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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

Last Monday the House began debate on H. 3610, the general appropriations bill. After several lengthy legislative days which included debate on numerous amendments, the House adjourned Thursday night, with debate on the bill scheduled to resume on Tuesday, March 23. With another year of slow revenue growth anticipated, and the possibility that naval facilities in Charleston will be closing within the next few years, a number of revenue-raising amendments were introduced last week. One amendment would have raised the tax on cigarettes by 5 cents a pack, while another would have permitted statewide Sunday beer and wine sales. Both measures, however, were rejected overwhelmingly. An amendment to raise the sales tax cap on motor vehicles sold in South Carolina also was easily defeated.

Debate over video poker resurfaced last week also. In the past, the House has voted to ban payoffs from these machines, but last week an amendment was offered which would have banned the machines outright. To compensate for revenue losses which would result from a ban on these machines, it was also proposed that taxes on beer and liquor be raised. This amendment, however, was rejected by a vote of 48-59.

The House also spent considerable time debating whether the age requirement for entering public kindergarten should be pushed back. Current state law states that a child must be 5 years old by November 1 of the year of the year in which he or she seeks to enroll in public kindergarten. An amendment proposing to change that date to September 1 was adopted by the House on Wednesday. Proponents claimed with the new date, children would be better prepared for kindergarten. Opponents, however, claimed that the age change is unnecessary and could place a hardship on parents with regard to day care. This amendment would be effective beginning in the fall of 1994.

In the midst of the budget debate, the House recessed briefly last Wednesday for ratification of acts. Among the acts ratified were S. 5, which requires a referendum to be held to approve creation of a county police department before a sheriff's department can be abolished or its powers weakened; S. 343, which provides for a method of determining a school district's taxpaying ability when the assessment of a large amount of property is disputed; H. 3404, pertaining to regulation of an alarm system business; and H. 3071, which pertains to real estate appraisers and representation of taxpayers during an administrative tax process.

Legislative Update, March 23, 1993

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 summaries are arranged according to the standing committees to which the legislation was referred.

Agriculture, Natural Resources, and Environmental Affairs

Hunting and Fishing Violations (H. 3723, Rep. Snow). This bill revises current hunting and fishing violations as pertains to the point system for suspending hunting and fishing privileges and also provides additional violations which would be subject to the point system.

Education and Public Works

Proof of Auto Insurance (H. 3716, Rep. Davenport). This bill requires a person seeking to register a motor vehicle to provide a certificate of insurance executed by an authorized agent or representative of an insurance company authorized to do business in South Carolina. This certificate would have to be dated within 30 days of registration and must state the period for which coverage is provided under the policy and the previous period for which coverage was provided.

Special License Plate to Promote Management and Protection of Nongame and Endangered Species (H. 3729, Rep. Baxley). This bill would authorize the Department of Highways and Public Transportation to issue a special commemorative plate to establish a special fund, the proceeds of which would be used by the Department for the purposes of managing and protecting nongame and endangered species. The annual fee for this plate would be \$27, of which \$12 would be placed in a special "Nongame and Endangered Species Management and Protection Fund." The annual fee for this special plate would be in addition to the normal motor vehicle registration fee.

Special License Tags for Agencies Transporting the Handicapped (S. 320, Sen Giese). This bill would allow the issuance of a special license tag for a vehicle used by an agency, organization or facility which is designed to transport a handicapped or disabled person. The vehicle must be titled in the name of the agency, organization or facility, and proof that the agency, organization or facility transports a handicapped person must be in a manner prescribed by the Department of Highways and Public Transportation. The entity seeking this tag would not be required to produce a certificate from a physician. In lieu of applying for the special tag, the entity could apply for issuance of a temporary or permanent distinguishing placard so that the vehicle is entitled to parking privileges extended to handicapped or disabled owners of vehicles.

Special License Plates for Mayors (S. 397, Sen. Reese). This bill would authorize the Department of Highways and Public Transportation to issue a special license plate to any mayor for his private vehicle. The bill also states that before a municipal council member, county council member, mayor or county coroner can be issued a special vehicle license plate, the Department must receive at least 30 applications requesting issue of the particular special license plate.

Restrictions on Issuance and Renewal of Drivers License (S. 534, Sen. Macaulay). Current law lists conditions under which the Department of Highways and Public Transportation may not issue a driver's license. This bill would also prohibit the Department from renewing licenses under those conditions. Additionally, the Department would be allowed to issue or renew licenses for foreign students here in the state on a student visa. Otherwise, a person who is not an American citizen could not be issued a license unless that person's country had entered into a reciprocal agreement with South Carolina as pertains to licenses. Finally, the bill would prohibit the Department from issuing or renewing a license when the Department has good cause to believe that a person would not be capable, because of physical or mental disability, of safely driving a motor vehicle.

Judiciary

Penalties for Blocking Access to Medical Facilities (H. 3721, Rep. Keyserling). This bill would prohibit a person, whether acting alone or in concert with others, from preventing an individual from entering or exiting a medical facility. This applies to an action in which the person detains an individual or obstructs, impedes or hinders the individual's passage. A person violating these provisions would be guilty of a misdemeanor and upon conviction would be fined a maximum of \$1,000, jailed not more than 90 days, or both. The bill defines "medical facility" and states that under these provisions, a "person" does not include the chief executive

officer, his designee, or agent of the facility or a law enforcement officer.

Recall of Public Officials (H. 3732, Rep. Baxley). This joint resolution seeks to amend the Constitution so as to allow voters to recall any popularly-elected officeholder in the state's executive or legislative branch or in local government. An elected official could be recalled for physical or mental lack of fitness; incompetence; violation of his oath of office; official misconduct; or conviction for a state felony. No official could be recalled for performing a mandatory duty of the office he holds or for not performing an act which, if performed, would subject him to prosecution for official misconduct. Recall would be additional to, rather than a substitute for, other methods of removal of public officers. All registered voters under the jurisdiction of the respective officer whose recall is sought would be eligible to sign the recall petition (e.g., the state's registered voters could sign petitions to recall statewide-elected officials; registered voters of a county could sign a petition to recall a county official, and so on).

Recall petitions for state officers would have to contain the signatures of registered voters equal to at least 15 percent of the number of registered voters at the last general election. Recall petitions for officers in other jurisdictions (counties, municipalities, state legislators, etc.) would have to be signed by registered voters equal to at least 25 percent of the number of registered voters at the jurisdiction's last election. No recall petition could name more than 1 officer to be recalled, and no recall circulation against an officer could be approved for circulation until the officer has held office for 3 months. The resolution lists the procedure for circulating, filing and verifying the petition and for calling, conducting and paying for the election.

If the General Assembly approves this joint resolution, the proposed amendment would be submitted to the state's voters for approval at the next general election.

Campaign Practices and Contributions (H. 3744, Rep. McElveen). This bill clarifies the definition of "noncandidate committee" as pertains to campaign practices under the State's Ethics Act, so as to state that a noncandidate committee does not include a political action committee which contributes solely to candidate committees, party committees or legislative caucus committees. The bill prohibits, within an election cycle, a candidate or anyone acting on his behalf from soliciting or accepting a contribution from a bank, corporation, partnership, firm or a noncandidate committee. Finally, the bill allows an individual to receive an income tax credit for the amount of a political contribution made by a taxpayer to a candidate or committee, subject to contribution limits under the state's Ethics Act. The tax credit allowed under these provisions for a taxpayer could not exceed \$25 per tax year.

Transfer of Alcoholic Beverages to Persons Under 21 (H. 3747, Rep. Wilkins). This bill deletes references pertaining to giving alcoholic beverages to anyone under 21 for the purpose of consumption, as currently prohibited under state law, and instead makes it unlawful for a person to transfer possession of alcoholic beverages to anyone under age 21. The exceptions under which this prohibition would not apply would be the same as current exceptions pertaining to giving alcoholic beverages to someone under 21, except that the prohibition against transfer of an alcoholic beverage to a minor would not apply to a person over 21 transferring an alcoholic beverage to another person under 21 in conjunction with a religious ceremony or purpose. Additionally, the prohibition would not apply to an employee of a business licensed or permitted to sell alcoholic beverages who transfers possession of those beverages to an employee under 21, as otherwise provided by law, when the beverages are transferred for service to a customer.

Labor, Commerce and Industry

Small Employer Health Insurance Availability (H. 3708, Rep. J. Bailey). This bill is designed to promote the availability of health insurance coverage to small employers, regardless of their health status or claims experience. Every small employer insurer, as a condition of transacting business in the state with small employers, would be required to market to small employers at least 2 health insurance plans---(1) a basic health insurance plan; and (2) a standard health insurance plan. This requirement, however, would not apply to a class of business into which the small employer insurer is no longer employing new small businesses, nor would the requirement apply to health maintenance organizations (HMOs) under certain conditions. With limited exceptions, as listed in the bill, a small employer insurer would be prohibited from modifying a health insurance plan with respect to a small employer or any eligible employee or dependent or restrict or exclude coverage or benefits for specific diseases, conditions or services otherwise covered under the plan. The Governor's Committee on Basic Health Services would recommend the form and level of coverages to be made available by small employer insurers with regard to these 2 plans. **The bill lists factors and requirements by which the committee must abide in developing these coverages.** The Committee would **submit** these plans to the Chief Insurance Commissioner within 180 days after the passage of this act.

The bill provides for creation of a South Carolina Small Employer Insurer Insurance Program, which would become operational on January 1, 1995. The bill provides for the organization of the program, its plan of operation, and conditions under which a reinsuring insurer could reinsure with the program. Any net loss of the program for a given year would be recouped by assessments of reinsuring insurers, under a formula as listed in the bill. Small employer insurers not operating as a reinsuring insurer would

operate as a risk-assuming insurer, under conditions as provided in the bill.

The bill lists activities in which small employer insurers may not engage under these provisions and amends the definition of "small employer" and "late enrollee" as pertains to health insurance issued in the state. The requirement that, for groups of 10 or fewer people, evidence of individual insurability may be required for persons first becoming eligible for insurance after the effective date of the policy is deleted. The bill amends the definition of "private review agent" under the state's Utilization Reviews and Private Review Agents Act and states that this act, with limited exceptions, applies to insurance companies, administrators of insurance benefit plans, and HMOs licensed and regulated by the State Department of Insurance.

The bill lists case characteristics small employer insurers may use, without first obtaining the commissioner's approval, in determining premium rates. If a small employer insurer uses industry as a case characteristic in establishing rates, the highest rate factor associated with any industry classification must not exceed the lowest rate factor associated with any industry classification by more than 15 percent.

Workers' Compensation Reform and Definition of Insurance Fraud (H. 3709, Rep. J. Bailey). This bill revises provisions pertaining to the state's workers' compensation law. The bill defines the procedure for calculating "average weekly wages" as pertains to workers' compensation benefits and defines "employment" and "improvement or modification of real property". Employers engaged in improving a structure or the appearance of land would be required to maintain proof of workers' compensation coverage for its direct and indirect employees. Work-related stress, unaccompanied by physical injury and resulting in mental illness or injury would not be a personal injury under these provisions unless it is established that stressful employment conditions causing the mental injury were extraordinary and unusual in comparison to the normal conditions of employment. Work-related stress, unaccompanied by physical injury, would not be considered compensable if it results from any event which is incidental to normal employer/employee relations.

The bill states that the State, its municipal corporations and political subdivisions and employees of these 3 levels would be subject to all provisions of the workers' compensation law. An officer of a corporation, instead of an employer or officer, who has exempted himself by proper notice from the operation of this law could at any time wave the exemption and accept the provisions of this law by giving notice as provided by the Workers' Compensation Commission. An employer exempt from the provisions of this law elects to come under its provisions by obtaining workers' compensation insurance or by operating under a self-insurance program. If an employer exempt from these provisions chooses to come under the provisions, the employer is deemed to continue to operate under these provisions until a notice to the contrary is

filed.

It would be unlawful under these provisions for an authorized health care provider to demand of or cause a demand to be made on a workers' compensation claimant prior to the final adjudication of his claim. Nothing in these provisions, however, would be construed to prohibit the collection from and demand for collection from a workers' compensation insurance carrier or self-insured employer. A person violating these provision would be fined \$500, with the fine payable to the workers' compensation claimant. It would also be unlawful for an authorized health care provider to demand of or cause a demand to be made on a workers' compensation claimant for charges in excess of the fee provided by the commission's applicable fee schedule or to charge any fee in excess of the fee provided in the schedule. Anyone violating these provision would be fined \$1,000, payable to the claimant. Payment to an authorized health care provider for services would be made no later than 30 days from the date the authorized health care provide tenders request for payment to the employer's representative, unless the commission has received a request to review the medical bill.

The bill also requires that workers' compensation benefits be paid by check and states that the Workers' Compensation Uninsured Employers' Fund may not pay a claim for benefits until all available remedies under the Workers' Compensation Act against any statutory employer have been exhausted.

The bill also defines the crime of "insurance fraud" and provides that any person or insurer who commits this fraud or conspires with or assists someone to commit this act would be guilty of a felony. Upon conviction, the person would be fined a maximum of \$50,000, imprisoned not more than 5 years, or both. When appropriate, whoever is convicted of insurance fraud could be required to make full restitution of any economic benefit or advantage which has been obtained through fraud. Upon receipt of an allegation of insurance fraud, the Attorney General would be empowered to perform investigations, prosecute persons accused of committing fraud, and collect fines and restitution ordered by the court. To assist the Attorney General in prosecuting insurance fraud, a Division of Insurance Fraud would be established within the Attorney General's office. The bill provides for funding of this division, procedures for reporting fraud, and exempts a person or insurer acting in good faith from civil or criminal liability for providing information concerning insurance fraud to an authorized agency.

State Elevator Code (H. 3715, Rep. Rogers). This bill revises definitions under the state's Elevator Code, adds definitions to the Code, and revises regulations which must be promulgated by the labor commissioner pursuant to facilities under the Code. The commissioner would issue certificates, instead of permits, to owners of facilities who meet the requirements of the code and would issue certificates within 30 days after determination by the Department of Labor that all deficiencies found upon inspection of the facility have been corrected and all fees have been paid.

Provisions pertaining to the commissioner ordering a facility owner to make changes to a facility and granting the commissioner authority to revoke or suspend a facility's permit are deleted. The bill also deletes current civil penalties pertaining to an owner who operates an unlicensed facility and lists separate civil penalties for different violations of the Elevator Code. As examples, a civil penalty would be imposed on an owner, operator or management company failing to register a facility with the Labor commissioner and also on an owner, operator or installation company who begins alteration, relocation or installation of a facility without a permit. Proceeds from these civil penalties imposed would be remitted to the State Treasurer for deposit in the State's general fund. The bill also lists conditions under which an owner, operator or management company of a facility affected by an action of the commissioner may petition the Labor Commissioner for administrative review.

Revisions to Amusement Rides Safety Code (H. 3717, Rep. Rogers). This bill would revise definitions, requirements and penalties under the state's Amusement Rides Safety Code. Under this bill, this code would apply to amusement devices located at any place open to the public. The definition of "serious bodily injury" is revised, and the bill provides a definition of "catastrophic accident" as pertains to this code. The conditions under which a permit to operate an amusement device can be suspended are expanded, and the bill changes current law governing the timing of (a) permit expirations, (b) inspection of amusement devices, and (c) reporting to the labor commissioner serious injuries resulting from accidents occurring while the devices are in operation. Also listed are requirements governing the operation of amusement devices after a catastrophic accident, as currently opposed to serious injury, has resulted because of operation of the device

The bill also provides that anyone operating an amusement device without complying with a provision of this code for which no penalty is specified, or a regulation promulgated under this code, would be subject to a civil penalty. This penalty would not exceed \$2,000 per device and would be applied for each day of noncompliance. Additionally, anyone operating an amusement device without complying with a provision of this code for which no penalty is specified, or a regulation promulgated under this code, would be subject to a maximum civil penalty of \$2,000 for each day noncompliance continues.

Revision of Utility Definitions (H. 3718, Rep. Tucker). This bill revises the definition of a major utility facility as pertains to the state's Utility Facility Siting and Environmental Protection Act. Under this bill, a "major utility facility" would be (a) an electric generating plant and associated facilities for or capable of operation at a capacity of more than 15, instead of more than 75, megawatts; or (b) an electric transmission line and associated facilities of a designed operating voltage of 100 kilovolts or more, instead of 125 kilovolts or more.

Motor Vehicle Dealers (H. 3719, Rep. Tucker). This bill amends the definition of "motor vehicle dealer" as pertains to state regulation of these dealers, so as to include companies engaged in the business of leasing motor vehicles for a period of at least 3 months which dispose, by wholesale or retail sale, of the motor vehicle returned upon expiration of the lease period.

Local Restrictions on Sale of Alcohol (H. 3720, Rep. Gonzales). This bill states that provisions of the State's Alcoholic Beverage Control Act would not pre-empt or prevent a county or municipality from prohibiting the sale of beer, wine or alcoholic beverages for on-premise consumption between the hours of 2:00 a.m. and 8:00 a.m.

Licensing Exemption for Residential Specialty Contractors (H. 3722, Rep. McLeod). This bill states that a residential specialty contractor who is registered or certified in only 1 specialty would not be required to be licensed as a residential builder in order to engage in an undertaking exceeding \$5,000. This licensing exemption would only apply, however, if this undertaking is within the specialty classification for which the contractor is registered or certified. Also under this bill, the South Carolina Residential Builders Commission would impose and collect temporary fees on residential builders and certified or registered residential specialty contractors as pertains to licensing and testing of these trades. The bill lists the fees and states they would be in effect until the Commission establishes fees by regulation. The Commission would not be allowed to increase or extend through emergency regulations these fees until after the time as the Commission's regulations have been promulgated and approved according to the Administrative Procedures Act.

Performance Records of Persons Seeking Licensing or Certification from Residential Building Commission (H. 3742, Rep. McLeod). This bill would require the South Carolina Residential Builders Commission to ascertain whether or not the past performance record of any applicant for licensing as a residential builder or for registration or certification as a residential specialty contractor is good. The Commission also would have to ascertain whether or not the applicant has the reputation of paying his labor and material bills and carrying out other contracts. Also under this bill, the application and renewal forms for all licenses, certifications and registrations issued by the Commission would require the applicant to list any outstanding judgments against him.

Premiums Ceded to Reinsurance Facility (S. 525, Senate Banking and Insurance Committee). This bill states that total direct cedeable written premiums, as pertains to premiums ceded by insurers to the Reinsurance Facility, do not include premiums attributable to risks ceded to the Facility, if these risks do not

qualify for a safe driver discount for 24 months following October 1, 1993.

Medical, Military, Public and Municipal Affairs

Child Fatality Review and Protection (H. 3741, Rep. Cobb-Hunter). This bill would create a State Fatality Review Team, to be created within the University of South Carolina's Center for Family in Society. The purpose of this team would be to decrease the incidence of preventable child deaths, to be done by developing an understanding of the causes and incidence of child deaths; developing plans for and implementing changes within the agencies represented on the team which will prevent child deaths; and advising the governor and the General Assembly on statutory, policy and practice changes which will prevent child deaths. The bill lists activities the team would undertake in seeking to achieve its purpose. As examples, the team would undertake annual statistical studies of the incidence and causes of child fatalities in the state, develop a protocol for child fatality reviews, and educate the public regarding the incidence and causes of child deaths and the public's role in preventing these deaths. The team also would submit to the governor and the General Assembly an annual written report and any other reports prepared by the team including, but not limited to the team's findings and recommendations.

The State Fatality Review Team would consist of 15 members, of which 9 members would be heads of state agencies who would serve ex officio. The bill lists the other 6 members who would serve on the board and states that these 6 members would be appointed by the governor for terms of 4 years. The bill also provides for the Team's organization.

Upon request of the Team chairman and as necessary to carry out the Team's purpose and duties, the Team must immediately be provided, by a provider of medical care, access to information and records regarding a child abuse death which is being investigated by the Team. Additionally, the Team must be provided access to all information and records maintained by any state, county or local agency, including, as examples, parole and probation information and records and information and records of social services and health agencies which provided services to the child or family.

When necessary for the discharge of the Team's duties and upon application of the Team, the circuit court would issue a subpoena to a state, local or county agency, board or commission, or a representative of 1 of these agencies, or to a medical examiner, to compel attendance of witnesses and production of records necessary to discharge the Team's duties.

Meeting of the State Team would be open to the public and subject to the Freedom of Information Act except when the Team is discussing individual cases of child deaths. The bill lists information which may not be released during a public meeting and allows the Team to request attendance at a team meeting of a person with information relevant to the team's exercise of its purpose and

duties. Anyone violating these provisions concerning open meetings, release of privileged information during a public meeting, or failing when requested to attend a team meeting would be guilty of a misdemeanor and upon conviction would be fined up to \$500, imprisoned up to 6 months, or both.

All information and records acquired by the State Team in carrying out its responsibilities would be confidential and exempt from disclosure under the Freedom of Information Act. The bill lists exceptions. Team members and persons attending the team meeting would not be allowed to disclose what transpired at a meeting not open to the public and would not be allowed to disclose information which would permit the identification of a person, except as necessary to carry out the Team's responsibilities. Team members, persons attending a team meeting, and persons presenting information to the State Team would not be required to disclose in a civil or criminal proceeding information presented in or opinions formed as a result of a meeting. Also, information, documents and records of the State Team, with limited exceptions, would not be subject to subpoena, discovery or introduction into evidence in a civil or criminal proceeding. Anyone publicly discussing proceedings of a closed meeting or who discloses information which would permit the identification of a person to be ascertained would be guilty of a misdemeanor and upon conviction would be fined up to \$500, imprisoned up to 6 months, or both.

The bill would require a county coroner and county medical examiner to notify immediately the chairman of the State Team 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 or unexplained. Also, if the home or premises last inhabited by the child is not the scene of a child's death, the coroner or medical examiner, while investigating the death, could petition the circuit court of the appropriate judicial circuit for a warrant. This warrant would be issued so that the coroner or medical examiner could inspect the home or premises inhabited by the deceased before death. This warrant would be issued upon probable cause to believe that events in the home or premises may have contributed to the child's death.

The bill also amends the definition of "abused or neglected child" as pertains to the state's Children's Code so as to state that an abused or neglected child also means a child whose death results from harm on the part of his parent(s), guardian or person responsible for his welfare. The list of persons required to report suspected cases of child abuse or neglect is expanded so as to also require reporting on the part of anyone employed by a county medical examiner's or coroner's office, an emergency medical services professional, or an undertaker, funeral home director or employee. County medical examiners or coroners who investigate a child's death involving abuse or neglect and the State Team, for exercising its purpose and duties, would be allowed access to reports and information maintained by the Department of Social Services, local child protective service agencies and the Central Registry of Child Abuse and Neglect concerning child abuse.

The Department of Health and Environmental Control (DHEC) would be required to impose a \$2 surcharge on every original death certificate issued by DHEC. This surcharge would be in addition to the fee charged for producing the certificate. The surcharge would be remitted to the General Fund and appropriated for the use of the State Child Fatality Review Team.

Correction to H. 3683 (HIV Testing for Invasive Procedures). In the March 16 Update, due to an error later discovered in the title of the bill, it was reported under H. 3683 that a person upon whom an invasive, exposure procedure is to be performed would be required to know his HIV antibody and hepatitis status and to disclose that status to health care professionals rendering that care. The correct summary, however, is that a person "should" or "ought to" know and disclose this status, hence the person would not be required to know and disclose this status. (This bill was introduced in the House on March 11 and was referred to this Committee.)

Special Funds for and Reauthorization of State Board of Chiropractic Examiners (S. 256, Sen. Drummond). This bill expands the powers of the State Board of Chiropractic Examiners so as to allow it to conduct investigations and assess and collect costs from a licensee for investigating a complaint and conducting procedures. The Board would be authorized to assess a civil fine for up to \$2,000 for each violation committed by a licensee for each violation of the state's chiropractic laws, though the total fine could not exceed \$10,000.

The bill also reauthorizes existence of the Board for 6 years and deletes a reference pertaining to the disposition of excess funds of the Board to the public school fund.

Requirements Pertaining to Nursing and Reauthorization of State Board of Nursing (S. 257, Sen. Drummond). This bill would reauthorize the existence of the State Board of Nursing for 6 years and states that a quorum for board meetings consists of 5, as opposed to 4, members, while no action of the board would be valid unless authorized by the affirmative vote of a majority of members, instead of 3 members, present. The bill also states that no provision of state law governing the nursing profession is to be construed as to prohibit the practice of nursing by a licensed nurse of another state or country, provided this nurse is enrolled in a board-approved course of study or board-approved experimental project requiring nursing practice as a part of the educational program.

The bill also states that applicants for licensure as a registered nurse or practicing nurse must pass examinations as prescribed, instead of administered, by the Board, and that board members would be reimbursed for mileage and subsistence and receive per diem as normally provided for other members of state boards.

Reauthorization of State Board of Veterinary Medical Examiners and Selection of Board Members (S. 258, Sen. Drummond). This bill would reauthorize the existence of the State Board of Veterinary Medical Examiners for 6 years and states that when an election is held to nominate 2 veterinarians from a congressional district, of whom 1 would be appointed by the governor, only those veterinarians licensed and residing in that district could vote in the election. The requirement that an applicant demonstrate "good moral character" before taking an licensing examination as conducted by the board would be deleted,

The bill also would delete as grounds for the board taking disciplinary action against a licensee the licensee's use of solicitors or peddlers to obtain patronage. An obsolete reference pertaining to requirements necessary to become an animal health technician are deleted, as are requirements that the applicant be in good physical and mental health and be of "good moral character." An applicant seeking to take an exam for certification as an animal health technician no longer would be required to have his application endorsed by another person(s), nor would the board any longer be able to require this applicant to undergo a clinical, oral or practical examination in addition to the written examination.

The bill also states that fees pertaining to a temporary license to practice veterinary medicine, a temporary certificate to work as an animal health technician, an examination application fee for certification as an animal health technician, an animal health technician annual certification renewal or late renewal, or animal health technician replacement certificate must be set in regulation promulgated by the board pursuant to the Administrative Procedures Act. Currently these fees are set by law.

Medical and Osteopathy Physician Licensing (S. 259, Sen. Drummond). This bill deletes the requirements that a candidate seeking to take an examination for certification as a doctor of osteopathy present evidence of "good moral character and sobriety." Additionally, the bill authorizes the Board of Medical Examiners to require a licensee or applicant for a license to practice medicine osteopathy to submit to a physical or mental examination by physicians designated by the board. This may be authorized if the board has reason to suspect that the licensee or applicant is addicted to drugs or alcohol or has a physical or mental disability which would make it dangerous for him to practice any further. The board would be able to obtain records relating to the mental or physical condition of licensee or applicant, and if the licensee or applicant fails to submit to the examination when directed to do so, the board would enter an order automatically suspending or denying the license pending compliance and further order of the board.

The bill also deletes a reference pertaining to retention and disbursement of the board's fees and income and reauthorizes the existence of the board for 6 years.

Ways and Means

Tax Credit for Lease of Property to Government Agencies (H. 3731, Rep. Cobb-Hunter). Under this bill, as pertains to payment of state income taxes, a taxpayer would be allowed to claim against his tax due a credit of 10 percent, not exceeding \$2,500, of the assessed value of property owned by a taxpayer. This tax credit would apply if the property is leased on a nonprofit basis (1) to a state, county or local government agency; (2) to a county, municipality or other political subdivision; or (3) to an organization exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code. Property leased under these provisions also would have to be used for a general public purpose. This credit would not apply if the leased property is used for warehousing.

Use and Control of C-Fund Expenditures (H. 3740, Rep. Davenport). This bill would allow a county to use a portion of its C-Fund allocation on infrastructure projects and requires the county's governing body, instead of the county legislative delegation, to approve the expenditure of C funds and roads to be funded by these proceeds.

Disability Retirement Benefits (S. 539, Sen. Drummond). Under this bill, a member of the South Carolina Retirement System or Police Officers' Retirement System who retires because of disability after October 15, 1992 would receive a disability retirement allowance equal to at least 15 percent of his average final compensation. This allowance would apply regardless of the age of the person retiring because of disability.

Without Reference

Traffic Accident Reports (H. 3738, Rep. J. Bailey). This bill states that when the Department of Highways and Public Transportation receives an accident report, information contained in the report pertaining to the cause of the accident is only for the internal use of the Department and may not be included as part of the driving record of persons involved in the accident or used for insurance rating purposes.

Abolishment of Agency Orientation Program for Legislators (H. 3745, Rep. T.C. Alexander). Under this bill, the state agency orientation program held for new legislators would be abolished.

Hearing on Conservation Easements (H. 3748, Rep. Wilkins). This bill states that when the Advisory Board of the Heritage Trust Program conducts a public hearing on a conservation easement which a governmental body wishes to convey, the advisory board's public hearing could be conducted by 1 or more members of the board or 1 or more members of the staff of the Program, as designated by the board's chairperson. The persons conducting the hearing would

promptly submit to each member of the board a written summary of testimony, public comment, and other information presented at the hearing. The bill also states that the board's approval or disapproval of the easement proposal may be indicated at a meeting of the board or by written ballot of the individual members.

Reimbursement to School Districts for EFA Underpayments (H. 3749, Rep. Gonzales). This bill states that an Education Finance Act (EFA) underpayment to a school district which results from an error in the preparation of the district's index of taxpaying ability, must be made up in EFA distributions to the district within 3 years. The amount of the makeup payment to the district would be deducted from available EFA funds for the years during which the makeup payment is being made, before the allocation of EFA funds as currently provided under state law. These provisions apply only if the amount of the underpayment exceeds 10 percent of the EFA funds allocated to the district for the school year. Any local tax levied to generate additional revenue due to the EFA underpayment must be taken into account so as to reduce the tax levy by a corresponding amount for applicable years in which the makeup is received.

Total copies 530

Total cost \$ 205.72

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