# Vol. 19 February 5, 2002 No. 05

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## HOUSE WEEK IN REVIEW

The House of Representatives approved and sent to the Senate **H.3761**, a bill pertaining to **counterfeit goods and services**. The legislation provides enhanced penalties and enforcement authority for offenses involving the use of counterfeit marks on goods and services. Under the bill, ‘counterfeit mark’ means a mark that is used in connection with the sale or offering for sale of goods or services that are identical to or substantially indistinguishable from the goods or services with which the mark is used or registered, and the use of which is likely to cause confusion, mistake, or deception, with the use occurring without authorization of the: (a) owner of the registered mark, and is identical to or substantially indistinguishable from a mark that is registered on the principal register of the United States Patent and Trademark Office or with the South Carolina Secretary of State; or (b) owner of the unregistered mark and is identical to or substantially indistinguishable from symbols, signs, emblems, insignias, trademarks, trade names, or words protected by the federal Amateur Sports Act of 1978. Any person who knowingly and wilfully uses or causes to be used a counterfeit mark on or in connection with goods or services intended for sale or has possession, custody, or control of goods having a counterfeit mark used thereon or in connection therewith, that are intended for sale, shall be punished as follows: if the goods or services have a retail sales value not exceeding three thousand dollars, the person is guilty of a misdemeanor and must be punished by a fine not exceeding three thousand dollars or a term of imprisonment not exceeding three years; if the retail sales value exceeds three thousand dollars but not ten thousand dollars, the person is guilty of a felony and must be punished by a fine not exceeding five thousand dollars or a term of imprisonment not exceeding five years; and if the retail sales value exceeds ten thousand dollars, the person is guilty of a felony and must be punished by a fine not exceeding ten thousand dollars or by a term of imprisonment not exceeding ten years. Any person who knowingly uses any object, tool, machine, or other device to produce or reproduce a counterfeit mark or has possession, custody, or control of any object, tool, machine, or device with intent to produce or reproduce a counterfeit mark, is guilty of a felony and must be punished by a fine not exceeding five thousand dollars or by a term of imprisonment not exceeding five years. All such property is considered contraband and is subject to seizure and forfeiture. The Secretary of State’s investigators have statewide jurisdiction for enforcement of these provisions. These investigators may conduct investigations independently or may work in coordination with local law enforcement. The Secretary of State may refer any available evidence concerning violations to the appropriate solicitor who may, with or without such a reference, institute the appropriate criminal proceedings. The Secretary of State may also prosecute these violations independently. Also, the Secretary of State may refer any available evidence concerning violations to the Department of Revenue for purposes of determining the obligations of the violators to state income and taxation laws.

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 incidental fees charged to students,** must take into account the **students’ ability to pay** and must hold the fee to a minimum reasonable amount. The bill further provides that fees may not be charged to students eligible for reduced price lunches.

The Committee reported favorable with amendments on **H.3931**. As reported by the Committee, this bill provides that **appurtenances on motor homes, travel trailers, and truck campers in noncommercial use** may extend to a maximum of six inches on one side and four inches on the other beyond the statutory maximum width requirement. The committee also provided a definition of “appurtenances” to include an awning and its support hardware; and any appendage that is intended to be an integral part of a motor home, travel trailer, or truck camper and is installed by the manufacturer or dealer which includes, but is not limited to, vents, electrical outlet covers, and window frames. The bill as reported by the committee also provides that motor homes may have a length up to forty-five feet, if the turning radius of the motor home is forty-eight feet or less. The bill as reported by the committee also provides that safety and energy conservation devices and compressors and fuel saving equipment on the front or loading devices on the rear of vehicles must not be considered when determining their length if the overall length limitations of combinations of vehicles is not exceeded. The bill as reported by the Committee also provides that the Department of Transportation may issue to a motor home, travel trailer, or truck camper manufacturer, dealer, or transporter an annual trip permit authorizing the unlimited commercial movement of a motor home, travel trailer, or truck camper in the manufacturer’s, transporter’s, or dealer’s possession which exceeds the statutory maximum width. The committee also recommended amending the bill so as to provide that additional permit requirements must not be imposed on the commercial movement of motor homes, travel trailers, or truck campers if the total outside width or the load on it does not exceed one hundred two inches exclusive of approved safety devices.

#### JUDICIARY

The full House Judiciary Committee met on Tuesday, January 29, and reported out several pieces of legislation.

The committee gave a report of favorable with amendments on **S.204**, the **Family Privacy Protection Act**. This legislation provides that all counties or state agencies, boards, commissions, institutions, departments, or other state entities must develop privacy policies and procedures to ensure that the collection, use and dissemination of personal information pertaining to citizens of the State is limited to such personal information as is required under the law and necessary to fulfill a legitimate public purpose. Under the legislation, the term ‘personal information’ means information that identifies or describes an individual, including, but not limited to, an individual’s photograph or digitized image, social security number, date of birth, driver’s identification number, name, home address, home telephone number, medical or disability information, education level, financial status, bank account(s) number(s), account or identification number issued by and/or used by any federal or state 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 location within the jurisdiction of this State to gamble, wager, bet, stake, or risk money, property, or anything of value upon the outcome of a contest, game of chance, sports event, or any other current or future contingent event not under the person’s control or influence, upon an agreement or understanding that he or another person will receive something of value in the event of a certain outcome. A person who violates this provision 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. The bill provides that it is unlawful for a person in this State or at any location within the jurisdiction of this State knowingly to own, keep, operate, manage, or maintain a device or location of any kind that is used for gambling. The legislation provides an exemption for cruises where any gambling that occurs aboard the vessel occurs only outside the jurisdictional waters of this State and the vessel makes an intervening stop. A person who violates this provision 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 legislation does not apply to State Lottery activities.

The committee gave a report of favorable with amendments on **H.3405**, a bill that **eliminates restrictions on the purchase of multiple pistols**. The legislation eliminates current provisions that prohibit an individual from purchasing more than one pistol on an application or more than one pistol during each thirty-day period.

The committee gave a favorable report on **H.3102** a bill **prohibiting law enforcement officers from enticing drivers to exceed speed limits**. This bill provides that the driver of a law enforcement vehicle may not exceed the speed limit to entice the driver of a private motor vehicle to follow him at a speed that exceeds the speed limit in an effort to have the driver of the private motor vehicle charged with speeding by a law enforcement officer traveling in another law enforcement vehicle.

The committee gave a favorable report on **H.3802**, a bill **revising arson provisions**. The bill revises arson provisions so as to provide that the burning must result in damage to a building or structure. Under the legislation, ‘damage’ means an application of fire or explosive that results in burning, charring, blistering, scorching, smoking, singeing, discoloring or changing the fiber or composition of a building, structure, or any applicable property.

The committee gave a favorable report on **H.4030**, pertaining to **jurisdiction for the offense of driving under a suspended license**. This bill provides that the magistrate’s court has concurrent, not exclusive, jurisdiction to hear the offense of driving while one’s license is suspended for reasons other than for driving while under the influence of alcohol or drugs.

The committee gave a report of favorable with amendments on **H.4431**, revising **where a** **petition for an order of protection may be filed** so as to provide more options. The legislation provides that a petition for an order for protection must be filed in the county in which: (a) the alleged act of abuse occurred; (b) the petitioner resides, or is sheltered; (c) the respondent resides; or (d) the parties last resided together. The petition must, however, designate the proper county of 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.

**BILLS INTRODUCED IN THE HOUSE**

**THIS WEEK**

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

**S.856 *WATER RECREATIONAL RESOURCES FUND* Sen. Martin**

This bill revises current provisions regarding the special water recreational resources fund, a fund consisting of one percent of the proceeds from thirteen cents of the gasoline tax, transmitted to the Department of Natural Resources (DNR). The bill provides for apportionment and use of the funds, authorizing each county delegation to make recommendations to DNR for projects, and requiring DNR to give these recommendations primary consideration over any other project. The bill authorizes DNR to use up to one-third of the funds for law enforcement, noxious aquatic weed control, and acquisition, and requires that DNR be reimbursed for design and engineering costs and administration of these provisions. The bill requires that any revenue collected or any funds remaining in the Water Recreational Resources Fund created by Act 1134 of 1968 must be transferred to the fund created by the bill.

**H.4590 *HUNTING AND TAKING CROWS* Rep. Snow**

This bill provides that in Game Zone 9 the season for hunting and taking crows is from October first to March first with no bag limit.

**H.4600 *DRESSING, PROCESSING, AND PACKAGING PORK* Rep. Campsen**

This bill provides that it is not unlawful for a person or facility that may lawfully dress, process, package, and return venison of a deer freshly killed while hunting to the owner for personal consumption to also dress, process, package and return pork from a pig, hog, or boar freshly killed while hunting to the owner for personal consumption. The bill requires that the venison or pork must be marked “NOT FOR SALE” until delivered to the owner.

**H.4634 *OBTAINING PURIFIED/UNPURIFIED WATER* Rep. Barrett**

This bill prohibits a public entity in this State from obtaining purified or unpurified water from another public entity in this State or from a natural source within the jurisdiction of another public entity in this State unless a written contract or agreement has been entered into for this purpose by the two public entities. The bill also provides conditions under which purified or unpurified water may be transmitted into or out of this State, including a requirement for the enactment of a regional compact among the affected states permitting such activities.

#### 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.

**H.4627 *TEN COMMANDMENTS*/*“RESPECT FOR LAW DAY”* Rep. Tripp**

This bill designates September 17 of each year as “Respect for Law Day” and requires public schools to establish a permanent display that includes the Ten Commandments.

**H.4637 *MOTOR VEHICLE DRIVER’S SEATING* Rep. Rodgers**

This bill provides that a driver of a motor vehicle must maintain his seat in an upright position when operating the motor vehicle.

#### JUDICIARY

S.911 *JASPER COUNTY SCHOOL DISTRICT SCHOOL BOND‑PROPERTY*

*TAX RELIEF ACT REFERENDUM* Sen. Pinckney

This bill confirms and ratifies all proceedings of the trustees and officials of the Jasper County School District in calling and holding a special election on September 29, 2001, pursuant to the Jasper County School District School Bond‑Property Tax Relief Act, on the questions of issuing general obligation bonds in an amount not exceeding forty‑five million nine hundred sixty‑nine thousand nine hundred sixty‑five dollars and imposing a one percent special sales and use tax for not more than twenty‑five years, and authorizing the issuance of the bonds and the imposition of the sales tax in furtherance of the vote at the election.

### H.4594 *ILLEGAL ALIEN ENFORCEMENT ACT* Rep. Littlejohn

This bill provides that, to the fullest extent permitted by federal law, all state, county, and municipal law enforcement officials in this State, and any other person having the power of arrest in this State, are authorized to arrest and detain an individual for a criminal violation of the federal Immigration and Nationality Act and any federal law relating to aliens illegally present in the United States. Certain limitations are provided.

### H.4598 *UNIFORM PRUDENT INVESTOR ACT REVISIONS* Rep. Campsen

This bill revises the Uniform Prudent Investor Act, so as to provide that investments in mutual funds sponsored by affiliated organizations are allowed by the prudent investor rule if the investments meet the criteria of the rule.

**H.4608 *ESTABLISHMENT OF PATERNITY* Rep. Snow**

This bill provides that paternity established pursuant to a voluntary acknowledgment of paternity and any order for child support related to this paternity must be set aside if an action is brought within three years of the establishment of paternity and if genetic testing does not result in a statistical probability of paternity of ninety‑five percent or higher.

### S.826 *LOCAL JAIL TASK FORCE* Sen. Martin

This joint resolution extends the life of the Local Jail Task Force to February 1, 2003, before which date it must make its report. The joint resolution also provides that a person appointed to the Local Jail Task Force before February 1, 2001, shall 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.

### H.4614 *HOME LOAN PRACTICES* Rep. Kirsh

This bill prohibits an array of home loan practices including the practice of flipping a home loan. ‘Flipping’ means making a home loan that refinances an existing home loan when: (1) more than one‑half of the original debt bears an interest rate lower than that of the new loan; (2) the reduction of the interest rate is the result of payment of prepaid finance charges and closing costs to the extent that the borrower does not recover the transactions costs until after two years of completion of the transaction; or (3) a special mortgage originated, subsidized, or guaranteed by or through a government or nonprofit organization is refinanced with the loss of either a below‑market interest rate or one or more of the nonstandard borrower benefits as a result of the refinancing.

### H.4619 *VETERINARIAN MISCONDUCT* Rep. Hinson

The bill defines “incompetent or negligent conduct” in veterinary practice. The legislation provides for various means of notifying the public of veterinarian misconduct and disciplinary actions. This bill provides that in a civil action against a veterinarian for the treatment or failure to treat an animal, a person may seek damages for the owner’s pain and suffering.

### H.4633 *CAPTIVE INSURANCE COMPANIES* Rep. Cato

This bill establishes the Captive Insurance Regulatory and Supervision Fund for the purpose of providing the financial means for the Director of the South Carolina Department of Insurance to administer captive insurance laws and for reasonable expenses incurred in promoting the captive insurance industry in the State. The legislation revises provisions relating to the aggregate taxes paid by a captive insurance company, so as to allow a captive insurance company in its first operating year to pay the minimum premium tax on a prorated schedule. The legislation provides a definition for a “special purpose captive insurance company” that may only insure the risks of its parent. Requirements are established for the licensure and operation of a special purpose captive insurance company.

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

**H.4625 *WORLD WAR II MEMORIAL MONUMENT* Rep. Neilson**

This joint resolution creates, and provides for membership and duties of, the World War II Monument Commission, whose purpose is to design and establish a monument to South Carolina World War II veterans to be placed on the grounds of the Capitol Complex.

**WAYS AND MEANS**

**S.868 *FRANCIS MARION UNIVERSITY* Sen. Leatherman**

This bill authorizes the Board of Trustees of Francis Marion University, with the approval of the State Budget and Control Board, to enter into ground lease 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 limitation for a retired member of the SCPORS who is hired in a position covered by the PORS or any other State Retirement System, and reduces from sixty days to fifteen consecutive calendar days the minimum interval before a retired member of the SCPORS may be hired by a covered employer without affecting the member’s retirement allowance.

**H.4622 *SOUTH CAROLINA RESEARCH CENTERS OF ECONOMIC***

***EXCELLENCE ACT* Rep. Wilkins**

This bill establishes the Centers of Excellence Matching Endowment, funded annually by appropriations from the South Carolina Education Lottery Account in amounts provided by the General Assembly. The bill provides for a nine member review board (three appointed by the Governor, three by the President *Pro Tempore* of the Senate, three by the Speaker of the House) to be responsible for awarding matching funds for endowment professorships to the State’s senior research universities (Clemson, USC, MUSC).

**H.4626 *REQUIRED CREDITED SERVICE FOR POLICE OFFICERS’***

***RETIREMENT* Rep. Rutherford**

This bill reduces from twenty-five years to twenty years (phased in over a five-year period) the required credited service of a member of the Police Officers’ Retirement System to elect service retirement at any age. The bill requires the State Budget and Control Board to increase employer or employee contributions, or both, to pay the actuarial cost of this early retirement.

**H.4628 *ROAD/HIGHWAY FEES* Rep. White**

This bill amends current statutes regarding local government fee imposition by requiring that any road or highway fee must provide supplemental road or highway funding and may not be used to replace any existing road or highway funding.

**H.4632 *COST REIMBURSEMENT FOR HOME SCHOOLING* Rep. Davenport**

This bill provides that if a student is home schooled as provided by law, his resident school district annually shall reimburse his custodial parent/parents or legal guardian for the cost of his home schooling as defined in the bill.

**H.4635 *REPEAL OF CODE SECTION RE ASSESSED***

***VALUE OF CERTAIN PROPERTY* Rep. Miller**

This bill repeals the section of law which provides that if a municipality annexes a tract of property located in a redevelopment project area, the value of each parcel of real property therein for purposes of the *ad valorem* taxes of the municipality shall be that which is attributable to its initial equalized assessed value before the redevelopment project and not to the increase in its equalized assessed value due to the redevelopment project.

**H.4636 *CONSTITUTIONAL AMENDMENT TO END REAL***

***PROPERTY TAX* Rep. Knotts**

This joint resolution proposes an amendment to the South Carolina Constitution providing that beginning on January 1, 2004, no *ad valorem* taxation on any real property is permitted in this state by any local government taxing entity, and the 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.

**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.***