



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 22

February 8, 2005

No. 05

CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	05
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	07

NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3007**, a bill providing for **STATE INDIVIDUAL INCOME TAX REDUCTION**. Beginning with the 2006 taxable year, this bill reduces the seven percent top marginal rate of state individual income tax in equal annual increments of .225 percent until a permanent top marginal rate of 4.75 percent is attained. The bill further provides that beginning with taxable year 2007, such reductions are postponed if general fund revenue growth for the applicable fiscal year is less than two percent. In addition, no reductions in the income tax rates for any taxable year may occur unless the Board of Economic Advisors certifies that sufficient general fund revenues for the fiscal year immediately following the reduction will remain available for the General Assembly in the annual general appropriations act for that year to maintain K-12 education funding and law enforcement funding at their levels of the previous year.

The House amended, approved, and sent to the Senate **H.3011**, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT ALLOWING THE GOVERNOR TO APPOINT CERTAIN CONSTITUTIONAL OFFICERS**. Currently, the South Carolina Constitution provides for the statewide election of the Secretary of State and Superintendent of Education. This joint resolution proposes to submit to the voters at the next general election whether these two offices should be removed from the Constitution's list of elected positions and should instead be appointed by the Governor upon advice and consent of the General Assembly. The joint resolution further provides to submit to the voters whether or not the State Board of Education should be abolished effective upon the State Superintendent of Education being appointed by the Governor.

The House gave second reading approval to **S.18**, the "**NATURAL GAS RATE STABILIZATION ACT**". The legislation proposes to bring greater stability and predictability to rates charged by natural gas distribution utilities by establishing a procedure for the adjustment of rates and charges that routinely takes into account such factors as changes in a utility's expenses, revenues, investments, and depreciation. The legislation establishes a procedure under which natural gas distribution utilities under the regulatory authority of the Public Service Commission are authorized to apply for rate adjustments on an annual basis that fall within a band of 0.50 percentage points above and below the rates that have been set in order to reflect current changes in investments, revenues, and expenses.

The House approved and sent to the Senate **H.3085**, a bill relating to **IDENTITY FRAUD**. This bill provides that it is unlawful to use identifying information of another person for the purpose of obtaining employment.

The House amended, approved, and sent to the Senate **H.3142**, a bill authorizing South Carolina to join the **NURSE LICENSURE COMPACT** to:

- facilitate the responsibility to protect the public's health and safety;
- ensure and encourage the cooperation between states with regard to nurse licensure and regulation;
- facilitate the exchange of information regarding nurse regulation, investigation, and adverse licensure actions;

Legislative Update, February 8, 2005

- promote compliance of laws governing the practice of nursing in each jurisdiction;
- grant participating states authority to hold nurses accountable for meeting all of state practice laws in the states where their patients are located at the time care is rendered.

For purposes of this bill, the following definitions apply:

- party state – any state that has adopted this compact;
- home state – the party state that is the nurse’s primary state of residence;
- remote state – a party state, other than the home state.

The compact maintains a coordinated licensure information system to collect and share information on nurse licensure and enforcement actions. When a nursing license application is received in a party state, the licensing board must check through the coordinated licensure information system to verify whether the applicant holds or has ever held a license issued by any other state, whether there are any restrictions on the applicant’s multi-state privilege, and whether any other adverse licensure action by any state has been taken against the applicant’s license.

The bill specifies the conditions under which a nurse may be issued a license to practice in participating and non-participating states. Under the compact, a license to practice nursing issued by a home state to a resident in that state must be recognized by each party state as authorizing a multi-state licensure privilege to practice in each party state. In order to obtain or retain a license, an applicant must meet the home state’s qualifications for licensure, license renewal, and all other applicable home state laws. A party state may, in accordance with that state’s due process laws, revoke, suspend, or limit the multi-state licensure privilege of any licensee to practice in its state and may take any other actions under its applicable state laws that are necessary to protect the health and safety of its citizens. The practice of nursing in a party state subjects a nurse to the jurisdiction of the nurse licensing board and the laws and the courts in that party state.

If a party state takes an action against a nurse, it must notify the administrator of the coordinated licensure information system. The administrator must notify the home state of any actions taken by other states in the compact. The compact provides due process procedures for a nurse against whom an adverse licensure action is ordered.

The bill also requires, beginning January 1, 2007, a foreign-educated applicant for licensure as a registered nurse in South Carolina to pass the National Council Licensure Examination and an English language proficiency test.

The House approved and sent to the Senate on **H.3304**. This bill provides requirements, procedures, and civil and criminal penalties intended to enhance the **ENFORCEMENT OF THE TOBACCO ESCROW FUND ACT** and to safeguard the master settlement agreement. The bill requires tobacco product manufacturers whose cigarettes are sold in this state to deliver an annual certification to the Attorney General certifying that the manufacturer is a participating manufacturer or is in full compliance with statutory provisions requiring participation in the Master Settlement Agreement or depositing funds in a qualified escrow fund. The bill delineates information which must be provided in the certification by participating manufacturers and by nonparticipating manufacturers.

Legislative Update, February 8, 2005

The bill requires that the Attorney General make available for public inspection a directory listing all tobacco product manufacturers that have provided current and accurate certifications and all brand families that are listed in the certifications, with certain exceptions provided for specified nonparticipating manufacturers. The bill includes conditions and procedures for removing nonparticipating manufacturers from the directory.

The bill provides that it is unlawful to: affix a stamp to any container of cigarettes of a manufacturer or brand family not included in the directory if such a stamp is required by law or; sell, offer, acquire, hold, own, possess, transport, import, or cause to be imported for sale in this state cigarettes of a manufacturer or brand family not included in the directory. The bill provides that persons who violate this prohibition are engaging in an unfair and deceptive trade practice. The bill provides that persons who violate this prohibition with knowledge of the prohibition are guilty of a misdemeanor punishable by a fine of up to one thousand dollars, imprisonment for one year, or both. The bill authorizes the Attorney General to revoke or suspend the license of a cigarette distributor who violates these provisions and authorizes the Attorney General to impose a civil penalty for each violation in an amount up to the greater of five times the retail value of the cigarettes or five thousand dollars.

The bill includes requirements for certain nonresident or foreign nonparticipating manufacturers to have an agent in this state for the service of process regarding actions or proceedings arising from enforcement of the provisions of the bill. A nonparticipating manufacturer who does not have an agent is deemed to have appointed the Secretary of State as the agent.

The bill includes requirements for cigarette distributors to regularly submit information the Attorney General requires to facilitate compliance with the provisions of the bill.

The bill provides for seizure, forfeiture and destruction of cigarettes declared to be contraband. The bill provides that it is a felony for a cigarette manufacturer, importer, distributor, or retailer to sell or possess counterfeit cigarettes, and provides penalties including fines and imprisonment for first and subsequent violations of this provision.

The House amended, approved, and sent to the Senate **H.3274**, which pertains to **APPEALS IN FAMILY COURT MATTERS**. Current law provides that the pendency of an appeal or application may not suspend the order of the Family Court regarding a child, nor shall it discharge the child from the custody of that court or of the person, institution, or agency to whose care the child shall have been committed; nor shall it suspend payments for support and maintenance of the wife and child. As passed by the Committee, this bill provides that no automatic ten-day stay applies following the issuance of such an order; the bill also replaces the term 'wife' with the term 'spouse.'

The House approved and enrolled for ratification **S.207**, a bill pertaining to **PROPERTY TAX EXEMPTIONS FOR SCOUTING PROGRAMS**. The legislation extends to the Girl Scouts of America the property tax exemption allowed the Boy Scouts of America on all property owned and used or occupied that is used exclusively for scouting purposes. The legislation also provides that the exemption allowed also extends to property not owned by these organizations but which is used exclusively by them for scouting purposes.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Committee did not meet this week.

JUDICIARY

The full Judiciary Committee met and considered one bill, H.3008 the “**S.C. ECONOMIC DEVELOPMENT, CITIZENS, AND SMALL BUSINESS PROTECTION ACT OF 2005.**”

The Committee adjourned debate on this bill until next week.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Tuesday, February 1, and gave favorable reports on two bills.

The Committee gave a favorable report on S.18, the “**NATURAL GAS RATE STABILIZATION ACT**”. The legislation proposes to bring greater stability and predictability to rates charged by natural gas distribution utilities by establishing a procedure for the adjustment of rates and charges that routinely takes into account such factors as changes in a utility’s expenses, revenues, investments, and depreciation. The legislation establishes a procedure under which natural gas distribution utilities under the regulatory authority of the Public Service Commission are authorized to apply for rate adjustments on an annual basis that fall within a band of 0.50 percentage points above and below the rates that have been set in order to reflect current changes in investments, revenues, and expenses.

The Committee gave a favorable report on H.3130, the “**SOUTH CAROLINA RIDER SAFETY ACT**”. The legislation requires riders of amusement and carnival devices to: (1) comply with posted rules, warnings, and instructions; and (2) refrain from acting in any manner that may cause or contribute to injuries, such as tampering with ride controls, disengaging safety devices, throwing objects off rides, exiting the ride at undesignated areas, etc. The legislation requires timely reporting of any injuries sustained on rides. Under the legislation the owners of amusement devices are required to post signs relating to rider safety and requirements for reporting injuries. The

Legislative Update, February 8, 2005

legislation establishes a misdemeanor for violations punishable with a fine of not more than five hundred dollars and/or imprisonment for not more than two months.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Committee did not meet this week.

WAYS AND MEANS

The full Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.326 AMENDMENTS TO THE AQUATIC LIFE PROTECTION ACT

Sen. Ritchie

This bill provides that if at any time after the effective date of the Aquatic Life Protection Act (the "act"), the United States Environmental Protection Agency publishes a Notice of Intent in the Federal Register to commence withdrawal of the South Carolina NPDES program as a direct result of this act, the application and enforcement of this act is suspended. In addition, the bill provides that the provisions of this act do not apply to any permit applicant or existing permittee so long as the permittee or permit applicant notifies the South Carolina Department of Health and Environmental Control (DHEC) in writing that it is opting out of this act. Upon receipt by DHEC of such notification, the bill provides that the provisions of this act do not govern any regulatory actions taken by DHEC on the proposed or existing permit.

H.3458 DEER HUNTING Rep. Umphlett

This bill provides that it is unlawful to hunt deer with a centerfire rifle unless the hunter is occupying an elevated stand at least 10 feet above the ground. The bill provides an exception for a disabled hunter possessing written evidence of his/her disability.

H.3459 TRAPPING, FURBEARING ANIMALS, REGULATION OF DEALERS, BUYERS, PROCESSORS, AND TRANSPORTERS OF FURS OR SIMILAR PRODUCTS OR ARTICLES Rep. Ott

The bill increases fees for commercial fur licenses. The fee for residents is increased from \$10 to \$25, and the fee for nonresidents is increased from \$100 to \$200.

With regards to the trapping of bears, the bill provides for the types of traps that may be used.

The bill makes revisions as to who is required to obtain a fur processor's license. The bill also makes revisions as to who is required to obtain a fur buyers license. With regards to fur buyers and processors required to keep a daily register, this bill further provides what the contents of the register should contain.

The bill provides that that a person with a commercial fur license who takes an otter or bobcat must tag the fur, pelt, hide or whole animal before it is sold, shipped, or transferred to a person or business or transported out of State, if required by the federal government to comply with the Convention on International Trade in Endangered Species.

The bill further provides for the elements of the offense of trafficking in furs or furbearing animals. The bill also revises penalties for certain offenses.

Currently the trapping season for furbearing animals for commercial services may not exceed 60 days; this bill extends the season from 60 to 61 days. The bill also changes the permit year for fox and coyote hunting enclosure permits.

The bill also repeals S.C. Code Ann. §50-11-2500 relating to permits to hold furs beyond the end of the regular season for taking furbearing animals.

EDUCATION AND PUBLIC WORKS

S.3 “KEEP SOUTH CAROLINA BEAUTIFUL” SPECIAL PLATES Sen. Leatherman

This bill revises the allocation of funds collected from fees for the “Keep South Carolina Beautiful” special license plates.

H.3413 “VOCATIONAL EDUCATION” Rep. Talley

This bill changes statutory references including but not limited to “vocational education,” “vocational training,” and “vocational programs,” to “career and technology education,” “career and technology training,” and “career and technology programs.”

S.1 SEAT BELT/CHILD RESTRAINT REQUIREMENTS Sen. Ryberg

This bill deletes the current provision which prohibits a law enforcement officer from stopping a driver for a violation of safety belt requirements in the absence of another violation of the motor vehicle laws. The bill authorizes such a stop when the officer has probable cause that a violation has occurred based on his clear and unobstructed view of a driver or an occupant of the vehicle who is not wearing a safety belt (or is not secured in a child restraint system). The bill prohibits searching the driver or his passengers if the vehicle is stopped solely for a violation of safety belt provisions unless the search is for a separate and distinct offense based upon probable cause. The bill revises the fine for violation of safety belt provisions to a maximum of twelve dollars, no part of which may be suspended. The bill prohibits reporting violation of safety belt requirements to the offender’s motor vehicle insurer.

The bill also prohibits custodial arrest for violation of child passenger restraint system provisions, revises the fine for violation of these provisions, and makes the full amount of this fine mandatory. The bill removes the exemption from seat belt requirements for occupants of the back seat of certain vehicles.

H.3463 CHARACTER EDUCATION Rep. Hinson

This bill requires and provides for conduct grades on a student’s report card for each subject taught, and requires that the teacher include comments of explanation if the grade is “N” (Needs Improvement) or “U” (Unsatisfactory). The bill prohibits inclusion of these conduct grades as part of a student’s transcript.

H.3466 GRADE REQUIREMENTS FOR PARTICIPATION IN INTERSCHOLASTIC ACTIVITIES Rep. Breeland

This bill requires students who participate in interscholastic activities in grades nine through twelve to have an overall “C” average in the preceding semester and have passed at least four academic courses (including each unit the student takes that is

required for graduation). The bill requires school districts to provide academic assistance to students who wish to participate but who have not maintained the required "C" average in the preceding semester.

JUDICIARY

S.34 ELECTIONS BY THE GENERAL ASSEMBLY Sen. Richardson

This bill provides that any candidate, including candidates for judges, elected by the General Assembly in joint session must receive a majority of the vote of the members of the House of Representatives voting in the joint session as well as a majority of the vote of the members of the Senate voting in the joint session.

S.95 DEPARTMENT OF CONSUMER AFFAIRS Sen. McConnell

In general, this bill establishes procedures whereby the Department of Consumer Affairs can request a hearing and other relief (such as imposition of fines and compelling compliance to subpoenas) before the Administrative Law Court. The bill also provides for judicial review of the Administrative Law Court's order as provided in the rules governing practice before the Administrative Law Court. Areas affected by this legislation include but are not limited to: regulation of unsolicited consumer phone calls; loan brokers; prepaid legal services; pawnbrokers; regulation of mortgage loan brokers; regulation of staff leasing services; enforcement of motor vehicle express warranties; and regulation of continuing care retirement communities.

H.3410 FILING DOCUMENTS WITH THE SECRETARY OF STATE

Rep. Harrison

Current law provides that documents filed with the Secretary of State must be typewritten or printed. This bill provides that documents must be filed in a medium and form as permitted by the Secretary of State.

H.3411 CONTESTED MUNICIPAL ELECTIONS Rep. Harrison

Current law provides that in the case of a contested municipal election incumbents hold over until the contest is finally determined. This bill deletes this particular provision. This bill also deletes the requirement that the notice of appeal of the decision of the municipal election commission acts as a stay of further proceedings pending the appeal.

H.3414 ABSENTEE BALLOTS Rep. Talley

With regards to casing a ballot by means of an absentee ballot, this bill deletes the requirement that the signature or mark of an absentee applicant be witnessed.

H.3424 CHILD SUPPORT CASES ENFORCED BY THE DEPARTMENT OF SOCIAL SERVICES Rep. Harrison

This bill pertains to child support cases where the Court requires a parent to provide health insurance coverage for a child. This bill provides that in such child support cases enforced by the Department of Social Services, the division shall use the National Medical Support Notice promulgated by federal law.

H.3425 MUNICIPAL INCORPORATION Rep. Scarborough

Before issuing a corporate certificate to a proposed municipality, current law requires the Secretary of State to determine that no part of the area is within five miles of the

boundary of an active incorporated municipality. The bill deletes this particular requirement.

H.3426 MUNICIPAL INCORPORATION Rep. Scarborough

Among other things, this bill establishes a Joint Legislative Committee on Municipal Incorporation. The purpose of this joint committee is to review the filing of an area seeking incorporation and to make recommendations to Secretary of State as to whether or not minimum service standards for municipal incorporation are met.

This bill also revises the current definition of the term 'contiguous.' Under this bill, contiguous means adjacent properties that share a continuous border. The bill also provides if a publicly owned property intervenes between two areas proposed to be incorporated that, but for the intervening publicly owned property, would be adjacent and share a continuous border, the intervening publicly owned property does not destroy contiguity.

H.3435 KIDNAPPING Rep. Whipper

The bill allows a person convicted of kidnapping before June 5, 1991, and sentenced to life imprisonment to petition the Court for a reduction in his/her sentence to 30 years. The Court, in its sole discretion, may reduce the sentence accordingly.

H.3436 ABORTION Rep. Davenport

This is a joint resolution to direct the State Election Commission to hold a referendum at the time of the next general election for representatives to ascertain whether the South Carolina electors favor amending the United States Constitution to allow states to prohibit abortions.

H.3438 ELECTION OF COUNTY ASSESSORS Rep. Townsend

This bill provides for county assessors to be elected at the time of the general election for a term of four years.

H.3451 PROOF OF IDENTITY FOR VOTING Rep. Thompson

The bill adds passport as another form of proof of identity authorized to be accepted when a person presents proof of his or her identity to vote.

H.3452 STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE AND THE S.C. PUBLIC SERVICE AUTHORITY Rep. Umphlett

Currently, the State Regulation of Public Utilities Committee has the power to appoint an advisory committee from the general public; this bill requires that at least one member of the advisory committee must have electric cooperative experience. The bill also provides that the State Regulation of Public Utilities Review Committee has the duty to review candidates for appointment to the South Carolina Public Service Authority to determine whether or not the candidates are qualified. The bill establishes qualifications and other requirements for candidates for the South Carolina Public Service Authority. The bill also adds South Carolina Public Service Authority to the category of those State officers who can be removed only for cause by the Governor.

H.3454 METHODS OF ENTERING A MORTGAGE SATISFACTION Rep. Cotty

This bill makes revisions pertaining to the contents of the affidavit that an attorney is permitted to file in regard to a mortgage which he/she has satisfied. Current law provides for the affidavit to state that the attorney was given written payoff information and made such payoff and is in possession of a canceled check to the mortgagee,

holder of record, or representative servicer. This bill allows for a canceled check or other evidence of payment.

H.3457 PROPOSED CONSTITUTIONAL AMENDMENT PERTAINING TO HUNTING AND FISHING Rep. White

This joint resolution proposes submit to the electors at the next general election whether or not to amend the State Constitution so as to provide that consistent with the responsibility of the State to protect, conserve, and replenish the natural resources of this State, the people of South Carolina have the right to hunt, fish, and take game subject to reasonable restrictions prescribed by law relating to methods, times, and locations of hunting, fishing, and taking game, the rights of the owners of real property affected by hunting, fishing, and taking game, and the health and safety of the people of the State.

H.3461 PROOF OF IDENTITY FOR VOTING Rep. Rutherford

The bill adds college identification card containing a photograph as another form of proof of identity authorized to be accepted when a person presents proof of his or her identity to vote.

H.3462 ELECTION OF JUDGES BY THE GENERAL ASSEMBLY Rep. Hinson

Current law prohibits members of the General Assembly from being elected to judicial office while serving in the General Assembly and for a period of one year after service. This bill extends this prohibition to a member of the General Assembly's immediate family; the bill also defines the term 'immediate family member.'

H.3464 ABSENTEE VOTING Rep. Clyburn

This bill authorizes a qualified elector to cast a ballot during a period beginning five days before a general election without qualification.

H.3465 NONECONOMIC DAMAGES IN MEDICAL MALPRACTICE ACTIONS Rep. Davenport

This bill adds Chapter 32 entitled 'Noneconomic Damages in Medical Malpractice Actions' to Title 15 of the South Carolina Code of Laws.

Among other things, the bill provides that the amount of noneconomic damages awarded in a medical malpractice action against a health care provider must not exceed \$250,000 per plaintiff. The bill defines 'noneconomic damages' as damages to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, and other nonpecuniary, compensatory damage; the term noneconomic damages does not include punitive damages.

The bill authorizes the periodic payment of future damages in lieu of a lump-sum payment when the award equals or exceeds \$50,000 in future damages. The term 'future damages' includes compensatory damages for future medical treatment, care, or custody; loss of future earnings; loss of bodily function in the future; or future pain and suffering of the judgment creditor.

The bill establishes maximum limits for attorney's fees that are to be paid on a contingency fee.

The legislation establishes a process under which all medical malpractice claims will be reviewed prior to being filed with the court system. The legislation establishes the Medical Claims Review Office in the Department of Insurance. To begin a medical malpractice proceeding, a claimant is required to send a demand letter to the health care provider. This tolls the statute of limitations for 180 days from the date service was effected on the healthcare provider or 60 days after the Medical Claims Review Office has served a final opinion on the claimant, whichever occurs first.

The claim is then submitted to a medical claims review panel made up of two healthcare professional having expertise in the area of medicine that is the basis of the claim; two attorneys having expertise in the area of medical malpractice claims; two business owners with nonmedical and nonlegal backgrounds; the director of the Department of Insurance or a designee; and two members of the public having at least an associate's degree. The panel reviews the claim and determines whether the claim has merit. There is no review or appeal of the panel's decision.

If the claimant files an action for damages based upon the conduct complained of in the claim of the damages, the opinion of the panel must be included in pre-trial briefs required pursuant to South Carolina Rules of Civil Procedure. The proceedings of the panel and any documents, reports, and opinions of the panel are privileged and not subject to discovery and are not admissible as evidence in a medical malpractice action nor are they subject to disclosure under the Freedom of Information Act.

H.3471 DISPOSAL OF THE SOUTH CAROLINA FLAG Rep. Kirsh

This bill provides that the flag of South Carolina, when it is not in a condition that it becomes a fitting emblem for display, must be destroyed in a dignified manner. Under the bill, the preferable way to destroy the South Carolina State Flag is by burning at a dignified public flag disposal ceremony.

LABOR, COMMERCE AND INDUSTRY

H.3432 TAXICAB OPERATED UNDER A SIGNED INDEPENDENT CONTRACTOR LEASE AGREEMENT Rep. Mack

This bill provides that a driver who has or is operating a taxicab under a signed independent contractor lease agreement with a company which owns the taxicab and which allows the driver to operate the taxicab as a lessee is an independent contractor.

**H.3433 FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE SELF-INSURERS
Rep. Mack**

This bill revises the financial responsibility requirement for self-insurers of motor vehicles, so as to provide that a self-insurer may use an irrevocable letter of credit issued by certain banks to meet the eighty percent cash deposit requirement.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.306 TRANSFER OF PRESCRIPTIONS BETWEEN PHARMACIES Sen. Peeler

Current law allows a pharmacy in South Carolina to transfer prescription information to another pharmacy in the State for one refill of a medication. This bill would allow the transfer of all remaining refills for a prescription between any licensed pharmacies, including pharmacies in other states. The transferring pharmacist would be required to void any remaining refills, and the receiving pharmacist would be authorized to dispense all remaining refills on the original prescription. The bill also deletes a provision containing procedures for dispensing restricted drugs.

H.3409 CHIROPRACTORS Rep. Harrison

This bill conforms statutes regarding the licensure and regulation of chiropractors to the statutory organizational framework of professional and occupational boards under the administration of the Department of Labor, Licensing, and Regulation (LLR).

The bill further provides for the licensure and regulation of chiropractors, including authorizing the treatment of articulation and extremities and the use of acupuncture under certain conditions. The bill clarifies that only chiropractors may perform spinal adjustment and examinations to evaluate for treatment. The bill provides for preceptorship training. The bill defines the term 'preceptorship or resident training program' as a clinical program of an approved college of chiropractic in which a chiropractic intern or resident practices chiropractic under the direct supervision of a licensed chiropractor. The bill allows out-of-state chiropractors to obtain licensure by endorsement and to serve as consultants. The bill also requires medical malpractice insurance.

H.3412 MENTAL HEALTH TREATMENT Rep. Harrison

With regards to emergency admission to mental health facilities, this bill provides if a patient does not require involuntary treatment, the Court, upon proper notice, shall dismiss the petition for commitment.

With regards to taking persons who are believed to be a danger to themselves or others into custody, this bill provides that an order authorizing such custody is valid for only 72 hours after it was issued. If the person is not taken into custody within those 72 hours, the order is no longer valid.

This bill establishes procedures for a law enforcement officer to take a person that the officer believes to be mentally ill into protective custody. The bill provides immunity from liability for the officer.

With regards to the procedures for judicial commitment to a mental health facility, this bill authorizes the Court to order out-patient treatment to follow in-patient commitment.

With regards to the authority of the Family Court to commit certain children for psychiatric evaluation, this bill provides that the Court may order that such an evaluation be conducted by a community mental health center. The bill further provides if an in-patient evaluation is recommended, the Court may commit the child to a designated hospital for up to 15 days for such an evaluation.

With regards to procedures for emergency admission for alcohol and drug treatment, this bill clarifies that if the Court issues an order to take a person in need of such treatment, the order is valid for only 72 hours. If the person is not taken into custody within those 72 hours, the order is no longer valid.

WAYS AND MEANS

H.3407 TUITION FOR CHILDREN OF FIREMEN, LAW ENFORCEMENT OFFICERS, AND GOVERNMENT EMPLOYEES DISABLED OR KILLED IN THE LINE OF DUTY Rep. J.M. Neal

This bill amends provisions regarding the four-year tuition exemption currently provided to children of firemen, law enforcement officers, and government employees disabled or killed in the line of duty, by providing that spouses are also eligible for this tuition exemption. The bill also provides that summer semesters are included in the four-years during which the person may receive this tuition exemption. For purposes of this tuition exemption, the bill also amends the definition of "total disability," which the bill defines as the physical inability to perform work in the occupation from which the person was considered to be disabled by the State. The bill also provides that this tuition exemption applies to dependent children and spouses of the person considered to be disabled.

H.3408 LEAVE FOR INJURED LAW ENFORCEMENT OFFICERS Rep. J.M. Neal

This bill provides that a full-time commissioned law enforcement officer who in the line of duty is assaulted while arresting a person or who is injured while attempting to arrest a person may be placed on administrative leave with pay by his employer rather than sick leave.

H.3422 REFUNDABLE STATE INCOME TAX CREDITS FOR STUDENTS Rep. Townsend

This bill provides that for purposes of refundable state income tax credits for students, a person who is a HOPE scholarship recipient is not included in the definition of "student."

H.3423 TUITION ASSISTANCE FOR TECH COLLEGES AND TWO-YEAR INSTITUTIONS Rep. Townsend

This bill provides that for purposes of tuition assistance for technical colleges and two-year institutions, a high school student who is dually enrolled in an eligible two-year institution is not required to be degree-seeking and is not required to complete a Free Application for Federal Student Aid (FAFSA) application. The bill also provides that recipients of Palmetto Fellows or HOPE Scholarships may not qualify for this assistance.

S.27 ACCOMMODATIONS TAX Sen. Leatherman

This bill establishes a procedure by which a municipality or county may refund any expenditure amount determined to be in noncompliance with Accommodations Tax law provisions, and avoid future withholdings of the amount determined to be noncompliant.

S.50 EXTENSION OF SALES TAX EXEMPTION DURING SALES TAX HOLIDAY Sen. Hayes

This bill extends the sales tax exemption during the August sales tax holiday to specified bed and bath linens and to pillows.

H.3429 PROPERTY TAX/MOTOR HOMES Rep. Mahaffey

This bill provides that a trailer used for camping and recreational travel that is pulled by a motor vehicle, on which the interest portion of indebtedness is deductible under the IRS

Code as an interest expense on a qualified primary or secondary residence, also qualifies as a primary or secondary residence for purposes of *ad valorem* property taxation in South Carolina and is considered real property for property tax purposes.

H.3431 CULINARY PROGRAM AT TRIDENT TECHNICAL COLLEGE
Rep. Limehouse

This bill authorizes and provides for the governing commission of Trident Technical College to establish a four-year culinary program and award baccalaureate degrees in culinary arts.

H.3434 REVISIONS TO RETIREMENT SYSTEM
Rep. Anthony

This bill makes revisions to the South Carolina Retirement System. These revisions include, but are not limited to: a provision which closes the Teacher and Employee Retention Incentive (TERI) Program to new participants, effective July 1, 2005, and repeals the program effective July 1, 2010; a provision that a retired member of the State Retirement System or the State Police Officers Retirement System employed by any unit of State government is not eligible for a lump-sum payment for unused annual leave; a provision that the State Employee Grievance Procedure does not apply to retired members of the South Carolina Retirement System; a provision which eliminates the earnings limit for retirees who return to employment covered by the State Retirement System and which reduces from sixty days to fifteen consecutive calendar days, the period before a retiree may be hired and return to covered employment without affecting the employee's benefits; and a provision requiring a retired member of the State Retirement System or the Police Officers Retirement System to pay to the Retirement System the employee contribution for active members if the employer is a participant in the system, and the member may not accrue additional service credit by reason of this contribution.

H.3437 PROPERTY TAX EXEMPTION/REASSESSMENT
Rep. Chalk

This bill allows and provides for a property tax exemption for owner-occupied residential property and commercial real property in a county in an amount sufficient to limit to fifteen percent the increase in the property tax on such property in the year of implementation of a countywide assessment and equalization over the tax due on the property for the preceding year. The exemption does not apply to tax increases due to value attributable to property or improvements not previously taxed or to taxes on real property transferred after the year in which the most recent countywide reassessment program was implemented. The bill provides certain property transfers which are nondisqualifying.

S.204 VISUAL/HEARING IMPAIRED STUDENTS' SCHOLARSHIPS
Sen. J. Verne Smith

This bill allows a visual or hearing impaired student who qualifies for certain state scholarship funds to receive these funds to attend an out-of-state institution that specializes in educating visual or hearing impaired students if the Commission on Higher Education certifies the student's impairment and certifies that no in-state institution exists to meet the student's need.

H.3453 CLASSIFICATIONS FOR PURPOSES OF PROPERTY TAX
Rep. Limehouse

This bill provides that a boat on which the interest portion of indebtedness is deductible under the IRS 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 South Carolina and is considered real property for property tax purposes.

The bill also exempts from *ad valorem* property taxation an amount of the fair market value of any watercraft, and the combined fair market value of any watercraft and its motor, sufficient to limit to one thousand, five hundred dollars the total property tax on the watercraft for a property tax year, and sufficient to limit to one thousand, five hundred dollars the total of the combined property tax on any one watercraft and its motor for a property tax year.

H.3456 MILLAGE RATE INCREASE LIMITATION Rep. White

Currently, a local governing body may increase the millage rate for general operating purposes above the previous year's rate only to the extent of the increase in the consumer price index for the preceding year. In the year in which a reassessment program is implemented, the rollback millage must be used in lieu of the previous year's millage rate. This bill provides that this rollback millage rate may be increased only by favorable vote in a referendum held for this purpose.

H.3472 PAYMENT TO DARLINGTON COUNTY TRANSPORTATION COMMITTEE Rep. Neilson

This bill authorizes and provides for the payment of seventy-five dollars to each member of the Darlington County Transportation Committee for each meeting of the Committee that he or she attends, up to a maximum of fifteen meetings per year for each member. The bill provides that these payments will be made from Darlington County "C" Fund revenues. The bill also provides that the Chairman of the Darlington County Legislative Delegation shall be an *ex officio*, nonvoting member of the Committee.

H.3474 NON-PROFIT HOUSING CORPORATIONS Rep. Huggins

Currently, when nonprofit housing corporations which own property within a county or municipality which is exempt from *ad valorem* property taxes under an act of the General Assembly, the county or municipality or both are authorized to contract with the corporation for payments in lieu of taxes for county or municipal services. This bill adds school districts as an entity to which these payments apply, and makes the payment mandatory.

H.3475 FISCAL DISCIPLINE PLAN OF 2004 Rep. W.D. Smith

This joint resolution creates and provides for an extension, through fiscal year 2010-2011, of the spending limitation imposed under the Fiscal Discipline Plan of 2004. The resolution provides for the uses of surplus fund revenue during this extension, including repayment of General Fund deficits; restoration of the General Reserve Fund; restoration of "other funds" accounts used in prior years to offset reduced General Fund Revenues; and a special fund to be created for funding road improvements and deferred maintenance on roads. The resolution provides that if the extension provides a lower spending limit than existing law and is enacted with the required special affirmative vote, the provisions of the resolution are deemed to be the constitutional spending limitation set pursuant to the 2005 review of the constitutional spending limitation (as provided in the State Constitution).

Legislative Update, February 8, 2005

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "ELECTRONIC TRACKING" (UNDER "LEGISLATIVE RESOURCES"), THEN CLICKING ON "ADD NEW SUBSCRIPTION RECORD" AND COMPLETING THAT FORM.