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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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OFFICE OF RESEARCH

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The House approved and sent to the Senate H.3868. This bill revises **the meeting time of the county board of canvassers**, so as to move the time for the board to meet from Thursday to Friday after the election.

The House approved S.610, relating to the **Board of Trustees for the Veterans' Trust Fund of South Carolina**, and ordered the bill enrolled for ratification. 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 eliminates the current provision that no member of this board may serve more than eight continuous years.

The House concurred in Senate amendments to H.4498 and enrolled the joint resolution. The joint resolution provides for the way a **nursing home annual franchise fee** is to be calculated, paid, and collected from February 1, 2002 through June 30, 2003.

The House approved a concurrent resolution recognizing the students and staff of White Knoll Middle School of West Columbia in Lexington County, School District One, for their accomplishment in raising more than five hundred twenty thousand dollars to replace a fire engine lost to New York City Ladder Company 101/Engine 202 in the devastation of September 11.

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 gave a report of favorable with amendment to H.4054. As reported by the committee, this bill requires that **all persons enrolled in a teacher education program**, prior to beginning full-time clinical teaching experience in South Carolina, must undergo a **SLED state criminal records check and a national criminal records check supported by fingerprints by the FBI**. The bill as reported by the committee further provides that **individuals applying for initial teacher certification** must have undergone these same records checks within eighteen months of applying for teacher certification.

The committee reported favorably on H.4391. This bill provides that school trustees, when adopting regulations or policies **regarding matriculation and**

governmental agency or private financial institution, employment history, height, weight, race, other physical details, signature, biometric identifiers, and any credit record(s) or report(s). 'Personal information' does not mean information about boating accidents vehicular accidents, driving violations, boating violations, or driver status. In collecting personal information as authorized, a government entity must advise citizens that the information is subject to public scrutiny or release. The legislation provides that a person or private entity shall not knowingly obtain or use any personal information obtained from a public body for commercial solicitation directed to any person in this State. A person knowingly violating this provision is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both. Every public body shall notify all requestors of records of the prohibition on the use of personal information obtained from public records for commercial solicitation. All state agencies shall take reasonable measures to ensure that personal information obtained from a public record is not used for commercial solicitation.

The committee gave a report of favorable with amendments on **H.3009**, the **Gambling Cruise Prohibition Act**. The legislation explicitly states that it is the purpose of this act to prohibit gambling activities on so-called "cruises to nowhere." The legislation provides that it is unlawful for a person to use any gambling device or engage in gambling aboard a vessel within the jurisdiction of this State. The legislation provides that it is unlawful for a person to use any gambling device or engage in gambling aboard a vessel that is on a voyage if: (a) the voyage begins and ends in this State; and (b) during the voyage the vessel does not make an intervening stop. The legislation provides that it is unlawful for a person to own, keep, operate, manage, or maintain any gambling device on a vessel within the jurisdiction of this State unless: (a) the vessel is engaged in a voyage that begins and ends in this State and makes an intervening stop; and (b) any gambling that occurs aboard the vessel occurs only outside the jurisdictional waters of this State. The legislation also prohibits the transportation of individuals to a "cruise to nowhere" style gambling cruise. Under the bill, an 'intervening stop' occurs when a vessel departs the jurisdictional waters of this State and sails into United States or international waters, and between the time the vessel departs the jurisdictional waters of this State and the time it returns to the jurisdictional waters of this State, the vessel docks at a port of call in another state or possession of the United States or foreign country and remains in that port for a period of time sufficient to allow passengers the opportunity to disembark the vessel for sightseeing, shopping, or other tourism-related activities at that port. A person who engages in gambling that is unlawful under this act is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days. An individual who violate provisions pertaining to the operation or facilitation of a "cruise to nowhere" is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than one year.

The committee gave a report of favorable with amendments on **H.4476**, a bill providing for new **comprehensive gambling offenses** in addition to existing gambling provisions. The bill provides that it is unlawful for a person in this State or at any

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venue. If the county in which the petition is initially filed is not the proper county of venue, as designated in the petition, the clerk of court shall forward the petition to the proper county of venue where it must be filed as if the action had been initiated in that county.

The committee gave a report of favorable with amendments on **S.92**, a bill revising a **Probate Court procedure**. The legislation eliminates the requirement that a deed of distribution be examined by the Probate Court before filing or that it be accompanied by an affidavit to attest to its accuracy and completeness in regard to the named grantee or grantees.

The committee gave a favorable report on joint resolution **H.3790** which proposes an amendment to provisions of the South Carolina Constitution relating to **qualifications of candidates for elected offices**. Under the proposed constitutional amendment, a candidate seeking elective office or a candidate for the Senate or House of Representatives must be a qualified elector of the district from which he is to be elected at the time he files for the office. Currently, a candidate for the Senate or House of Representatives must be a legal resident.

The committee also gave favorable reports on **H.3761**, a bill pertaining to **counterfeit goods and services**, and **H.3868**, a bill revising **the meeting time of the county board of canvassers**. These bills were approved by the full House and sent to the Senate (see House Week in Review, this issue).

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 did not meet this week.

WAYS AND MEANS

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

EDUCATION AND PUBLIC WORKS

H.4591 PUBLIC SCHOOL INSTRUCTIONAL MATERIAL Rep. Townsend

This bill provides that all instructional materials placed on the approved list of instructional materials and textbooks for use in South Carolina's public schools shall contain the substance and level of performance outlined in the grade and subject specific academic standards adopted by the State Board of Education.

H.4596 PREPARATION FOR TEACHING GRADES K-12 Rep. Davenport

This bill requires that beginning in July 2004, faculty members at state-supported institutions of higher learning who teach undergraduate or graduate courses which include the methodology or art of teaching for grades K-12 must have a minimum of two years of practical experience as a classroom teacher in grades K-12.

H.4599 PROHIBITION OF SCHOLARSHIPS FOR NON-CITIZENS Rep. Merrill

This bill provides that no scholarship, grant, or loan funded with state or local funds may be awarded by a public institution of higher learning or by any other entity to a student who is not a United States citizen.

H.4601 RENEWAL/ISSUANCE OF DRIVER'S LICENSE Rep. Bingham

This bill provides that a refugee who has been admitted to the United States under certain circumstances, or his dependents, is not prohibited from being issued a driver's license or having his driver's license renewed by the Department of Public Safety.

H.4605 MOTOR VEHICLE TITLING VIA INTERNET Rep. Davenport

This bill authorizes the Department of Public Safety's Motor Vehicle Division to offer driver's license renewal, motor vehicle registration, and motor vehicle titling service through its Internet website.

H.4607 ROTARY SPECIAL LICENSE PLATES Rep. Witherspoon

This bill authorizes assessment of an optional additional forty dollar fee for special Rotary license plates and provides for the distribution of the fee to the Rotary.

H.4615 FILING FEE FOR LICENSE SUSPENSION HEARING Rep. G.M. Smith

This bill provides that the filing fee for requesting an administrative hearing to challenge a driver's license suspension for refusal to submit to a breath test or registering an alcohol concentration greater than the existing lawful limit is fifty dollars.

H.4620 SERVICES OF DEPARTMENT OF MOTOR VEHICLES Rep. Thompson

This bill authorizes the Department of Motor Vehicles (DMV) to enter into contracts with specified entities throughout the state to provide certain motor vehicle services. The bill requires that the DMV supervise the provision of such services and compensate the contracting parties.

remain on the task force, unless he resigns or is replaced by the original appointing authority.

H.4621 RECORD OF PROCEEDINGS BEFORE THE DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES Rep. Rodgers

This bill revises the requirement that the Department of Probation, Parole, and Pardon Services keep a complete record of all its Board proceedings and hold it subject to the order of the Governor or the General Assembly, so as to provide that testimony provided by a victim and information about a victim shall not be released pursuant to this provision.

H.4624 ENDORSEMENT OF WARRANTS ISSUED BY A MAGISTRATE IN ANOTHER COUNTY Rep. Knotts

Under current law, a magistrate may endorse a warrant issued by a magistrate of another county when the person charged with a crime in the warrant resides in or is in the county of the endorsing magistrate. The bill provides that, in such a circumstance, a magistrate may endorse either the original or a certified copy of the original warrant. Conditions are placed on the use of a certified copy of the original warrant.

H.4629 "ECSTASY" DRUG USE, POSSESSION, AND TRAFFICKING
Rep. Harrison

This bill includes 3, 4-methylenedioxymethamphetamine (MDMA), also known as "ecstasy", as a Schedule I controlled substance. The legislation provides penalties for illegally possessing or trafficking in the drug and provides that conveyances used in transporting this drug are subject to forfeiture.

H.4630 HEARINGS OF APPEALS FROM DECISIONS IN CONTESTED CASES BEFORE PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS
Rep. Harrison

This bill provides that hearings of appeals from decisions in contested cases before professional and occupational licensing boards held pursuant to the Administrative Procedures Act may also be held as otherwise provided by law.

LABOR, COMMERCE AND INDUSTRY

H.4595 ABANDONED PROPERTY NOTICES BY ELECTRONIC MEANS
Rep. Cato

This bill provides that the notice of abandoned property required under the Uniform Unclaimed Property Act may be provided through electronic means as an alternative to newspaper publication.

H.4610 AUTOMOBILE INSURERS' RECOMMENDATIONS OF MOTOR VEHICLE REPAIR SERVICES Rep. Keegan

This bill prohibits automobile insurance companies from recommending that insurance claimants obtain motor vehicle repair services from particular sources without informing them of their options.

agreements with private entities for providing all services necessary to the creation and operation of an on-campus housing facility. The bill further provides that when the ground lease agreement term expires, the private entity shall surrender the premises unto Francis Marion University.

H.4588 GASOLINE TAX REVENUES Rep. A. Young

This bill repeals, with certain exceptions, the statutory provision which dedicates \$18 million from the gasoline tax to the Coordinating Council for Economic Development fund.

H.4589 DHEC ADMINISTRATION FEES Rep. Rodgers

This bill authorizes the State Department of Health and Environmental Control to raise or lower, by regulation, the application fee for a permit to alter a "critical area" (coastal waters, tidelands, beaches, beach dune system which is the area from the mean high water mark to the setback line) after complying with the Administrative Procedures Act. The bill also increases to two hundred fifty dollars (current fee allowed is up to fifty-one dollars), the fee for permits which are noncommercial/nonindustrial in nature and provide personal benefits that have no connection with a commercial/industrial enterprise.

H.4592 ALLOCATION OF CERTAIN SCHOLARSHIP FUNDS Rep. Townsend

This bill provides that of the funds available for higher education scholarship grants under the South Carolina Children's Education Endowment, the Commission on Higher Education shall receive an annual allocation of which fifty percent must be allocated for Needs-Based Grants and fifty percent must be allocated for Palmetto Fellows Scholarships. The bill also provides that a specified percentage of the Need-Based Grants allocation must be allocated for students attending South Carolina independent and public colleges, and provides that of the allocation each year for Palmetto Fellows Scholarships, awards will be made to students based on academic criteria established by the Commission on Higher Education, which may be used to attend any eligible institution in South Carolina.

H.4604 CONTRIBUTIONS TO "CHOOSE LIFE" FUND Rep. Barrett

This bill provides that taxpayers may contribute to the "Choose Life" Fund by designating the contribution on the state individual income tax return.

H.4606 MALE CIRCUMCISION Rep. Snow

This bill provides that no State funds, including matching Medicaid funds, may be expended to perform a male circumcision.

H.4609 POLICE OFFICERS RETIREMENT SYSTEM Rep. Kelley

This bill provides that a retired member of the South Carolina Police Officers Retirement System (SCPORS) who is hired by the State is not eligible for a lump-sum payment for unused leave upon termination or retirement from state employment. The bill also provides that a retired member of the SCPORS who is hired by an agency to fill all or some of a full-time equivalent position covered by the State Employees Grievance Procedure Act is exempt from the provisions of the State Employee Grievance Procedure Act. The bill also eliminates the earnings

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General Assembly by law must provide for the funding mechanisms that State or local government taxing entities may use to replace the lost revenue. The proposed amendment would also provide exceptions for these provisions in circumstances where it is necessary to impose an *ad valorem* tax on real property to avoid defaulting on general obligation debt of the State or a local government taxing entity.

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