



South Carolina House of Representatives

Legislative Update

ROBERT W. HARRELL, Jr., Speaker of the House

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate H.4427, a bill revising the **WORKERS' COMPENSATION** system, which provides disability payments for workers who sustain injuries in the course of their employment. The legislation provides that the burden of proof in a workers' compensation claim is on the employee. Causation must be proven with expert medical evidence stated to a reasonable degree of medical certainty in all claims except those pertaining to an occupational disease or a change of condition. In claims for an occupational disease, the employee must establish that the occupational disease arose directly and naturally from hazards peculiar to the particular employment by clear and convincing medical evidence. In claims for a change of condition, the employee must establish by clear and convincing evidence that there has been a physical change of condition caused by the original injury subsequent to the last payment of compensation. The legislation establishes a definition for an expert witness.

The burden of proving an injury or personal injury is the greater weight or preponderance of the evidence and is upon the employee. Causation of a medically complex condition must be supported by qualified expert testimony. The Workers' Compensation Commission is specifically not precluded from considering lay testimony or other evidence in conjunction with expert testimony in determining the cause of an injury. Any stress, mental injury, heart attack, stroke, embolism, or aneurism arising out of employment that is unaccompanied by other physical injury is not considered a personal injury unless it is established by clear and convincing medical evidence that the stressful employment conditions were extraordinary and unusual in comparison to the normal conditions of the particular employment. Also, no recovery is authorized for such conditions if they are the result of events incidental to the employment like disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews or termination except if these actions are taken in an unusual manner. The legislation provides that an "injury by accident" means an injury which is not expected or intended by the worker whether or not the time or place of the occurrence is identifiable or whether or not the symptoms of the injury arose suddenly or gradually over time.

An award by the Workers' Compensation Commission granted for a set list of injuries (including disfigurement and the loss of limb, organ, or hearing) shall set forth in writing the commission's finding as to the medical impairment rating of the injured employee. Medical impairment determinations shall be based upon the most current editions of the Guides to Evaluation of Permanent Impairment published by the American Medical Association.

The legislation contains provisions geared towards combating workers' compensation fraud. The definition of "false statement and misrepresentation" is expanded to include intentional false report of business activities or miscount or misclassification by an employer of its employees to obtain a favorable insurance premium, payment schedule or other economic benefit. The legislation enhances the crime classification and penalties for intentionally making a false statement or misrepresentation. The Attorney General's Office is authorized to hire a forensic accountant to be assigned to the Insurance Fraud Division.

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The legislation provides that a physician, surgeon or other healthcare provider may discuss and otherwise communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions and impairments with representatives of the insurance carrier, the employer, the employee, their respective attorney, rehabilitation professional or the Workers' Compensation Commission with the permission of the employee. The legislation defines "medical and vocational information" and provides that a health care facility shall provide such information to insurance carriers, employers, employees, their attorneys or rehabilitation professionals within 14 days of receipt of written request.

H.4427 revises the state's Second Injury Fund, an insurance program that reduces risks employers may bear for future claims from previously injured workers. The legislation eliminates most of the items in the list of covered preexisting conditions of the Second Injury Fund so as to limit it to: (1) amputated foot, leg, arm or hand; (2) loss of sight of one or both eyes or uncorrected vision of more than 75% bilateral; or (3) ruptured intervertebral disc. The legislation also provides that the Second Injury Fund will be dissolved if the Budget and Control Board determines that paid claims of the fund are \$8 million or more during the 2011-2012 fiscal year.

The legislation provides that workers' compensation provisions do not apply to a professional sports team player unless the employer voluntarily elects to be bound by them. The legislation provides that workers' compensation provisions do not apply to employees covered by the Federal Employers' Liability Act, the Longshore and Harbor Workers' Compensation Act, or any of its extensions, or the Jones Act.

Under the legislation, Workers' Compensation Commissioners are to be elected by members of the Senate and House of Representatives in joint assembly.

H.4427 requires the Department of Insurance to employ an outside actuary to perform a study determining the cost savings realized from the provisions of this act for the period January 1, 2007, to December 31, 2012, and report to the General Assembly and the Governor not later than December 31, 2006, the findings and recommendations on how to further reduce the state's workers' compensation costs.

The House approved **S.800** and enrolled the bill for ratification. This legislation increases **PENALTIES FOR A VIOLATION OF CHILD RESTRAINT LAWS**. Current law provides that a person may not be taken into custodial arrest for violation of provisions that require a child to be secured in a motor vehicle passenger restraint system; this bill deletes the prohibition on custodial arrest for a violation. This bill increases the maximum fine from \$25 dollars to \$150 dollars for a violation. The bill further provides that the court shall waive the fine against a person who, before, or upon the appearance date on the summons, supplies the court with evidence of acquisition, purchase, or rental of an appropriate child restraint system.

The House concurred in Senate amendments to **H.3721** and enrolled the bill for ratification. This bill relates to **SUBSTITUTION OF A CANDIDATE WHERE THE PARTY NOMINEE DIES, BECOMES DISQUALIFIED, OR RESIGNS**. The bill requires the State Election Commission to review the withdrawal of a candidate in a multi-county election or an election for a member of the General Assembly.

The House concurred in Senate amendments to **H.4585** and enrolled the bill for ratification. This legislation **DESIGNATES BOILED PEANUTS AS THE OFFICIAL STATE SNACK FOOD**. The legislation specifies that nothing requires or encourages any school district in this State to serve peanuts to students, especially students with food allergies.

The House appointed a conference committee to address differences with the Senate on **H.3841**, the “**SOUTH CAROLINA RETAIL FACILITIES REVITALIZATION ACT**.” The legislation creates tax credits as incentives for the renovation, improvements, and redevelopment of abandoned retail facility sites located in South Carolina.

The House returned **S.46**, pertaining to a **REAL ESTATE LICENSEE’S LIEN**, to the Senate with amendments. This bill provides that a real estate licensee who, by virtue of a written agreement with the owner, performs professional services incident to marketing, developing, or improving commercial real estate preparatory to or as a part of a commercial real estate lease or rental transaction has furnished labor or material for the improvement of commercial real estate. A real estate licensee shall not acquire a lien for furnishing such services unless: (a) the owner of the commercial real estate or the owner’s authorized agent authorizes the real estate licensee, under the terms of a written agreement, to lease an interest in the commercial real estate; and (b) the real estate licensee or the real estate licensee’s affiliated licensees provides licensed services that result, during the term of a written agreement, in the procuring of a person or entity that rents or leases the commercial real estate or rents or leases an interest in the commercial real estate upon terms contained in a written agreement. A real estate licensee shall not acquire a lien upon residential real estate for furnishing such services. Prior recorded liens shall have priority over a real estate licensee’s lien.

The House amended, approved, and sent to the Senate **H.4317**, a bill providing **ENVIRONMENTAL REQUIREMENTS ON THE DESIGN AND CONSTRUCTION OF STATE BUILDINGS**. This bill revises the South Carolina Energy Efficiency Act so as to provide that the design and construction of a new building constructed on state property with a construction budget of more than fifteen million dollars must meet specified “green building” standards relating to energy efficiency and ecological sustainability. These requirements do not apply to state-funded design and construction of: parking garages or outdoor sports facilities; South Carolina State Ports Authority, South Carolina Public Service Authority, South Carolina Research Authority, and a public entity exempted by the Budget and Control Board; projects exempted by the Budget and Control Board as the result of evidence that compliance is clearly not in the best interest of the project; or projects in design or being constructed on the effective date of this legislation.

The House amended, approved, and sent to the Senate **H.4351**, a bill creating the **AUTISM EARLY INTERVENTION ADVISORY COMMITTEE** within the Department of Disabilities and Special Needs. The legislation provides for the composition of the committee and required the committee to make recommendations to the department on the administration of the Autism Early Intervention Fund. In developing its recommendations the advisory committee shall consider among other things, ages of children to receive developmental training focusing on the youngest ages feasible for treatment effectiveness, types of training or treatment options, types of conditions, proof of gains, and qualifications of providers. The department is authorized to serve persons with autistic disorder, but may, from monies in the Autism Early Intervention Fund, award grants or negotiate and contract with public or private entities to implement intervention

programs for children who have been diagnosed with a pervasive developmental disorder, including autism and Asperger's syndrome. The Autism Early Intervention Advisory Committee shall report to the General Assembly and the Governor before the end of each year on the number of children participating in programs awarded grants, the methodology of the treatment options, and the number of children that were mainstreamed into public or private school as a result of the therapies provided by these programs.

The House approved and sent to the Senate **H.4881**, a joint resolution to create the **CHRONIC KIDNEY DISEASE TASK FORCE**. The legislation provides for the task force's membership, powers, and duties, including developing a plan to educate the public and health care professionals about early screening, diagnosis, and treatment and providing recommendations for implementation of such a plan. The task force shall submit its report and recommendations to the Chairmen of the House Medical, Military, Public and Municipal Affairs Committee and the Senate Medical Affairs Committee and the Governor before the convening of the 2007 Legislative Session of the General Assembly, at which time the task force is abolished.

The House approved and sent to the Senate **H.4509**. This bill provides that a **PERSON WHOSE DRIVER'S LICENSE HAS BEEN REVOKED DUE TO NONCOMPLIANCE WITH AN ORDER FOR CHILD SUPPORT MAY OBTAIN A SPECIAL RESTRICTED DRIVER'S LICENSE** under certain circumstances. The Department of Motor Vehicles (DMV) may issue the special restricted driver's license only upon a showing by the person that he is employed or enrolled in a college or university, and lives farther than one mile from his place of employment, place of education, place of worship, courthouse, attorney's office, or place authorized as part of court ordered visitation. If the DMV issues a special restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, residence, place of worship, choice of legal counsel, or place authorized as part of court ordered visitation must be reported immediately to the department by the licensee. The fee for each special restricted driver's license is one hundred dollars. The special restricted driver's license is available only as long as the person timely makes all required monthly child support payments that become due after the special restricted driver's license is issued. If the person fails to timely make each monthly child support payment after the special restricted license is issued, the DMV must revoke the license upon written notification by the Department of Social Services that the person is not complying with this provision.

The House amended, approved, and sent to the Senate **H.4735**, which relates to **DETERMINING THE FITNESS OF A PERSON CHARGED WITH A CRIME TO STAND TRIAL**. This bill increases from 15 days to 45 days the time within which the mental health evaluation of a person must be completed. Before the expiration of the 45-day period provided for the examination, the examiners may request and upon a showing of good cause, a judge may grant an extension of time of up to 15 days to complete the examination. If the person or his counsel request, the court may authorize the person to be examined additionally by a designated examiner of his choice. However, the court may prescribe the time and conditions under which the independent examination is conducted. The bill increases from five to ten days the time within which the examiner must submit his report. There is an exception for Saturdays, Sundays and holidays. With regard to competency hearings and disposition of cases in such hearings, this bill

decreases from 60 days to 14 days the time within which the solicitor must initiate judicial commitment proceedings for a person found to be unfit to stand trial. There is an exception for Saturdays, Sundays and holidays. In addition to hospitalizing the person, the bill authorizes the court in such a proceeding to continue the person in detention or on bond.

The House approved and sent to the Senate **H.4559**, which provides a **UNIFORM METHOD OF FILLING A VACANCY WHEN A PERSON MOVES HIS RESIDENCE OUTSIDE THE AREA FROM WHICH HE WAS ELECTED OR APPOINTED**. If a person who has been elected or appointed to an office moves his residence outside of the area from which he was elected or appointed, the member shall notify the presiding officer within fifteen days of the date of his residence changes as described in this section. If a member notifies the presiding officer that he has changed his residence to a place outside of the area from which he was elected or appointed, the presiding officer shall take action as appropriate. If the governing body, commission, board, or other body to which the person has been elected or appointed receives information that a member has moved his residence outside of the area from which he was elected or appointed and the information is obtained from a source other than the member, it shall vote in open session to determine whether the information supports removing the member from office on the basis that the member has moved from the area from which he was elected or appointed. If the vote is affirmative, the member must be afforded a public hearing unless he waives the hearing in writing. Notice of a public hearing scheduled must be served on the member by certified mail, return receipt requested. At the conclusion of the public hearing, the governing body, commission, board, or other body to which the person has been elected shall vote in open session whether the member should be removed from office on the basis that the member has moved from the area from which he was elected or appointed. If the vote is affirmative, the office is declared vacant and the presiding officer shall take action as appropriate. If the vote is negative, the member continues in office. If a position is determined to be vacant, the position must be filled as follows: (1) if the office originally was filled by appointment, the presiding officer shall notify the appointing officer or entity of the vacancy. Within ninety days after receiving notice, the officer or entity shall fill the vacancy by appointment for the remainder of the unexpired term; or (2) if the office originally was filled by election, the presiding officer shall notify the county election commission that the office is vacant. Upon receiving notice, the county election commission shall schedule a special election to fill the office for the remainder of the unexpired term.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee did not meet this week.

JUDICIARY

The Judiciary Committee met on Tuesday, April 4, 2006.

S.800, which increases **PENALTIES FOR A VIOLATION OF CHILD RESTRAINT LAWS**, received a favorable report from the full committee. Current law provides that a person may not be taken into custodial arrest for violation of provisions that require a child to be secured in a motor vehicle passenger restraint system; this bill deletes the prohibition on custodial arrest for a violation. This bill increases the maximum fine from \$25 dollars to \$150 dollars for a violation. The bill further provides that the court shall waive the fine against a person who, before, or upon the appearance date on the summons, supplies the court with evidence of acquisition, purchase, or rental of an appropriate child restraint system.

H.4735, which relates to **DETERMINING THE FITNESS OF A PERSON CHARGED WITH A CRIME TO STAND TRIAL**, received a favorable with amendment report. This bill increases from 15 days to 45 days the time within which the mental health evaluation of a person must be completed. Before the expiration of the 45-day period provided for the examination, the examiners may request and upon a showing of good cause, a judge may grant an extension of time of up to 15 days to complete the examination. If the person or his counsel request, the court may authorize the person to be examined additionally by a designated examiner of his choice. However, the court may prescribe the time and conditions under which the independent examination is conducted. The bill increases from five to ten days the time within which the examiner must submit his report. There is an exception for Saturdays, Sundays and holidays.

With regards to competency hearings and disposition of cases in such hearings, this bill decreases from 60 days to 14 days the time within which the solicitor must initiate judicial commitment proceedings for a person found to be unfit to stand trial. There is an exception for Saturdays, Sundays and holidays. In addition to hospitalizing the person, the bill authorizes the court in such a proceeding to continue the person in detention or on bond.

H.4773 received a favorable report from the full committee. This bill revises the South Carolina statutory form for the **HEALTH CARE POWER OF ATTORNEY**. Revisions include:

- Providing further for a successor agent,
- Including a HIPAA (Health Information Portability and Accountability Act of 1996) authorization,
- Clarifying designation choices in connection with tube feeding, and
- Providing for an optional acknowledgement by a notary public.

H.3795, pertaining to **SMOKING**, received a favorable with amendment report from the full committee. The Clean Indoor Act of 1990 prohibits smoking in numerous places; this bill amends the Clean Indoor Act so as to also prohibit smoking in restaurants, bars, lounge areas and recreational facilities. A person in charge of a restaurant open and accessible to the public or a designated agent or employee of the restaurant, who observes a person smoking shall ask the person to extinguish all lighted tobacco products. If the person persists in violation, the person in charge of the restaurant or the designated agent or employee of the restaurant shall ask the person to leave the premises. A person who refuses to extinguish all lighted tobacco products or leave the premises of a restaurant when asked to do so is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars.

The bill lists numerous exceptions to the Clean Indoor Act. Exceptions include the following:

- Private homes, residences, private automobiles, home-based businesses (unless the private homes, residences, private vehicles or home-based businesses are used in conjunction with child care, adult day care, or health care facility)
- Indoor area where a private function is being held
- Designated smoking hotel or motel rooms

- Specialty tobacco stores

- Tobacco manufacturers

- Cigar bars

- Private clubs

The bill provides that it must not be construed to permit smoking where it is otherwise prohibited by the proprietor of any establishment, building, or area or by a rule or regulation of a state or local agency or another applicable law, including an ordinance adopted by a local governing body. Additionally, the bill does not limit the right of a proprietor of an establishment excluded under it from prohibiting smoking in an establishment or private office or work area or the right of a principal or administrator of an educational facility, from adopting smoking prohibitions that are more stringent - including restrictions on smoking in areas that are not enclosed and are located on the educational facility's campus.

Violations for smoking restrictions are misdemeanors and, upon conviction, a person must be fined not less than fifty dollars. The bill provides that a person or employer shall not retaliate against another person, employee, applicant for employment, or customer for filing a complaint or report about or seeking prosecution of a violation.

On March 21, **H.4579**, relating to **ELECTIONS**, received a majority favorable with amendment report and a minority unfavorable report. Significant revisions include the following:

- The bill requires county election commission to conduct a referendum at the next scheduled general election on the question of implementing the local option sales and use tax within the county area. Likewise, a referendum to rescind the local option sales and use tax must be conducted at a scheduled general election.
- The bill requires that general elections for federal, state, county and municipal officers in this State must be held on the first Tuesday following the first Monday in November in each even-numbered year.
- The bill enacts the Uniform Election Procedure Act, which provides that beginning at the time of the general election of 2008 and each year after that as appropriate, members of a governing body must be elected in elections conducted at the time of the general election. The term 'governing body' means the governing body of a municipality, school board or school district.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on April 4 and reported out two bills.

The committee gave a favorable report on **H.4240**, legislation that reenacts the provisions establishing the CMRS Emergency Telephone Advisory Committee and makes the committee permanent under the revised name of the **SOUTH CAROLINA 911 TELEPHONE ADVISORY COMMITTEE**. The legislation removes the State Auditor and the Director of the Office of Information Resources as members of the committee and includes a Division Director of the Budget and Control Board as a member. The legislation eliminates term limits applicable to committee members and makes conforming amendments.

The committee gave a report of favorable with amendments on **H.4351**, a bill creating the **AUTISM EARLY INTERVENTION ADVISORY COMMITTEE** within the Department of Disabilities and Special Needs. The legislation provides for the composition of the committee and required the committee to make recommendations to the department on the administration of the Autism Early Intervention Fund. In developing its recommendations the advisory committee shall consider among other things, ages of children to receive developmental training focusing on the youngest ages feasible for treatment effectiveness, types of training or treatment options, types of conditions, proof of gains, and qualifications of providers. The department is authorized to serve persons with autistic disorder, but may, from monies in the Autism Early Intervention Fund, award grants or negotiate and contract with public or private entities to implement intervention programs for children who have been diagnosed with a pervasive developmental disorder, including autism and Asperger's syndrome. The Autism Early Intervention Advisory Committee shall report to the General Assembly and the Governor before the end of each year on the number of children participating in programs awarded grants, the methodology of the treatment options, and the number of children that were mainstreamed into public or private school as a result of the therapies provided by these programs.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4975 *DIRECTOR OF PARKS, RECREATION AND TOURISM* Rep. Edge

This bill changes the title of the Director of Parks, Recreation and Tourism to the Secretary of Tourism for the Department of Parks, Recreation and Tourism.

H.4976 *PARASAILING WATERCRAFT* Rep. Edge

This bill requires parasailing watercraft operating in the Atlantic Ocean to operate at a minimum distance of one thousand nine hundred eighty feet from the shoreline.

H.4979 *NAVIGATION AND REGULATORY MARKERS IN THE WATERS OF THIS STATE* Rep. Hagood

This bill revises the manner in which the Department of Natural Resources regulates the uniform marking of the waters of this State, the operation of water devices and watercraft through the use of regulatory markers.

EDUCATION AND PUBLIC WORKS

S.1320 *NASCAR PROMOTIONAL VEHICLES* Sen. Malloy

This concurrent resolution requests the Department of Motor Vehicles to waive the motor vehicle titling, licensing, and registration requirements on cars provided by an automobile manufacturer for promotional purposes in connection with nationally-sponsored NASCAR racing events held in South Carolina in 2006. The bill provides limits regarding this waiver on the number of vehicles per manufacturer and the number of days per race.

JUDICIARY

S.562 "HOME SECURITY ACT" Sen. Cleary

The stated intent of this legislation is that the General Assembly, because of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, will offer to the citizens of South Carolina protection for their homes in the event that financial difficulties, such as military deployment or extreme medical emergencies, occur for which bankruptcy filing may be the only available remedy.

S.1038 "THE ASBESTOS AND SILICA VICTIMS PROTECTION ACT OF 2006" Sen. Martin

Asbestos is a mineral that was widely used before the 1980's for insulation, fireproofing, and other purposes. Long-term exposure to asbestos has been associated with various types of cancer as well as the nonmalignant conditions. The diseases caused by asbestos often have long latency periods. This bill enacts the "Asbestos And Silica Victims Protection Act of 2006." The bill defines the elements of a prima facie showing required to file a civil action based on an asbestos or silica claim. The bill provides parameters for when an asbestos or silica claim may be brought in this state and to delineate the information that must be provided in the claim. The bill further provides that the limitations period on a claim does not begin to run until the exposed person discovers that he is physically impaired by an asbestos-related or silica-related condition. The bill provides that a product seller other than a manufacturer is liable to a plaintiff in a civil action only if the plaintiff establishes certain elements related to reasonable care and proximate cause. The bill further provides for specific exceptions to the limitations on civil actions for asbestos and silica claims.

H.4937 NONCOMPLIANCE WITH A RENTAL AGREEMENT Rep. Rice

If a tenant is in violation of a residential rental agreement, this bill provides that the landlord may terminate the rental agreement if the landlord gives the tenant written notice of the landlord's intent to terminate the agreement five days before the termination.

H.4939 FIRST OFFENSE CRIMINAL DOMESTIC VIOLENCE Rep.

Herbkersman

This bill allows a solicitor the discretion to try a first offense criminal domestic violence case in either summary court or general sessions court.

H.4942 GOLF CARTS Rep. Rutherford

This bill provides that a golf cart may be used by the sponsors of an event to transport individuals within a one-half mile radius of a facility that is hosting a sporting event, concert, or another form of entertainment.

H.4963 ISSUANCE OF A BENCH WARRANT Rep. Stewart

Relating to the issuance of a bench warrant, this bill increases from 30 to 120 the number of days within which a defendant's bond must be forfeited if the surety fails to surrender the defendant or place a hold on his release from incarceration, commitment, or institutionalization.

**H.4964 PROFESSIONAL BONDSMAN'S MAINTENANCE OF SECURITY
DEPOSITS WITH THE CLERK OF COURT Rep. Stewart**

This bill revises the amount a professional bondsman shall maintain as a deposit with a clerk of court; the minimum amount of this collateral must be twenty-five thousand dollars in cash.

H.4965 DISTURBING OR INTERRUPTING A FUNERAL SERVICE Rep. Loftis

This bill provides that it is unlawful for a person to wilfully or maliciously disturb or interrupt a funeral service. A person who violates this provision is guilty of a misdemeanor and upon conviction must be fined not more than one hundred dollars or imprisoned not more than thirty days. The term 'funeral service' means within one thousand feet of any ceremony, procession, or memorial held in connection with the memorialization, burial, cremation, or other disposition of a deceased person's body.

LABOR, COMMERCE AND INDUSTRY

S.1147 ALARM SYSTEM BUSINESS LICENSURE QUALIFICATIONS

Sen. O'Dell

This bill revises qualifications for licensure to engage in an alarm system business, so as to specify the national training course requirements to be licensed to engage in the burglar alarm business or the fire alarm business.

H.4972 "WORKER'S RIGHT TO KNOW ACT" Rep. Cato

This bill enacts the "Worker's Right to Know Act", to provide members of labor organizations employed by public agencies with information concerning membership in labor organizations through comprehensive disclosure of labor organization finances. The legislation provides for the protection of a worker's freedom of speech, assembly, and other rights, and provides penalties for violations.

H.4977 NATURAL GAS EXPLORATION STUDY COMMITTEE Rep. Cato

This joint resolution creates a study committee to examine the feasibility of natural gas exploration in the Atlantic Ocean off the coast of South Carolina. The legislation provides for the study committee's composition, appointment, powers, duties, and responsibilities. The study committee is required to make a report on its recommendations to the General Assembly before January 13, 2007 at which time it is dissolved.

H.4980 MINORITY BUSINESS ASSISTANCE Rep. Mitchell

This bill revises definitions in connection with minority business assistance, so as to define "Section 3 Residents." The legislation revises provisions relating to assistance to minority businesses, so as to change references from "the State" to "a governmental body", which includes the State and its agencies as well as local governmental bodies. The legislation provides that a Minority Business Utilization Plan developed by a governmental body must include a goal of ten percent of expended monies being spent with minority businesses unless a lesser goal is justified by stated criteria.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4945 AMENDMENTS TO THE ACUPUNCTURE ACT OF SOUTH CAROLINA RELATING TO AURICULAR THERAPY AND AURICULAR ACUPUNCTURE Rep. Ott

This bill defines 'auricular therapy' as a noninvasive form of electrical stimulation to the external ear for the relief of pain and addictive behaviors. 'Auricular acupuncture' means the insertion of disposable sterile acupuncture needles into, and limited only to, the ear. The bill outlines licensure requirements and scope of practice limitations, respectively, for auricular acupuncturists and auricular detoxification specialists. The bill amends the powers and duties of the Acupuncture Advisory Committee so as to include regulation of auricular acupuncturists in the powers of the committee.

WAYS AND MEANS

H.4936 TAX EXEMPTION FOR CERTAIN PROPERTY OWNED BY A CHARITABLE ORGANIZATION Rep. Ballentine

This bill authorizes and provides for a tax exemption for a charitable organization's real property which is not used for the organization's meetings or the organization's tax exempt purposes. To receive this exemption, the property must be held for future use by the organization for its tax-exempt purposes or must be held by the organization for investment related to the organization's exempt purpose. Also, the property may not be rented or leased for purposes other than the organization's exempt purpose, and the use of the property may not inure to the benefit of any private stockholder or individual.

H.4938 EMERGENCY AIR WING OF THE SOUTH CAROLINA STATE GUARD Rep. Cooper

This bill authorizes and provides for the Adjutant General to organize and maintain an organization known as the Emergency Air Wing of the South Carolina State Guard. The organization would consist of volunteer pilots and flight ground crews who would provide emergency air support with airplanes owned by private citizens. Each airplane used by the Emergency Air Wing would be required to have at least one million dollars in liability insurance and the liability of the South Carolina National Guard and the State would be secondary. Recovery of workers' compensation benefits by members of the Emergency Air Wing would be payable from the State general fund.

H.4947 CONSTITUTIONAL AMENDMENT REGARDING STATE SYSTEM OF PUBLIC SCHOOLS Rep. J.E. Smith

This joint resolution proposes to amend the State Constitution so as to provide that the General Assembly shall provide for the maintenance and support of a system of free public schools and shall establish, organize, and support other public institutions of learning at the level necessary to provide each student the opportunity to realize his highest educational potential.

H.4951 TARGETED JOBS TAX CREDIT Rep. Cobb-Hunter

This bill provides that in a county which is at least one thousand miles in size and which has had an unemployment rate greater than the state average for the past ten years, and an average *per capita* income lower than the average state *per capita* income for the past ten years, and which is not eligible for any of the special county classifications, the targeted jobs tax credit allowed is two tiers higher than the credit for which the county otherwise would qualify.

S.1245 BANK TAX Sen. Thomas

This bill allows as claims against the bank tax, the targeted jobs tax credit, the income tax credit for establishing or adding to a corporate headquarters in this State, and the tax credit allowed a corporation for construction or improvement of an infrastructure project.

H.4960 FAIR MARKET VALUE OF MOTOR HOMES REGARDING PROPERTY TAXES Rep. Dantzler

This bill provides that in determining the fair market value of a motor home subject to property tax as a primary or second residence, the motor home is considered a motor vehicle.

H.4966 AMENDMENTS TO SOUTH CAROLINA MOTION PICTURE INCENTIVE ACT Rep. Hinson

This bill amends the currently-allowed income tax rebates to motion picture production companies doing business in South Carolina. The bill increases the maximum percentage of these rebates from fifteen percent to thirty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings when total production costs in this State are at least one million dollars during the taxable year. The bill allows a motion picture company already approved for a maximum fifteen percent rebate to reapply for the thirty percent rebate if the project is still in production in this State on the effective date of this bill.

H.4970 SHIPPING TERMINAL IN JASPER COUNTY Rep. Herbkersman

This bill requires the State Ports Authority to obtain the approval of the General Assembly before undertaking any action in connection with the construction of a shipping terminal in Jasper County.

H.4971 REAL PROPERTY MORTGAGES/PROPERTY TAXES Rep. White

This bill amends various procedures, processes, and requirements regarding the rights of real property mortgagees; property tax classifications and assessments; sale of real property for nonpayment of taxes; execution and delivery of tax titles; and the voiding of tax sales.

H.4978 STATE FUNDING OF COUNTY LIBRARIES Rep. Govan

This bill provides that a county library system that receives any state funding may not impose any fee for services to students in grades K-12 unless the fee is uniformly imposed on all students regardless of residency.

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