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## HOUSE WEEK IN REVIEW

The House of Representatives concurred in Senate amendments to **H.3539**, the **Computer Abuse Act of 2002**, and ordered the bill enrolled for ratification. The bill revises definitions for several terms used in the Computer Crimes Act, and adds the term “computer contaminant.” Under this bill, the term “computer contaminant” means a computer program designed to modify, damage, destroy, disable, functionally impair, record, or transmit information within a computer, computer system, or computer network without the consent or implied consent of the owner. The term computer contaminant includes, but is not limited to, a group of computer programs commonly known as ‘viruses’ and ‘worms’ that are self‑replicating or self‑propagating, and that are designed to contaminate other computer programs, consume computer resources, modify, destroy, record, or transmit data, or in some fashion usurp the normal operation of the computer, computer system, or computer network. The legislation revises the definition for “computer hacking” so as to explicitly state that it does not include the introduction of a computer contaminant into a computer, computer system, computer program, or computer network. The bill makes it an offense under the Computer Crimes Act to introduce a computer contaminant into a computer, computer system, computer program, or computer network. The legislation provides that, in addition to other civil remedies available, the owner or lessee of a computer, computer system, computer network, computer program, or data may bring a civil action against a person convicted under the Computer Crimes Act for compensatory damages and restitution. Compensatory damages and restitution may include: (1) expenditures reasonably and necessarily incurred by the owner or lessee to verify whether a computer system, computer network, computer program, or data was altered, damaged, or deleted by the access; (2) costs of repairing or, if necessary, replacing the affected computer, computer system, computer network, computer software, computer program, or database; (3) lost profits for the period that the computer, computer system, computer network, computer software, computer program, or database was unusable; and (4) costs of replacing or restoring the data lost or damaged as a result of a violation of the law.

The House approved and sent to the Senate **H.4475**, a bill that charges the Secretary of State with the responsibility of maintaining for public inspection a **record of the current membership of every state board and commission**. Under the bill, every state board and commission must forward written notification to the Secretary of State’s office of the appointment or election of any person to their board or commission. The notification must be sent within two weeks after confirmation of appointment or election and must include the governing statute or executive order authorizing the appointment or election, the member’s name, address, phone number, any e‑mail and fax, district, circuit, seat or position, if applicable, when his term begins and ends, and the name of the former member or whether a reappointment or re‑election of incumbent. Every state board and commission must provide written notification to the Secretary of State’s office of the name of any person who resigns from the membership on that board or commission, or of vacancies that occur on that board or commission for any other reason. This written notice must be sent within two weeks of the vacancy and must include the name of the person vacating the position, the district, circuit, seat or position requirements, qualifications, and whether the position is a paid position.

The House and Senate adopted concurrent resolution **H.4543** to proclaim September 11 of each year as “**911 Heroes Day**”, a day of recognition honoring public safety personnel for the sacrifices they make daily in the line of duty.

The House approved and sent to the Senate **H.4510**. This bill provides that every person who is a **trainer of an assistance or guide dog**, while engaged in the training of an assistance or guide dog, has the same rights and privileges with respect to access to public facilities and accommodations as blind and disabled persons, including the right to be accompanied by an assistance or guide dog or assistance or guide dog in training, in any of the specified places without being required to pay an extra charge for the assistance dog. A person who uses premises or facilities accommodations accompanied by a dog under the authority of this provision is liable for any damage done to the premises or facilities by the dog.

The House amended, approved, and sent to the Senate **H.4546**. This bill changes the opening date for the **season for** **taking shad** in a portion of the Winyah Bay drainage system from February Fifteenth to February First. The bill changes times for use of setnets along portions of the Combahee River so as to provide that they extend from Tuesday noon to Friday noon, local time.

### HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

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

#### EDUCATION AND PUBLIC WORKS

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

#### JUDICIARY

The full Judiciary Committee did not meet this week.

#### LABOR, COMMERCE AND INDUSTRY

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

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

The full Medical, Military, Public and Municipal Affairs Committee reported favorable on **S.610**, relating to the **Board of Trustees for the Veterans’ Trust Fund of South Carolina** (the board). As reported by the committee, this bill: increases the number of members on the board from eleven to nineteen; requires that at least eleven board members, rather than all of the members, must be honorably discharged veterans; and deletes the current provision that no member of this board may serve more than eight continuous years.

#### WAYS AND MEANS

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

**BILLS INTRODUCED IN THE HOUSE**

**THIS WEEK**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

**H.4562 *CRAB POTS* Rep. Miller**

Current law provides that it is unlawful to use crab pots for commercial purposes between May first and October first within Pawley’s Island Creek and Midway Creek on Pawley’s Island. This bill deletes these specific dates so as to make this practice unlawful at any time. The bill further provides that it is unlawful to set or use crab pots in the Atlantic Ocean within one hundred fifty feet of the mean low tide watermark on Pawley’s Island, except for individuals using a means other than a crab pot for personal consumption and not for sale.

**H.4568 *BOAT RAMP APPLICATION* Rep. Witherspoon**

This bill provides that when an application for a boat ramp is not acted upon within ninety days of being filed, the application is deemed approved.

#### EDUCATION AND PUBLIC WORKS

**H.4547 *S.C. RAILS TO TRAILS ACT* Rep. White**

This bill enacts the South Carolina Rails to Trails Act, providing for the acquisition of abandoned railroad rights-of-way for recreational purposes. The bill provides that the State Department of Transportation shall actively pursue federal funds available under the federal bikeway program (Surface Transportation Act) or other federal or private funding to assist in carrying out the purposes of the bill.

**H.4569 *PACT TEST IN CHARLESTON COUNTY* Rep. Altman**

This bill provides that the Palmetto Achievement Challenge Test (PACT) shall be administered annually in the School District of Charleston County beginning on the day following completion of the district’s 160th day of student instruction with the make-up test to be two weeks later. The bill provides for alternative dates under certain conditions. The bill also provides that beginning with school year 2002-03, the annual school term for the schools in the Charleston County School District shall begin on the day after Labor Day.

**S.597 *SPECIAL LICENSE PLATES - 501(C)(8) ORGANIZATIONS* Sen. Wilson**

This bill provides for the sale and issuance of special license plates for organizations which have obtained certification under Section 501(C)(8) of the Federal Internal Revenue Code.

#### JUDICIARY

S.721 *SPECIAL LICENSE FOR MANUFACTURERS OF FOODS CONTAINING*

*ALCOHOLIC BEVERAGES* Sen. McConnell

This bill establishes a special food manufacturer’s license that must be obtained from the Department of Revenue by a person who manufactures in this State food items such as sauces and marinades in which there is an alcoholic beverage ingredient and who does so under an agreement with the alcoholic beverage manufacturer. The special food manufacturers license is required to purchase the alcoholic beverage directly from the manufacturer in containers holding greater quantities of liquor than are sold to a retail consumer. The legislation provides for a biennial license tax of one thousand two hundred dollars.

H.4578 *LOTTERY TICKET PURCHASES UNLAWFUL FOR PERSONS*

*RECEIVING PUBLIC ASSISTANCE* Rep. Altman

This bill provides that a person who receives public assistance who knowingly purchases a lottery game ticket is guilty of a misdemeanor and, upon conviction, must perform twenty hours of public service or be imprisoned for not less than ten days or more than thirty days, or both.

### H.4581 *LOCATION OF ESTABLISHMENTS WITH LIQUOR LICENSES*

### Rep. Allison

This bill revises proximity requirements for places of business with liquor licenses, so as to change the method of computing the distance requirements and extend these requirements to apply to daycare facilities, private residences, subdivisions, public libraries, nursing homes, hospitals, emergency care facilities, and primary care facilities.

H.4584 *SOUTH CAROLINA PRIVATE GUARDIAN AD LITEM REFORM ACT*

Rep. Easterday

This bill enacts the “South Carolina Private Guardian Ad Litem Reform Act” to revise criteria for the appointment of a guardian ad litem in a private action before the family court. The legislation authorizes the appointment of attorneys and nonattorneys and establishes continuing education requirements as a prerequisite to appointment as a guardian ad litem. The bill authorizes the appointment of an attorney for a guardian ad litem. The legislation provides for the responsibilities and duties of a guardian ad litem. A guardian ad litem is required to disclose any conflicts of interest. The court is required to establish the method and rate of compensation for a guardian ad litem.

#### LABOR, COMMERCE AND INDUSTRY

H.4583 *ADDITIONAL MANDATES ON HEALTH INSURANCE PLANS*

*PROHIBITED* Rep. Tripp

This bill provides that, any other provision of the law to the contrary notwithstanding, neither health insurance maintenance organizations nor health insurers shall be mandated to include in any contract or policy of insurance any terms or coverage requirements beyond those required as of January 1, 2002. The legislation does not prohibit any health maintenance organization or health insurer from voluntarily expanding coverage. Neither does the legislation prohibit any individual or employer from electing to expand coverage on any health maintenance organization contract or individual or group health insurance policy or contract covering the individual, the employer, or employees of the employer as applicable.

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

**H.4545 *COSMETOLOGISTS, ESTHETICIANS,***

***AND MANICURISTS* Rep. Meacham-Richardson**

This bill allows cosmetologists, estheticians, and manicurists to practice in barbershops.

**H.4555 *HOME MEDICAL EQUIPMENT & SERVICE PROVIDERS* Rep. Bingham**

This bill provides for the licensure and regulation of home medical equipment and services providers, and establishes the South Carolina Board of Pharmacy as the licensing authority

**H.4571 *COSMETOLOGY LICENSE* Rep. Moody-Lawrence**

This bill provides that the State Board of Cosmetology shall issue a limited license without reexamination to an individual whose license has lapsed if the person is over sixty years of age and practiced under a valid license for more than thirty years. The bill further provides that the scope of practice authorized under such a license is limited to the scope of practice under the individual’s former license.

**H.4576 *ENGLISH LANGUAGE PROFICIENCY COURSES***

#### *FOR WELFARE RECIPIENTS* Rep. Robinson

This bill authorizes the State Department of Social Services to include in a welfare agreement courses designed to develop proficiency in the English language if an applicant or recipient relies on a foreign language for communication. The bill further provides that failure to attend or complete such courses is not grounds for denying or terminating Family Independence Program services.

**WAYS AND MEANS**

**H.4548 *REQUIREMENTS FOR FEE IN LIEU***

***OF TAXES QUALIFICATION*  Rep. W.D. Smith**

This bill amends the investment requirements for fee in lieu of taxes qualification by adding that “investments” may, under certain conditions, include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property pursuant to the Brownfields Voluntary Cleanup Program. The bill provides that if the Department of Health and Environmental Control has issued a certificate of completion for the cleanup, and the cleanup investment amounts equal at least one million dollars, the investment threshold requirement is deemed to have been met.

**H.4549 *QUALIFICATION FOR JOBS TAX CREDIT* Rep. W.D. Smith**

This bill provides that taxpayers which otherwise qualify for the targeted jobs tax credit and which are located and the qualifying jobs are located on property where a response action has been completed pursuant to a nonresponsible party voluntary cleanup project pursuant to the Brownfields Voluntary Cleanup Program, are allowed an additional one thousand dollar credit for each new full-time job created. The bill provides that this credit is permitted for five years beginning in the taxable year following the creation of the job.

**H.4550 *EXEMPTION FROM COUNTY TAXES* Rep. W.D. Smith**

This bill allows an exemption from county taxes for five years on property subject to a nonresponsible party voluntary cleanup contract for which a certificate of completion has been issued by the Department of Health and Environmental Control.

**H.4551 *CORPORATE INCOME TAX CREDIT* Rep. W.D.Smith**

This bill allows, under specified circumstances, a state corporate income tax credit for expenses incurred by a taxpayer in cleaning up a site pursuant to the Brownfield Voluntary Cleanup Act.

**H.4570 *ENFORCED COLLECTION OF PROPERTY TAXES AND***

### *SALES TAXES* Rep. Knotts

This bill requires the tax sale advertisement for the enforced collection of property taxes and sales taxes to include the sale terms and penalties applicable to a successful bidder who defaults. The bill also authorizes payment of delinquent taxes at any time before bidding is closed on a parcel and requires the person conducting the sale to give notice of this opportunity before the sale begins and require the solicitation of payment from the delinquent taxpayer or his representative before the sale ends.

**H.4572 *ADMINISTRATION EXPENSES OF STATE WAREHOUSE***

***SYSTEM FUND AND S.C. GRAIN PRODUCERS FUND* Rep. Koon**

This bill allows the Department of Agriculture to retain and expend $100,000 annually from the guaranty fund of the state warehouse system for administration expenses. The bill also allows the Department to retain $200,000 annually from the South Carolina Grain Producers’ Fund for administration expenses.

**H.4573 *S.C. GRAIN PRODUCERS GUARANTY FUND AND***

***WAREHOUSE RECEIPTS GUARANTEE FUND* Rep. Koon**

This joint resolution provides that the Department of Agriculture may retain and expend two hundred thousand dollars from the South Carolina Grain Producers Guaranty Fund and one hundred thousand dollars from the Warehouse Receipts Guaranty Fund as is necessary for the Department to administer the funding of the respective programs.

**H.4579 *USE OF STATE FUNDS IN EDGEFIELD SCHOOL***

#### *DISTRICT* Rep. Clyburn

This bill allows the Edgefield County School District to expend any state funds it receives for fiscal years 2001-02 and 2002-03 for general school purposes instead not including debt service.

**H.4580 *INSURANCE BENEFITS - HIGHER ED INSTITUTIONS* Rep. Robinson**

This bill provides that any South Carolina institution of higher learning that accepts tuition grants, LIFE Scholarships, or Palmetto Fellows Scholarships or admits students who apply these grants or scholarships toward their tuition expenses may provide insurance benefits only to eligible employees and members of their immediate family who qualify for such coverage.

**H.4582 *PRESCRIPTION PAYMENT REIMBURSEMENT***

***TO PHARMACISTS* Rep. Stuart**

This joint resolution expresses gratitude to the pharmacists practicing in our State, and directs the State Department of Health and Human Services to suspend immediately the two dollar and five cents reduction in prescription payment reimbursements provided for in Item II of Medicaid Bulletin Pharm 01-06.

**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*.***

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