrollment program must allow the parent of each school-age child to choose for that child to attend a participating school selected by the child's parent in accordance with the provisions of the bill.

The bill requires participating schools to establish admission criteria, and requires school districts to establish criteria for the equitable allocation of places for children if there are insufficient places to serve all children requesting places. The bill requires participating schools to enter into an agreement with the State Department of Education, assuring that schools will furnish a child an education equivalent to that provided to all other children in the school, and requires school boards of participating districts to adopt specific standards for acceptance and rejection of applications.

The bill provides an application procedure for a pupil who wishes to attend a nonresident district school, and provides for adjustment of monetary differences between schools when a child attends a public school which is not in his attendance area.

The bill also provides for transportation responsibility for nonresident pupils, for acceptance of credits towards graduation for nonresident pupils, for average daily enrollment calculations, and for interscholastic athletic competition. The bill also prohibits a student from transferring to a nonresident district where the percentage of enrollment for the student's race, plus or minus five percent, exceeds that percentage in his resident district.

The bill also provides for a phase-in of grade levels affected by the provisions of the bill, beginning with kindergarten in 2000-2001, and including kindergarten through grade 12 by 2012-2013.

**H.4078 STUDENT PARTICIPATION IN SOCCER Rep. Kelley**

This bill provides that students who participate in interscholastic soccer or as a member of a school squad may participate in organized soccer which is independent of the control of the school, under certain conditions. The bill also provides that a school or student is not ineligible for participation in interscholastic soccer because of the participation of the student as a member of an organized soccer team.

**S.786 SCHOOL DISTRICT OF WILLIAMSBURG COUNTY Sen. McGill**

This bill increases the *per diem* that members of the Board of the School District of Williamsburg County receive, from fifty to one hundred dollars per meeting for members and from seventy-five to one hundred fifty dollars per meeting for the chairman.

**H.4088 DEALER LICENSE PLATES Rep. Walker**

This bill decreases from twenty to ten the number of motor vehicles a dealer must sell in the twelve months preceding his application, before he may be issued a dealer license plate. The bill also revises the number of plates that may be issued to such dealers.

**H.4093 ORGAN AND TISSUE DONOR MONUMENT Rep. Wilder**

This concurrent resolution requests the State House Committee to select an appropriate site to erect a monument on the State House grounds to recognize organ and tissue donors, and requests the Gift of Life Trust Fund of South Carolina to assume the cost of purchasing and installing the monument, if funds are not otherwise appropriated.

**JUDICIARY**

**S.709 LEAVING THE PUMP WITHOUT PAYING FOR GASOLINE**

**Sen. Judiciary Committee**

This bill makes it unlawful to intentionally leave an establishment without making payment for gasoline that is dispensed into a motor vehicle. Penalties are established for failure to comply. Note that the penalties include suspension of an offender's driver's license for a specified period of time.

**H.4094 EXECUTION OF PERSONS THAT COMMIT A CRIME WHILE UNDER THE AGE OF EIGHTEEN Rep. Neal**

If a person is under the age of eighteen when a crime is committed, this bill prohibits the person from being executed under any circumstances.

**H.4097 "SOUTH CAROLINA RACIAL JUSTICE ACT" Rep. Neal**

This bill prohibits a person from being executed when the death sentence was imposed based on race. The bill outlines how an inference that race was the basis of a death sentence may be established. If an inference that race was the basis of a death sentence is established, the bill prohibits the State from carrying out the death sentence unless the State can rebut the inference with clear and convincing evidence. The provisions of the bill must be applied retroactively.

**LABOR, COMMERCE, AND INDUSTRY**

**H.4069 MANUFACTURED HOME PARK LEASES Rep. Keegan**

This bill requires a manufactured home park lease to provide an option for renewal. The bill also provides that in leases for ten years or longer the amount of the lease upon renewal must not exceed the original lease amount adjusted for increases in the consumer price index over the previous term of the lease plus twenty percent of the adjusted amount.

**H.4074 PAY DEDUCTIONS FOR PREPAID LEGAL INSURANCE Rep. Sharpe**

This bill adds prepaid legal insurance to the list of types of insurance coverage which state employees may request to fund through deductions from their compensation.

**H.4075 CHOICE OF ATTORNEY UNDER LEGAL INSURANCE CONTRACTS  
Rep. Sharpe**

This bill revises laws governing legal insurance so as to provide that a contractual obligation for specified legal services under a closed panel plan (under which a list of attorneys is designated by the plan) must also make available coverage under a separate open panel plan (under which services may be obtained from an attorney of choice). Such open panel plan may be based on a specified schedule of fees. There may be different charges between coverage in a closed panel plan and coverage in an open panel plan subject to approval by the director of the Department of Insurance. Purchase of any prepaid legal insurance must not be made in connection with a loan transaction.

**H.4076 EXEMPTION FROM CONTINUING EDUCATION REQUIREMENTS FOR AGENTS WHO SELL PREPAID LEGAL INSURANCE Rep. Sharpe**

This bill exempts insurance agents licensed to sell only prepaid legal insurance from education and continuing education requirements.

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

**H.4066 FAMILY AID TASK FORCE COMMITTEE Rep. Davenport**

This Joint Resolution creates a task force to identify in-state and out-of-state residential and outpatient programs and resources available to aid families in managing behavioral, mental, and emotional problems of adolescence and aging parents. The task force is made up of directors and staff of governmental agencies and departments and appointments from the Speaker of the House and the President of the Senate. The task force must submit a report or recommendations to the Governor and the General Assembly by January 1, 2000, at which time the task force is abolished.

**WAYS AND MEANS**

**H.4077 TRAVEL REGULATIONS FOR STATE EMPLOYEES Rep. Quinn**

This joint resolution directs the State Budget and Control Board to conduct a study on the travel regulations for state employees, and to recommend changes in the policies to enhance the efficiency and cost effectiveness of the state's expenditures on travel for state employees. The resolution provides that current policies be maintained without change while the study is being conducted, and directs that the findings of the study be reported to the General Assembly by January 15, 2000.

**H.4085 REGULATION OF ALCOHOLIC BEVERAGES Rep. Kelley**

This joint resolution proposes an amendment to the Constitution relating to the powers of the General Assembly, so as to delete detailed requirements for the regulation of alcoholic liquors and beverages, including deleting the provision that on-premise establishments are licensed to sell alcoholic liquors and beverages only in sealed containers of two ounces or less, and to authorize the General Assembly to regulate the consumption of alcoholic liquors and beverages and to maintain the prohibition on delegating to municipalities the power to issue liquor licenses. The resolution provides that the question shall be submitted to voters at the next general election for representatives.

**H.4086 ALCOHOLIC BEVERAGES Rep. Kelley**

This bill amends numerous sections of the SC Code regarding alcoholic beverages so as to provide for liquor sold by the drink, as well as minibottles (which are currently allowed).

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The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page ([www.lpittr.state.sc.us](http://www.lpittr.state.sc.us)) and click on the "Quick Find Guide." On the next screen, click on "Legislative Updates." This will list all of the *Legislative Updates* by date. Click on the date you need.

**SPECIAL NOTE:** A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1999-2000. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.