

Vol. 16

May 11, 1999

No. 18

CONTENTS

Week in Review	02
House Committee Action.....	06
Bills Introduced in the House This Week	12

WEEK IN REVIEW - MAY 3-7, 1999

HOUSE FLOOR

The House of Representatives amended and gave second reading to **S.379**, the Public School Facilities Improvement Fund Act of 1999. This bill, as passed by the Senate, provided for the issuance of \$750,000,000 of General Obligation Bonds for school facilities, which would be distributed to the school districts based upon the "Public School Facilities Assistance" law as part of the "Children's Education Endowment Fund" of 1996.

The House amended **S.379** by deleting the bond authorization and 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 House amended Senate amendments to **H.3696**, the General Appropriation Bill, and returned the legislation to the Senate. The House added to the bill the language of the Gambling Cruise Prohibition Act which was approved by the House earlier in the year. The House amended the bill to insert \$14 million for school safety officers.

The House amended **H.3696** to insert language in the General Appropriation Bill providing for revised fees and regulation for video poker machines and other such coin-operated devices. The amendment provides that an owner of machines which have never been licensed shall pay a license fee of four thousand dollars for each machine. The owner of previously licensed machines shall pay a biennial renewal license fee the amount of which is based on the net income of the machine during the previous year. The amendment provides for a biennial license fee of \$10,000 for a manufacturer, \$15,000 for a distributor, \$2,000 for a machine operator, and \$1,000 for a licensed establishment. Licenses must not be issued until after a background check. An establishment license must not be issued until the Department of Revenue determines that the location is proper. In determining propriety the department may consider: the location's proximity to residences, houses of worship, schools, playgrounds, parks, and daycare centers; possible breaches of the peace; adequacy of law enforcement; the concentration of other licensed establishments in the area; and other pertinent information. The amendment establishes a procedure which an applicant must

follow if he wishes to obtain an establishment license for a location that is within 100 feet of another licensed establishment. Local governments are authorized to regulate location of gaming establishments by means of zoning or other pertinent ordinances. The amendment provides for a \$125 maximum payout per day. Penalties are provided for violations. The amendment provides for a \$100 dollar fee that is to be credited to the Department of Alcohol and Other Drug Abuse Services for gambling addiction treatment programs. The amendment provides that establishments may not be licensed which receive more than 50% of its gross total proceeds from gaming machines. The amendment prohibits the use of specific inducements and limits advertising to a single green square not to exceed four by four feet. Limits are provided for advertisements in other media. Establishments are prohibited from cashing checks, making loans, accepting credit or debit cards, extending credit, or allowing an individual to play machines while in an intoxicated condition. The amendment limits hours of operation. The amendment prohibits the operation of casinos and video gaming malls.

The House amended, approved and sent to the Senate **H.3359**. This bill provides that a motor home on which the interest portion of indebtedness is deductible pursuant to the Internal Revenue Code as an interest expense on a qualified primary or second residence is also a primary or second residence for purposes of *ad valorem* property taxation in this State and is considered real property rather than personal property for property tax purposes. The House approved an amendment which subjects boats to the same standard for determination of appropriate property tax classification.

The House approved and sent to the Senate **H.3810**, a bill pertaining to the access of the Legislative Audit Council to state agency records. This bill grants subpoena powers to the Legislative Audit Council, and it requires the Council's information requests to be sent to the chief administrative officer of the agency being examined. The bill further provides that willful noncompliance with a Council request is misfeasance in office. This bill provides that audit working papers are confidential and not subject to public disclosure. Under the bill, the General Assembly, its staff, and other entities are subject to confidentiality requirements and penalties while performing audit compliance reviews.

The House amended, approved and sent to the Senate **H.3928**. This bill is offered to clarify a provision of the Patients' Insurance and Benefits Protection Act of 1998 which allows Health Maintenance Organizations (HMOs) to underwrite a point-of-service insurance option for certain employees.

The House approved and sent to the Senate **H.3865** which provides parity for state and federally-chartered credit unions. Since 1996, when the General Assembly passed the State Credit Union Act to provide parity for state and federally-chartered credit unions, the S.C. Attorney General issued an Opinion stating that state-chartered credit unions cannot serve multiple groups, and Congress passed a bill authorizing federally-chartered credit unions to serve multiple groups. In response, this legislation provides that state-chartered credit unions, like federally-chartered credit unions, may serve multiple groups who share their own common bonds, as opposed to a single common bond for the entire credit union. The bill also authorizes state-chartered credit unions to offer mortgages on vacation homes, thereby allowing its members to borrow money to purchase or make improvements on a vacation home.

The House amended, approved and sent to the Senate **H.3908** which conforms statutes governing the Manufactured Housing Board to the uniform statutory framework provided for boards and commissions under the authority of the Department of Labor, Licensing and Regulation. The bill also provides for other substantive changes. The legislation reduces

from five to two the number of manufactured homes that may be sold without a license. The Board is authorized to contract out for examination services for applicants for licensure. The bill provides that the licensure cycle is to be biennial rather than annual. The legislation requires training for manufactured housing dealers, and increases the amount of the bond required of dealers. Local jurisdictions are authorized to charge installation fees in an amount up to \$100. The legislation requires that manufactured houses be granted the same status as site built homes in all municipalities and counties in the state with regard to land use and zoning requirements, site-development requirements, subdivision controls, etc.

The House amended, approved and sent to the Senate **H.3735** which conforms the existing Burglar and Fire Alarm Businesses Act to the revised standards provided for the Department of Labor, Licensing and Regulation under restructuring. The bill also makes various other substantive changes. The legislation retitles the act as the "South Carolina Alarm Systems Business Act." The bill provides that licensure is biennial and revises license fees. The bill revises provisions governing branch offices of alarm system businesses. The bill requires local building officials to refuse to issue a permit to an unlicensed person for work requiring licensure. The legislation provides that electric suppliers and telephone utilities are no longer exempt from the provisions of the act, and adds to the list of exemptions camera, card access, or walk-through alarm systems.

The House approved and sent to the Senate **H.3894**. This bill conforms the vesting requirements for transferring credited service to the SC Retirement System for a judge or solicitor who on termination does not qualify for a benefit under the judicial system from twelve years to the current requirement for vesting under the judicial retirement system of ten years for judges and eight years for solicitors.

SENATE FLOOR

FRIDAY APRIL 30, 1999

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

- **S.770**, a bill relating to venison and alligator jerky products
- **S.581**, a bill deleting the prohibition against the sale of malt liquor in containers greater than one liter
- **S.153**, a bill pertaining to eligibility for the tuition tax credit

TUESDAY MAY 4, 1999

The Senate concurred in the House's amendments to **H.3158**. A message was sent to the House accordingly, and it was ordered that the title be changed to that of an act and the act enrolled for ratification. **H.3158** enacts the "South Carolina Religious Freedom Act."

The Senate did not concur in the House amendments to **H.3697**, a joint resolution to appropriate monies from the capital reserve fund for the fiscal year 1998-1999.

The Senate resumed its interrupted debate on **H.3002**. The bill, as passed by the House, enacts the "Gambling Cruise Prohibition Act." In the afternoon, the Senate invoked Rule 3b authorizing the Sergeant-At-Arms to send for any absent members who had not been granted leave. When Rule 3b is invoked, the outer doors of the antechamber are secured

Legislative Update, May 11, 1999

and any member within the confines of the chamber and the antechamber is counted for the purpose of determining a quorum. During the night session, pursuant to Rule 15A the Senate voted to bring debate to a close on the entire matter of **H.3002** at 10:00 p.m. Ultimately, a committee amendment was amended and adopted and further amended. The bill received third reading and was returned to the House with amendments. Highlights of the Senate's amendments to **H.3002** include:

- a statewide referendum to be conducted at the time of the general election in 2000 to ascertain whether or not video game machine payouts will be allowed
- limiting payouts from video game machines to credits equal to \$900.00

WEDNESDAY MAY 5, 1999

The Senate proceeded to a consideration of **H.3276**, a bill pertaining to municipal charges to telecommunications providers, with the question being the third reading of the bill. Debate was interrupted by adjournment, with Senator Ravenel retaining the floor.

THURSDAY MAY 6, 1999

The House returned **H.3696**, the general appropriation bill, with amendments. The Senate did not concur in the House amendments and a message was sent to the House accordingly.

S.421, a bill pertaining to the eligibility for Life scholarships, was amended, read for the third time, and ordered sent to the House.

S.709, a bill prohibiting intentionally leaving an establishment without making payment for gasoline that is dispensed into a motor vehicle, was amended and read for the second time with notice of general amendments.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full House Agriculture, Natural Resources, and Environmental Affairs Committee met on Thursday May 6, and reported on several bills.

S.118 was reported favorable. This bill exempts ferrets from the prohibition on the sale of wild carnivores as pets, and requires that ferret owners maintain proper and current vaccinations against rabies. Purchasers of a domesticated ferret must be provided with a notice that ferrets have a propensity to make unprovoked attacks that could cause bodily injury to a human being.

S.564 received a favorable vote with an amendment. This bill prohibits the hunting of migratory waterfowl within a 450-yard radius of any land bordering the waters of Lake Murray lying within the boundaries of Richland County. The amendment changes the boundaries from a 450-yard radius to 300 yards of the 360-degree contour line along the shoreline where a dwelling or marina is located. The amendment also increased the fines for violation from \$200 to \$500 or 30 days imprisonment.

S.528, the Boating and Safety Act of 1999, received a favorable vote with an amendment. This bill makes technical and substantive changes to the laws governing boating safety and administration. The definition of "negligent operation" is clarified. The bill provides for suspension of boating privileges for negligent operation and criminal penalties for operation while under the influence. The requirement to submit to a chemical test for the determination of alcohol is simplified. Substantial penalties are provided for anyone operating a watercraft while their boating privileges are suspended. The bill increases penalties for failure to stop and render assistance when a boat has been in a collision with another boat or with other property.

An amendment to **S.528** revises the penalties for violations of the act.

H.3953 was voted favorable. This bill establishes the South Carolina Tobacco Community Development Board. The purpose of the Board is to provide economic aid to tobacco growers and tobacco quota holders in South Carolina. Under the bill, the Board is composed of fourteen members. Members serve four-year terms until their successor are appointed and qualify. Members are limited to serving only two four-year terms. However, some initial members will serve two-year terms. Members serve without pay but are entitled to the usual mileage, per diem, and subsistence provided to other members of state boards and commissions.

The committee voted **S.591** favorable with an amendment. This bill establishes statutory requirements for dissolved oxygen depression in a naturally low dissolved oxygen waterbody. If a party (or facility) seeks approval for a site specific effluent limit depression for dissolved oxygen concentration greater than 0.10 mg/l, the facility must notify the Department of Health and Environmental Control (DHEC) in writing. DHEC must publish a public notice in a statewide and local newspaper for the affected area in addition to the usual public notice procedures. A public hearing must take place if at least 20 citizens of the affected area request it. The party seeking the new limit must conduct a study to determine natural dissolved conditions and to assess the ability of aquatic resources at the specific site. DNR and the United States Environmental Protection Agency must approve the methodology used in the study. Several federal agencies must review, comment, and concur on the design and results of the study before the limitation is implemented. (Committee amendment not available.)

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee recommitted **H.3220** to subcommittee. This bill provides that a handicapped parking space may be used by a person authorized to use a handicapped placard, with the exception of numbered spaces reserved for use by only one person.

The committee gave a favorable recommendation to **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.

The committee gave a favorable recommendation with amendments to **S.150**. This bill, as introduced in the House, authorizes the Department of Public Safety to issue a special license plate to a SC resident who is a member of the SC State National Guard. Current law authorizes these special plates for *retired* members of the SC National Guard. The bill also deletes the requirement that retired members of the SC National Guard must certify Guard

membership before being issued a special plate. The bill provides for the design of these special plates, which would include a decal denoting the owner's National Guard branch and status (i.e., retired). The bill also creates a special license plate on behalf of the *H.L. Hunley* submarine, and provides for the design, fee, distribution, and use of revenue from these special plates. The bill also amends current law concerning motor vehicle registration and license fees by excluding trucks from the special twenty dollar fee set for handicapped persons or persons age sixty-five or older, and by excluding trucks from the twenty-four dollar registration fee which is currently provided for persons under age sixty-five. The bill also adds a section to the *SC Code* authorizing the Department of Public Safety to issue, under certain conditions, special motor vehicle license plates bearing the name, emblem, or seal of a 501(c)(3) organization. The bill requires a minimum number of prepaid applications which must precede production of the plates and requires a plan to market the plates. The bill prohibits referencing on these plates a college in this state without written authorization from the institution. The bill provides that funds collected from these plates may be used only to defray the costs of the program.

Highlights of the committee's recommended amendments to **S.150** include:

- The Senate plan of using only one National Guard plate will not go into effect until all existing Guard plate inventories are exhausted.
- Hunley plates are made uniform with other special plates; the distribution of funds from the plates is fixed; and there must be 400 prepaid plate applications or a \$4000 deposit before a plate is created;
- The threshold for prepaid applications is increased from 300 to 400 for plates to be issued for non-profit organizations; provisions are included for a refund of the \$4000 deposit if the minimum number of applications is received; organizations must show that use of their logo is authorized; the Department of Public Safety may refuse or alter a plate design and appeals may be made to a joint legislative committee.
- Deletes the provision that handicapped motorcyclists are allowed to receive special plates showing that they are disabled;
- Production and distribution guidelines are added to the bill for plates authorized by the General Assembly;
- Provisions addressing "First in Golf," fraternity and sorority, Rotary International, Marine Corps League, Lions Club, and County Veterans Affairs Officers plates are added to the bill.

The committee gave a favorable recommendation with amendments to **H.3416**. This concurrent resolution, as introduced, establishes a Purple Heart Highway and provides for erecting appropriate markers as a means of honoring combat-wounded veterans who have received the Purple Heart medal. The highway would start at the South Carolina - Georgia line, extending eastward past Columbia to Florence, linking up with I-95 and extending northward to the South Carolina - North Carolina line and south to the South Carolina - Georgia line. The resolution requests that the Governor issue a specified proclamation and the resolution provides for an opening ceremony at the State House on George Washington's birthday, in the year 2000, and provides for subsequent ceremonies at the actual placement of signs or markers.

The committee recommended amending **H.3416** by revising the geographical points of where the highway will run. The committee also recommended adding a provision that appropriate signage be designed and placed near the South Carolina-Georgia and the South Carolina-North Carolina state lines and at the intersections of Interstate Highway 95 and Interstate Highways 20 and 26.

JUDICIARY

On Tuesday, May 4, 1999, the full Judiciary Committee met and gave a favorable recommendation to **H.3810**, a bill pertaining to the access of the Legislative Audit Council to state agency records. This bill grants subpoena powers to the Legislative Audit Council, and it requires the Council's information requests to be sent to the chief administrative officer of the agency being examined. The bill further provides that wilful noncompliance with a Council request is misfeasance in office. This bill provides that audit working papers are confidential and not subject to public disclosure. Under the bill, the General Assembly, its staff, and other entities are subject to confidentiality requirements and penalties while performing audit compliance reviews.

The Judiciary Committee gave a favorable recommendation with amendment to **H.3826**. The introduced version of the bill provides that it is illegal to sell or hold for sale a package of cigarettes that violates federal law. The Judiciary Committee's proposed amendment changes this wording to read that "it is unlawful to sell, hold for sale, or distribute a package of cigarettes" Penalties are established for failure to comply.

If a person sells or holds for sale illegal cigarette packages, the introduced version of **H.3826** authorizes (1) the Attorney General to seize and destroy the illegal cigarette packages, and (2) the Department of Revenue to revoke the person's license to sell tobacco. In addition to other penalties provided by law, the Judiciary Committee's proposed amendment authorizes law enforcement to seize and destroy, or sell to the manufacturer, for export only, any illegal cigarette packages.

As introduced, **H.3826** provides that selling cigarettes in illegal packages is an unfair trade practice. The Judiciary Committee's proposed amendment deletes this provision from the bill.

H.3804 received a favorable report with amendment from the Judiciary Committee. As introduced, this bill prohibits the manufacture, transportation, possession, or use of bombs and weapons of mass destruction.

As introduced, the term "poisonous gases" as used in **H.3804** does not include tear gas devices designed to be carried on or about the person that contain not more than one-half ounce of the chemical. The Judiciary Committee's proposed amendment replaces one-half ounce with fifty cubic centimeters.

H.3804, as introduced, 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 misdemeanor. The Judiciary Committee's proposed amendment changes misdemeanor to felony.

Under the introduced version of **H.3804**, 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 misdemeanor. The Judiciary Committee's proposed amendment changes misdemeanor to felony.

The Judiciary Committee's proposed amendment to **H.3804** provides that the bill does not apply to the lawful use of:

- small arms ammunition
- components of small arms ammunition
- ammunition reloading equipment
- 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

S.277 received a favorable recommendation with amendment. 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 Judiciary Committee's proposed amendment, 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
- 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 Judiciary Committee adjourned debate on the following bills:

- **H.3529**, a bill enacting "The Equalization of Defendants' and Victims' Rights Act of 1999"
- **H.3075**, a bill requiring notification to neighbors of a sex offender's residence

The Judiciary Committee tabled the following joint resolutions and bills:

- **H.3369**, a joint resolution proposing to amend the State Constitution and ultimately place before the people for their approval the issue of having elections for the House every four years and elections for the Senate every six years
- **H.3395**, a bill proposing to have elections for the House every four years and elections for the Senate every six years
- **S.45**, a bill creating the "Hate Crime Penalty Enhancement Act"

The Judiciary Committee voted to recommit the following bills to their appropriate subcommittee:

- **H.3234**, a bill equalizing the number of peremptory challenges allowed to defendants and the State (recommitted to the Criminal Laws Subcommittee)
- **H.3309**, a bill establishing the "South Carolina Violence Prevention Authority" (recommitted to the Criminal Laws Subcommittee)
- **S.372**, a bill prohibiting individuals convicted of certain felonies from employment with day care centers (recommitted to the General Laws Subcommittee)

- **H.3656**, a bill abolishing common law marriage (recommitted to the General Laws Subcommittee)

The Judiciary Committee adjourned for the day before considering the following bills on its May 4, 1999 agenda:

- **H.3086**, a bill revising the newspaper notice and notice-posting requirements for alcoholic beverage license applications
- **H.3392**, a bill amending the qualifications requirements for candidates for the office of sheriff
- **H.3870**, a bill enacting the “South Carolina Notoriety for Profit Act” which 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

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.” However, the Judiciary Committee’s proposed amendment is still not available.

LABOR, COMMERCE, AND INDUSTRY

The House Labor, Commerce and Industry Committee met on Tuesday, May 4, and passed out several bills.

The Committee reported favorably on **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 gross coverage for transactions of sixty months or less. For loans in excess of sixty months, net coverage plus six monthly payments is the maximum amount of insurance allowed. The bill provides that the definition of disability shall be based on the insured’s own occupation on the date of the disability for the first year and on and occupation with substantially equivalent remuneration thereafter. The bill lowers the 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 Committee gave a report of favorable with amendment to **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 Committee also reported out **H.3928**, **H.3865**, **H.3908**, and **H.3735**. All of these bills were approved by the House and sent to the Senate (*See House Week in Review, this issue*).

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full House Medical, Military, Municipal and Public Affairs Committee met on Tuesday May 4, and reported favorable on S.199, S.333, and S.454.

S.199 requires child day care facilities licensed or registered by the Department of Social Services (DSS) to display the current license or registration in a prominent place in the facility and to state the registration or license number in all advertisements. The bill clarifies definitions used by DSS to differentiate among part-time care provided in nursing school, kindergartens, shopping centers and similar facilities. The bill amends the definitions of "group day care homes" and "family day care homes" to make it clear that they must be in the residence occupied by the operator. S.199 requires that religious day care centers and religious group day care homes comply with floor space, child/staff ratios, and staff training requirements that apply to non-religious day care centers and group day care homes.

The committee recommended an amendment to S.199 that changes the effective date from October 1, 1999 to six months after the Governor's approval to allow DSS more time to prepare for implementation and to inform religious facilities about the requirements. The amendment also requires new religious day care facilities to apply for licensure or registration before they begin operating. Present law requires religious day care facility operators to notify DSS of the facility's operation only after it is up and running.

S.333 received a favorable vote. 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.

S.454 received a favorable vote. 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 based on the number of years the license has been inactive.

The committee tabled H.3280. This House Resolution would establish a committee to study hospital costs, rates, changes, and fees.

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

S.770 DEER VENISON AND ALLIGATOR JERKY PRODUCTS Sen. Bauer

This bill prohibits the possession and sale of venison and alligator jerky products unless the products prepared from nonnative farm-raised deer and alligator and is processed through a government-approved facility as a food item for human consumption. An out-of-state producer and the person importing and offering venison and alligator jerky products for sale must obtain a free permit from the South Carolina Department of Natural Resources and

must keep adequate records as to the source of the deer and alligator used to produce the products.

S.739 THE TOBACCO COMMUNITY DEVELOPMENT BOARD Sen. McGill

This bill establishes the South Carolina Tobacco Community Development Board to provide economic aid to tobacco growers and tobacco quota holders in South Carolina. The Board is composed of fourteen members who serve four-year terms or until their successor are appointed and qualify. The bill does provide limitations on the amount of terms that a member may serve on the Board. However, under the bill some initial members will serve two-year terms. Members serve without pay but are entitled to the usual mileage, per diem, and subsistence provided to other members of state boards and commissions.

H.4027 SUBDIVIDING LAND FOR RESIDENTIAL PURPOSES Rep. Scott

This joint resolution requires a landowner that wants to subdivide land for residential purposes to clear and prepare for development in a manner appealing to the aesthetic faculty by preserving the natural beauty of the land. A representative of the local planning commission must certify on plats and records (deeds) that the land was cleared and developed properly.

EDUCATION AND PUBLIC WORKS

S.561 SPECIAL LICENSE PLATES FOR COUNTY VETERANS' AFFAIRS OFFICERS Sen. Moore

This bill authorizes the issuance of special license plates for County Veterans' Affairs Officers. The bill provides for the fee and for the design for these plates, and provides that they must be issued or revalidated biennially.

H.4025 SCHOOL VIOLENCE Rep. Govan

This joint resolution establishes a task force to study the potential for violence and readiness to respond to potential and actual acts of violence in South Carolina's public schools. The resolution provides for the composition of the task force membership, and provides that the task force shall submit a report to the General Assembly by December 31, 1999, containing its recommendations for strategies to address potential and actual acts of violence. The resolution provides that members of the task force shall serve without compensation, *per diem*, subsistence, or mileage, and the task force is abolished upon submitting the report.

H.4039 USC-AIKEN Rep. Stille

This bill provides that, effective July 1, 1999, the University of South Carolina-Aiken shall become Carolina Aiken University, a separate and distinct institution of higher learning of the State. The bill provides for a governing board composed of fifteen members elected by the General Assembly to represent specified congressional districts, one at-large member appointed by the Governor, and the Governor or his designee to serve *ex officio*. The bill provides for terms, meetings, and powers (including the authority to issue revenue bonds for specified purposes and under specified conditions) for the board. The bill requires that the General Assembly elect, during its 1999 session, the members of the Board of Trustees of Carolina Aiken University who shall take office on July 1, 1999.

The bill also contains transitional provisions, addressing issues such as the transfer of personnel, assets, and liabilities and the issuance of state institution bonds to refund other state institution bonds issued on behalf of the University of South Carolina. The bill also

provides for the applicability to Carolina Aiken University of certain provisions relating to higher education budgetary and cost-related matters.

H.4040 TRANSFER OF TWO-YEAR USC CAMPUSES Rep. Stille

This bill provides that on July 1, 2000, the USC Lancaster, Salkehatchie, Union, Beaufort, and Sumter campuses shall be transferred to the State Board for Technical and Comprehensive Education and administered as two-year institutions. The bill provides that each campus shall have an area commission and the bill provides for the area commissions' appointments, terms of office, powers, meetings, and accountability. The bill requires the State Board for Technical Education to file plans with the Commission on Higher Education before June 30, 2000, broadening the curricula in each of these campuses to include technical education as well as the current college parallel curricula. The bill contains transitional/transfer directives including provisions for current appropriations, employees, assets, and liabilities of these two-year campuses.

H.4041 USC-SPARTANBURG Rep. Stille

This bill provides that the University of South Carolina-Spartanburg shall become Carolina Spartanburg University ("the University") on July 1, 1999, and shall be a separate and distinct institution of higher learning of the State. The bill provides for a governing board for the University and provides for that board's powers, duties, and functions. The bill authorizes the University to issue revenue bonds, and provides transitional provisions, including the transfer of personnel, assets, and liabilities. The bill provides for the issuance of state institution bonds to refund other state institution bonds issued on behalf of the University of South Carolina, and provides for the applicability to the University of certain provisions relating to higher education budgetary and cost-related matters.

H.4044 PROVISIONAL STUDENTS Rep. Stille

This bill prohibits provisional freshmen or provisional transfer students from attending state four-year higher education institutions beginning with the fall term of 2000 and thereafter.

H.4046 MANDATORY SEAT BELTS Rep. Stille

This bill amends current law regarding violations of the mandatory use of a seat belt, by eliminating a law enforcement officer's ability to cite a motor vehicle driver for a violation of this provision in conjunction with a checkpoint established to stop all drivers on a road.

H.4048 FACULTY AT STATE HIGHER LEARNING INSTITUTIONS Rep. Stille

This bill requires full-time undergraduate faculty of state-supported institutions of higher learning, beginning with the 1999 fall semester, to teach a required number of credit hours each semester. The bill also provides incremental reductions to this requirement based on percentage of a faculty member's time spent on research.

H.4062 OPEN ENROLLMENT TASK FORCE Rep. Townsend

This concurrent resolution creates the Open Enrollment Task Force, established for the purpose of researching and studying open enrollment in South Carolina schools in order to enable the General Assembly to make informed policy decisions concerning open enrollment and the impact of open enrollment upon South Carolina's schools. The resolution provides for composition of the task force, for the first meeting of the task force, for payment of mileage, *per diem* and subsistence for members of the task force, and for election of a task force chair. The resolution requires that the task force issue a final report to the Governor and the General Assembly by January 1, 2001, and the resolution delineates information which must be included in the report. The resolution provides that the task force will be dissolved upon making its final report.

JUDICIARY

S.206 ALCOHOLIC BEVERAGES Sen. J. Verne Smith

This bill requires the Department of Revenue to promulgate regulations so as to 1) prevent the unlawful sale and shipment of alcoholic liquors, beer, and wine by means of the Internet to persons under the age of 21, and 2) ensure the payment of necessary taxes on wine produced outside this State and ordered by individuals.

The bill provides that the terms "sell," "sale," and "purchase" include selling, or making a sale, or purchase by means of the Internet. **S.206** prohibits individuals from using the Internet to advertise, solicit by advertisement, or accept orders for shipments of alcoholic liquors not authorized by *South Carolina Code of Laws* Article 7 (Importation of Alcoholic Liquors), Chapter 6 (Alcoholic Beverage Control Act) of Title 61 (Alcohol and Alcoholic Beverages).

Under this bill, shipping containers for alcohol shipped or moved into this state must be clearly labeled that the shipping container or package must not be delivered to a person under the age of 21.

S.226 POLITICAL SUBDIVISIONS AND MUNICIPAL CORPORATIONS Sen. McConnell

Under this bill, any area seeking to be incorporated must be contiguous. An intervening navigable waterway, marshland, or lowland does not destroy contiguity. However, a road, waterway, right-of-way, easement, railroad track, marshland, or utility line that connects one property to another does not establish contiguity.

Currently, petitions for corporation should include the proposed corporate limits, the number of inhabitants therein, and must be signed by 50 qualified electors and 15% of the freeholders who reside within the proposed municipality. Under this bill, the petition must only be signed by 15% of the qualified electors who reside within the proposed municipality.

This bill revises procedures for changing corporate limits of municipalities. Note that the bill changes references in the statutes from "city or town" to "municipality." This bill eliminates the requirement that an election must be ordered to see if a certain territory should be annexed; the bill deletes statutes and references in statutes to such elections.

The bill provides that not less than 30 days before acting on an annexation petition, the annexing municipality must give notice of a public hearing

- by publication in newspapers of general circulation in the community
- by posting the notice of the public hearing on the municipal bulletin board
- by written notification to the tax payer of record of all properties within the area proposed to be annexed
- to the chief administrative officer of the county
- to all public service or special purpose districts, and all fire departments

Under the bill, the public hearing must include a map of the proposed annexation area, a complete legal description of the proposed annexation area, a statement as to what public services are to be assumed by the municipality, and the taxes and fees required for these services.

Currently, any area that is contiguous to a municipality may be annexed to the municipality by the filing of a petition with the council signed by 25% or more of the freeholders who are residents within the area proposed to be annexed. This bill changes the term "freeholder" to "qualified elector".

S.284 NOTIFICATION OF THE RELEASE OF SEXUALLY VIOLENT PREDATORS

Sen. Holland

This bill amends the definition of the term "convicted of a sexually violent offense" as used in the Sexually Violent Predator Act. Under this bill, the term includes:

- a person who has been adjudicated delinquent as a result of the commission of a sexually violent offense, and
- a person who at the time of sentencing or at any time prior to his or her release from confinement was ordered by a family court judge to be subject to proceedings under this act

The bill amends the definition of the term "total confinement" as used in the Sexually Violent Predator Act. Under this bill, the term includes a staff secure residential facility or program operated by the State or a facility providing services pursuant to a contract with the State. The term also includes staff secure residential facilities and programs within the Department of Juvenile Justice, but the inclusion of staff secure residential facilities is applicable only when the Board of Juvenile Parole is the releasing authority of the juvenile.

The bill amends the definition of the term "person" as used in the Sexually Violent Predator Act. Under this bill, the term includes an individual under the age of seventeen at the time of the offense only when the individual was convicted of or pled guilty or nolo contendere to a sexually violent offense.

Currently, the Director of the Department of Corrections shall appoint a multidisciplinary team to review the record of each person referred to the team. Under this bill, certain records must be provided to the team when the agency with jurisdiction gives notice to the team and to the Attorney General. The bill provides that the multidisciplinary team must be used to assist the team in making its assessment. The bill further requires that membership of the team to review a person adjudicated delinquent for a sexually violent offense must include a representative from the Department of Juvenile Justice and a trained, qualified mental health clinician with expertise in treating sexually violent juvenile offenders.

Currently, the agency with jurisdiction over a person who has been convicted of a sexually violent offense must give written notice to the multidisciplinary team and the Attorney General's office at least 180 days prior to the anticipated release of the person.

When the prosecutor's review committee has determined that probable cause exists to support the allegation that a person is a sexually violent predator, the Attorney General may file a petition with the court in the jurisdiction where the person committed the offense. Currently, the petition must be filed within 30 days of the probable cause determination; this bill extends that time frame to 45 days.

This bill provides that if a person is already confined in a secure facility, the hearing to determine whether probable cause exists to believe that a person is a sexually violent predator must be held no later than 72 hours after the person's release. Additionally, the bill allows the State to use hearsay evidence in making its showing of probable cause. Under the bill, if a probable cause determination is made, the person must not be released from confinement prior to the conclusion of the trial.

The bill authorizes formal depositions and discovery for trials to determine whether or not a person is a sexually violent predator. However, the bill encourages the willing and prompt exchange of information and documents between parties.

If a juvenile is absent from placement without proper authorization, **S.284** allows the director of a state agency to request state or local law enforcement to take the juvenile into custody and return the juvenile to the facility designated by the agency. The bill further provides that a warrant or court order is not required before the juvenile is taken into custody and returned to the appropriate facility.

**S.581 SALE OF MALT LIQUOR IN CONTAINERS GREATER THAN ONE LITER
Sen. McConnell**

This bill deletes the prohibition against the sale of malt liquor in containers greater than one liter.

**S.764 CIVIL CASES IN CIRCUIT AND MAGISTRATES COURTS STUDY TASK
FORCE Sen. Judiciary Committee**

This is a joint resolution to establish a task force to study and make recommendations and report on the statutory and constitutional ramifications of various methods for improving and assuring the speedy disposition of civil cases in circuit courts and magistrates courts.

**H.4024 "THE SOUTH CAROLINA UNIFORM PRUDENT INVESTOR ACT"
Rep. Wilkins**

Under this bill, a trustee who invests and manages trust assets owes a duty to the beneficiaries of the trust to comply with the prudent investor rule. The prudent investor rule means that a trustee must invest and manage trust assets as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the trust. The bill outlines circumstances that a trustee must consider when investing and managing trust assets. The bill provides that compliance with the prudent investor rule is determined in light of the facts and circumstances existing at the time of a trustee's decision or action and not by hindsight.

The bill requires the trustee to diversify investments, unless there are special circumstances where the purposes of the trust would be better served without diversifying. The bill requires the trustee to invest and manage trust assets solely in the interest of the beneficiaries. The bill authorizes the trustee to delegate investment and management functions. The bill limits the trustee to only incurring costs that are appropriate and reasonable in relation to the assets, the purposes of the trust, and the skills of the trustee.

While the bill establishes the prudent investor rule as the default, the bill allows the provisions of a trust to alter this default rule. Under the bill, a trustee is not liable to a beneficiary to the extent that the trustee acted in reasonable reliance on the provisions of the trust.

H.4038 BULLET-PROOF GLASS Rep. Howard

This bill requires certain motor fuel outlets to provide bullet-proof glass as a shield and protection for their employee-attendants.

H.4047 IMPOUNDING VEHICLES Rep. Stille

This bill provides that a motor vehicle driven by a person who is not a licensed driver, whose license to drive has been canceled, suspended, or revoked, or who is uninsured, must be impounded. The bill requires the driver of the motor vehicle to pay the impoundment costs. This bill does not apply to vehicles owned by rental car companies.

H.4054 CONFIDENTIALITY OF ADOPTION RECORDS Rep. Koon

This bill deletes the requirement that adoptees, biological parents, and siblings must file affidavits stating that they are willing to have their identities revealed to each other.

Upon written request by an adoptee 21 years of age or older, this bill requires an adoption agency to disclose to the adoptee the identity of his or her biological parents and siblings. Likewise, when an adoptee is 21 year of age or older, upon written request by the biological parents and siblings this bill requires the adoption agency to make available the identity of the adoptee. This bill authorizes an adoption agency to delay disclosure for 20 days from the receipt of the application to allow time to apply to a court of competent jurisdiction to enjoin the disclosure for good cause.

This bill requires the adoption agency to make available to the adoptee, the biological parents and siblings counseling concerning the effects of the disclosure. The bill allows the adoption agency to charge a fee for these services. However, services cannot be denied because of an inability to pay.

H.4056 JUVENILE OFFENSES Rep. Davenport

This bill revises the definition of the term "child" as used in the Juvenile Justice Code. Under this bill, the term "child" means a person less than seventeen years of age except for purposes of a status offense, "child" means a person less than eighteen years of age.

Currently, if a child is adjudicated delinquent for a status offense or found in violation of a court order relating to a status offense, the court may restrict the child's driver's license until the child's seventeenth birthday. This bill increases the age to eighteen.

Also under this bill, children are required to attend school until reaching the age of eighteen rather than seventeen.

**H.4057 REVISION OF THE SOLICITATION OF CHARITABLE FUNDS ACT
Rep. Cobb-Hunter**

This bill revises the definition of the term "charitable organization." Under the bill, a "charitable organization" may be a person or entity. However, the term does not include a person or entity whose conduct is supported primarily by government grants or contracts, funds solicited from its own membership, congregation, or previous donors, or fees charged for services rendered.

The bill provides a definition for the terms "membership," "individual professional solicitor," and "commercial co-venture." The bill deletes the definitions provided for the terms "secretary" and "parent organization."

Under the bill, a "professional solicitor" does not include a paid director or employee, unless his or her salary or other compensation is paid as a commission computed on the basis of funds actually raised or to be raised.

H.4057 requires a charitable organization which intends to solicit contributions in this state or have funds solicited on its behalf in this state to file a registration statement with the Secretary of State on forms prescribed by the Secretary of State each year on or before its original anniversary date. The bill requires the registration form to 1) be signed by the chief executive officer, 2) be certified as true, and 3) be filed along with a fee of fifty dollars. The statements must also contain the names and addresses of the directors, and other salaried staff, officers, and board members.

LABOR, COMMERCE, AND INDUSTRY

S.351 SATISFACTION OR CANCELLATION OF MORTGAGES Sen. McConnell

This bill revises the procedure for the satisfaction or cancellation when a mortgage debt is paid in full. The bill provides that the request for satisfaction or the mortgage must be sent to the holder of record of the mortgage by certified mail or in some other fashion which provides proof of delivery. Upon proper notification, the holder of record of the mortgage is responsible for recording the satisfaction or cancellation. A form is provided for the recording. The holder of record of the mortgage is authorized to charge a fee not to exceed twenty-five dollars to cover the cost of processing and recording the satisfaction or cancellation.

S.434 CHECK CASHING AND DEFERRED PRESENTMENT SERVICES Sen.

Short

This bill makes various revisions to the laws regulating check cashing and deferred presentment services. The bill provides that the face amount of the check taken for deferred presentment or deposit, including the cash advance made to the customer and the fee imposed for the service, shall not exceed \$345. The bill revises licensing requirements for check cashing businesses so as to require a separate license for each business location. If an individual has more than one license application, the required investigation fee is to be paid only on the first application. Application fees are revised to set them at \$250 for the first license and \$50 for each additional license applied for by the same individual. Fees for annual renewal of licenses are set at the same amount. The bill also provides that retailers who engage in incidental check cashing are exempt from licensure and regulation, if they charge for the service no more than \$2 or 3% of the face value of the check, whichever is less (under current law, such a retailer must accept no fee in order to remain exempt). The bill eliminates the current requirement for the written agreement documenting each check cashing transaction. The bill also revises the list of goods and services which businesses may engage in without violating conditions of licensure to: (1) include the sale of prepaid telephone calling cards and tobacco products sold through vending machines; (2) revise existing references.

S.697 MUNICIPAL HOUSING AUTHORITIES Sen. J. Verne Smith

This bill revises the manner of selection and conditions of service for commissioners of Municipal Housing Authorities and Regional Housing Authorities. With regard to Municipal Housing Authorities, the bill provides that no less than five nor more than seven persons are to be selected to serve as commissioners for an Authority. The bill provides that one of these commissioners must be a person directly assisted by the Authority. With regard to the commissioner who is directly assisted by the Authority, the bill provides for the terms of his office, conditions of service, the matters which disqualify him from voting, and for conditions under which he is removed from office. With regard to commissioners of Regional Housing Authorities, the bill provides that if the area of operation for such an authority consists of an even number of counties, the commissioners of the authority appointed by the Senators of such counties shall appoint not less than one nor more than three persons as commissioners, rather than appointing one additional commissioner. At least one of the commissioners appointed under these circumstances shall be a person who is directly assisted by the Authority. The bill provides for the term of office and conditions of service for the directly-assisted commissioner and specifies the manner in which he is to be removed from office. Under the bill, the directly-assisted commissioner must remain an assisted resident in order to continue to serve on the Board of Commissioners. If the individual vacates or is evicted from the assisted housing unit, he is, under the bill, automatically

removed from the board without opportunity to contest the removal or be heard on the matter.

S.721 WORKERS' COMPENSATION SECOND INJURY FUND Sen. Saleeby

This bill provides for the way in which self-insureds and insurers participate in the Second Injury Fund under South Carolina's workers' compensation system. The bill provides that the aggregate amount allocated to self-insureds and the State Accident Fund is the proportion of gross paid losses before salvage and subrogation to the gross paid losses before salvage and subrogation of all carriers during the preceding calendar year. Each self-insured and the State Accident Fund shall make payment in the proportion of gross paid losses before salvage and subrogation to the total gross paid losses before salvage and subrogation paid by all self-insureds and the State Accident Fund during the preceding calendar year. The aggregate amount allocated to insurance carriers is the proportion of gross paid losses before salvage and subrogation of all carriers during the preceding calendar year. Each insurance carrier shall make payment based upon written workers' compensation premiums during the preceding calendar year. To charge to each insurance carrier is a charge based upon premium.

S.757 SOUTH CAROLINA VACATION RENTAL ACT Sen. Elliott

This bill establishes the "South Carolina Vacation Rental Act" which provides regulatory guidelines for persons and businesses engaged in the renting or managing of residential properties for vacation purposes. Under the legislation, "residential property" includes any apartment, condominium, single family home, townhouse, cottage or other property devoted to residential use. A "vacation rental" is defined as the lease, sublease, or other rental of residential property for a period of fewer than 90 days. The legislation does not apply to hotels, motels, tourist camps, campgrounds, etc. The bill provides that in every vacation rental subject to the act, the landlord or rental management company must use a written vacation rental agreement. Intentional failure to use a written vacation rental agreement constitutes an unfair trade practice. In addition, rental management companies may also be subjected to discipline by the SC Real Estate Commission. The legislation establishes requirements for payment and notification of an impending transfer of title for a rented property. Intentional failure to comply constitutes an unfair trade practice. If state or local authorities order a mandatory evacuation of an area that includes a rental property subject to this act, the tenant in possession of the property shall comply with the evacuation and, upon compliance, shall be entitled to a refund of the prorated rent for each day of the tenant's term that is subject to the mandatory evacuation order. However, if, prior to the tenant's occupancy, the landlord or his rental management company has offered the tenant insurance which would compensate the tenant for losses due to the interruption of the vacation rental due to a mandatory order, then the tenant shall not be entitled to the refund. The legislation also provides that the governing body of each county, municipality, school district, or special purpose district may not ban or prohibit vacation rentals unless the General Assembly has expressly authorized the prohibition by general law.

**H.4059 TRAINING FOR BUILDING CODES ENFORCEMENT OFFICERS
Rep. Davenport**

This bill provides that the Department of Labor, Licensing and Regulation, in cooperation with the SC Building Codes Council, shall establish a certification program, including specialty and general certification, for the training of building codes enforcement officers. The Department shall promulgate regulations to carry out the provision.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

**H.4058 TASK FORCE TO STUDY TRANSFER REGULATING OF
CHILD DAY CARE CENTERS TO DSS Rep. Davenport**

This joint resolution creates a task force to study the merit and feasibility of transferring the licensing and regulatory authority for child-care from DSS and the inspection responsibility from the State Fire Marshall and place all duties with DHEC. The task force is made up of (1) the director of the Office of Health and Human Services, Office of the Governor, (2) the director of DSS, (3) the director of DHEC, (4) chairman of the State Advisory Committee on Regulation of Child Day Care Facilities; and (5) the Speaker of the House and the President of the Senate each appoints an owner or operator of a child day care center, a group day care center, a family day care center, and a church day care center. The task force must submit its report to the General Assembly by January 1, 2000, at which time the committee is abolished.

S.619 ELECTRONIC EQUIPMENT RECYCLING PROGRAM Sen. Leventis

This joint resolution creates the Electronic Equipment Recycling Program to be administered by the Recycling Development Advisory Council within the South Carolina Department of Commerce. The bill provides for a \$5 fee to be charged on the sale of each piece of equipment sold in this state containing a cathode ray tube. The State Treasurer must deposit the fee in the Electronic Equipment Recycling Fund. The Fund will be used to develop a more efficient way to collect, transport, and process electronic equipment, and to award grants, contracts, and loans to further the process of technology for recycling electronic equipment. A committee made up of members of the technology industry, the waste disposal industry, colleges and universities, state and local government, and the public at-large will study and recommend to the General Assembly by July 1, 2004 whether the program should continue and be made permanent law.

S.139 BODY PIERCING Sen. Peeler

This bill establishes requirements and procedures for body piercing in South Carolina. DHEC must set standards for sterilization and conditions for safe disposal of instruments. All body piercing technicians must complete a course approved by DHEC in blood borne pathogens and body piercing infection controls. The facility must obtain an annual permit for \$300 after all technicians are certified in infection controls. In addition, all technicians must be at least 18 and possess a current Red Cross First Aid Certification and Adult CPR Certification that must be conspicuously displayed in the shop. DHEC may conduct initial, upon complaint, and no-notice inspections of body piercing facilities. The facility must display notice of the effects body piecing may have on an organ donor.

The technician must verify with picture identification that a patron is at least 18. If the patron is under 18, the piercing must be performed in the presence of or as directed by a notarized writing by the persons parent or legal guardian. The technician may not pierce the body of anyone impaired by alcohol or drugs, or on skin surfaces having a rash, pimples, boils, infections, or evidence of unhealthy conditions. Violators will be guilty of a misdemeanor and fined up to \$2,500 or imprisoned for one year, or both.

H.4028 SOUTH CAROLINA HEALTH CARE LIEN ACT Rep. Hayes

This bill entitles a health care provider to a lien equal to the amount of the unpaid balance due to the provider for health care services. The lien attaches to any funds paid or agreed to be paid by a third party to the patient as compensation or settlement of any claims the patient may have against the third party for injuries for which the patient received health care services. The provider must give written notice of the lien within 90 days after

commencement to the patient, third party, or any insurance company that provides coverage on the patient's behalf. A healthcare provider may enforce the lien against all amounts recovered by a patient from a third party in the proportion that the lien bears to the total amount of all liens against the patient. Actions to enforce the lien must be brought in the county where the health care services were rendered or in the county where the patient resides, at the option of the provider. If the patient is not a resident of South Carolina, the action must be brought in the county where the health care services were rendered.

S.726 PHARMACISTS REGULATIONS AND INTERNSHIP PROGRAMS Sen.

Giese

This bill revises and clarifies several provisions relating to pharmacies and pharmacists. Definitions are revised and conditions governing dispensing non-controlled drugs at free clinics are clarified. The section relating to pharmacy interns is revised to reference externships. The bill revises and clarifies the duties of the pharmacist-in-charge, record keeping, facility requirements, and the pharmacist-to-technician ratio. The bill prohibits the Board of Pharmacy from adopting any rule or regulation that requires the sale of nonprescription drugs by a licensed pharmacist or in a pharmacist.

S.304 LICENSURE AND REGULATION OF DIETICIANS Sen. Hayes

This bill requires people who carry themselves out to be dietitians and nutritionists to be licensed by the Department of Labor, Licensure, and Regulations (LLR). An initial licensing fee of \$150 is charged plus a biennial licensure renewal fee of \$120. A person must complete the requirements for registration as a registered dietetic by the Commission on Dietetic Registration or possess a post-baccalaureate degree from a regionally accredited college or university and pass an exam. The license must be displayed in a conspicuous place in the business and the owner must include the license number in all advertisements. The bill creates the Advisory and Disciplinary Panel for dietitians made up of dietetic therapists that have been practicing dietetics for at least three consecutive years. Members must be paid for their services.

WAYS AND MEANS

S.153 INCOME TAX CREDIT AND LIFE SCHOLARSHIP ELIGIBILITY Sen. Hutto

This bill provides that, with respect to eligibility for the State's tuition tax credit and the LIFE scholarship, a student who has been adjudicated delinquent or has been convicted or pled guilty or *nolo contendere* to any alcohol or drug-related misdemeanor offense is only ineligible for the tax credit for the taxable year in which the adjudication occurred, and is only ineligible for the LIFE scholarship for one calendar year after the adjudication occurred.

H.4026 RETIREMENT SERVICE CREDIT Rep. Martin

This bill increases from ninety to one hundred eighty the maximum number of days of unused sick that may be added to a member's credited service for retirement from the SC Retirement System and the SC Police Officers Retirement System.

H.4030 RETIREMENT SERVICE CREDIT Rep. Maddox

This bill moves up from 1976 to 1983, the year before which active duty military service must have been performed in order to establish service credit in the SC Police Officers Retirement System.

H.4045 TUITION SURCHARGE Rep. Stille

This bill imposes a twenty-five percent tuition surcharge on students who take more than one hundred forty credit hours to complete a baccalaureate degree in a four-year program at any state-supported college or university in South Carolina, or more than one hundred ten percent of the credit hours necessary to complete a baccalaureate degree in any program designated by the Commission on Higher Education as a five- year program at any state-supported college or university in South Carolina. These surcharges will be imposed beginning with the 1999 fall semester or quarter.

H.4045 ACCOMMODATIONS TAX Rep. Bailey

This bill amends the SC Code of Laws relating to allocations to and permitted uses by municipalities and counties of the state two percent sales tax on accommodations. Current law allows a county or municipality which has a "high concentration of tourism activity" to use accommodations tax funds to provide additional county and municipal services. This bill provides that a county or municipality has a "high concentration of tourism activity" if it is located in a county area in which was collected over nine hundred thousand dollars in accommodations tax during the state's immediately preceding fiscal year; or in the case of a municipality, the number of rental units subject to accommodations tax at the end of the state's fiscal year equals or exceeds thirty-five percent of the number of full-time residents of the municipality.

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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.