# Vol. 19 February 12, 2002 No. 06

## CONTENTS

### WEEK IN REVIEW ………………………………………. …. 02

### JOINT ASSEMBLY ………………………………………….. 05

### HOUSE COMMITTEE ACTION …………………………….. 06

### BILLS INTRODUCED IN THE HOUSE THIS WEEK ………… 10

## HOUSE WEEK IN REVIEW

The House of Representatives approved **S.478**, pertaining to the **abuse or neglect of vulnerable adults**, and enrolled the bill for ratification. The bill classifies the offenses of abuse or neglect of a vulnerable adult resulting in death and abuse or neglect of a vulnerable adult resulting in great bodily injury as violent crimes. The legislation adds the offense of abuse or neglect of a vulnerable adult resulting in death to the list of crimes considered a “most serious offense” for purposes of determining who is eligible for life imprisonment without parole. The legislation adds the offense of abuse or neglect of a vulnerable adult resulting in great bodily injury to the list of crimes considered a “serious offense” for sentencing purposes.

The House approved **S.45**, which provides revisions to the **South Carolina Building Codes Council**, and enrolled the bill for ratification. The legislation adds a representative of the modular building industry and a code enforcement officer to the membership of the council. The legislation makes all members voting members. The legislation revises provisions for the call of council meetings so as to provide that the council shall meet at least two times a year and at other times upon the call of the chairman or a majority of the council.

The House amended **S.134** and returned the bill to the Senate. As amended, this legislation provides that, upon a showing of indigency or imminent danger, the magistrates court, in its discretion, may **waive the fee for filing a complaint and motion for a restraining order against a person engaged in harassment or stalking**.

The House approved and sent to the Senate **H.3802**, a bill **revising arson provisions**. The bill revises arson provisions so as to provide for a detailed and comprehensive definition of the damage to a building or structure resulting from arson. 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 House amended, approved, and sent to the Senate **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 House amended, approved, and sent to the Senate **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 House approved and sent to the Senate **H.4391**, pertaining to **matriculation and incidental fees charged to students**. 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 payand 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 House approved and sent to the Senate **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 House amended, approved, and sent to the Senate **H.3943**, a bill enacting the “**Structured Settlement Protection Act**.” The legislation provides procedures to regulate the transfer of structured settlements, including provisions requiring court or administrative authority approval in advance for the transfer of structured settlement payment rights, and establishing disclosure requirements.

The House amended, approved, and sent to the Senate **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 House amended, approved, and sent to the Senate **H.4413**, regarding **new construction or reconstruction seaward of the baseline**. The bill provides that existing groins may be reconstructed, repaired, and maintained. The bill provides that new groins may only be allowed on beaches that have high erosion rates with erosion threatening existing development or public parks. The bill provides that new groins may be constructed and existing groins may be reconstructed only in furtherance of an on-going beach renourishment effort which meets DHEC criteria and which is in accordance with other requirements specified in the legislation. A monitoring program is required for the life of such a new groin project to measure beach profiles. Groins may only be permitted after thorough analysis of the project demonstrates that there will be no negative effect on adjacent areas. The applicant shall provide a financially binding commitment to cover the cost of correcting any adverse downdrift impacts. If monitoring shows increased erosion along adjacent or downdrift beaches or shoreline high ground likely attributable to the groins, groins must be modified or removed, and beach restoration performed. Adjacent and downdrift communities and municipalities must be notified of all applications for a groin project.

The House approved and sent to the Senate **H.4303**, a bill that revises conditions that preclude the **registration of certain trade marks and names**. Current law precludes the registration of a mark which so resembles a mark registered in this State or a mark or trade name previously used by another and not abandoned as to be likely, when used on or in connection with the goods or services of the applicant, to cause confusion or mistake or to deceive. This legislation revises the provision to specify that it applies to such marks or trade names previously used by another in this State.

The House approved and sent to the Senate **H.4656**, a bill revising requirements on the **commencement of civil actions**. The bill provides that a civil action is commenced when the summons and complaint are filed with the clerk of court if actual service is accomplished within one-hundred‑twenty days after the filing.

The House amended, approved, and sent to the Senate **H.3931**. 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 bill provides 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 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 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 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 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.

The House amended, approved, and sent to the Senate **H.4430**. This bill revises provisions relating to the advisory committee to the Department of Insurance which recommends continuing education courses for approval by the department, so as to make a technical correction by changing the name of an advisory board member from the South Carolina Association of Life Underwriters to its current name of the **South Carolina Association of Insurance and Financial Advisors**.

The House approved and sent to the Senate **H.4485**. This bill changes the name of the South Carolina Emergency Preparedness Division to the **“South Carolina Emergency Management Division.”**

## JOINT ASSEMBLY

The Senate and the House of Representatives sat in Joint Assembly on Wednesday, February 6, for the purpose of conducting judicial elections. Election results were as follows:

The Honorable John H. Waller, Jr., **SOUTH CAROLINA SUPREME COURT JUSTICE**

The Honorable H. Samuel Stilwell, **COURT OF APPEALS JUDGE, SEAT 7**

The Honorable J. Cordell Maddox, Jr., **CIRCUIT COURT JUDGE, AT-LARGE, SEAT 7**

The Honorable Alison Renee Lee, **CIRCUIT COURT JUDGE, AT-LARGE, SEAT 11**

The Honorable James E. Brogdon, Jr, **CIRCUIT COURT JUDGE, AT-LARGE,**

**SEAT 12**

The Honorable John L. Breeden, Jr., **CIRCUIT COURT JUDGE, AT-LARGE, SEAT 13**

George M. McFaddin, Jr., **FAMILY COURT JUDGE, THIRD JUDICIAL CIRCUIT, SEAT 1**

The Honorable James A. Spruill, III, **FAMILY COURT JUDGE, FOURTH JUDICIAL CIRCUIT, SEAT 3**

The Honorable Walter B. Brown, Jr., **FAMILY COURT JUDGE, SIXTH JUDICIAL CIRCUIT, SEAT 2**

Jocelyn B. Cate, **FAMILY COURT JUDGE, NINTH JUDICIAL CIRCUIT, SEAT 5**

The Honorable Aphrodite K. Konduros, **FAMILY COURT JUDGE, THIRTEENTH JUDICIAL CIRCUIT, SEAT 3**

The Honorable Robert N. Jenkins, Sr., **FAMILY COURT JUDGE, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5**

The Honorable Haskell T. Abbott, III was not elected **FAMILY COURT JUDGE, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3**

The Honorable C. Dukes Scott, **ADMINISTRATIVE LAW JUDGE, SEAT 2**

### HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee gave a report of favorable with amendment on **H.4413**, regarding **new construction or reconstruction seaward of the baseline**. As reported by the Committee, this bill provides:

 that existing groins may be reconstructed, repaired, and maintained;

 that new groins may only be allowed on beaches that have high erosion rates with erosion threatening existing development or public parks;

 that new groins may be constructed and existing groins may be reconstructed only in furtherance of an on-going beach renourishment effort which meets DHEC criteria and which is in accordance with the following:

o The applicant shall institute a monitoring program for the life of the project to measure beach profiles along the groin area and adjacent and downdrift beach areas sufficient to determine erosion/accretion rates; for the first five years of the project, the monitoring program must include specified components which are delineated in the bill.

o Groins may only be permitted after thorough analysis of the project demonstrates that there will be no negative effect on adjacent areas; the applicant shall provide a financially binding commitment to cover the cost of correcting any adverse downdrift impacts; if monitoring shows increased erosion along adjacent or downdrift beaches or shoreline high ground likely attributable to the groins, groins must be modified or removed, and beach restoration performed; the applicant has the burden of proving that groins are not causing harm;

o Adjacent and downdrift communities and municipalities must be notified of all applications for a groin project.

The Committee reported favorable with amendment on **H.3361**, regarding **interference with the normal activity or well being of mammalian dolphins** and regarding the **cost of a saltwater recreational fishing license**. As reported by the Committee, effective July 1, 2002, the bill:

 Makes it unlawful to catch, attempt to catch, feed, kill, or harass any mammalian dolphin or porpoise. Violation of this provision is a misdemeanor with a fine of at least two hundred fifty dollars and not more than one thousand dollars, or imprisonment for up to thirty days, or both;

 Revises current statutes regarding issuance of saltwater recreational fisheries licenses in any salt waters of South Carolina, including revising the cost and distribution of such licensing fees as follows:

o Annual saltwater recreational fisheries license for a resident is ten dollars and for a nonresident, thirty-five dollars;

o A fourteen day temporary saltwater recreational fisheries license is created, with a charge of five dollars for residents and eleven dollars for nonresidents; temporary license holders do not need to acquire an annual license;

o The agent who issues saltwater recreational fisheries licenses may retain one dollar per license, and the balance must be paid to the S.C. Department of Natural Resources;

o Annual operating license fee to the owner or operator of a public saltwater fishing pier one hundred feet or less in total length is one hundred fifty dollars, and for a pier greater than one hundred feet in length, the fee is three hundred fifty dollars;

o Annual operating license fee to the owner or operator of a charter saltwater fishing vessel carrying six or fewer passengers is one hundred fifty dollars, two hundred fifty dollars for vessels licensed to carry seven to forty-nine passengers, and three hundred fifty dollars for vessels licensed to carry more then forty-nine passengers. If the vessel carries only the passengers who hire the vessel, the annual license fee is forty dollars.

o Revenue from the fee increase must be used only for development of saltwater recreational fishing facilities; scientific research relating to management of saltwater recreational fisheries; and for protection, maintenance, or enhancement of saltwater habitat important to the continued production of fish stocks and their food sources of significance to saltwater recreational fisheries.

The Committee reported favorable with amendment on **H.3481**, regarding **rockfish taken from Lake Murray**. As reported by the Committee, this bill provides that during July and August, it is unlawful to retain more than two striped bass (rockfish) per day that are taken from Lake Murray and less than the legal size limit. Currently, the size limit on rockfish taken from Lake Murray is not in effect during the months of June, July, and August.

The Committee reported favorable with amendment on **S.856**, which recreates the **special water recreational resources fund**. As reported by the Committee, the bill provides that one percent of the proceeds from thirteen cents of the gasoline tax must be transmitted to the Department of Natural Resources (DNR) for this special fund, and that all balances in the fund must be carried forward annually so that no part of it reverts to any other fund. The bill provides that the fund must be apportioned based upon the number of registered boats or other watercraft in each county and expended by DNR to acquire, create, or improve “water recreational resources” (defined in the bill). The bill provides that these funds may be used to promote activities that take place on the water for recreation provided that no more than ten percent of each annual allocation may be used for this purpose beginning July 1, 2003. The bill allows each county delegation to make recommendations to DNR for projects to acquire, create, or improve water recreational resources, and DNR must give these recommendations primary consideration over any other projects. The bill allows DNR to use up to one third of the funds for law enforcement, noxious aquatic weed control, and acquisition, and the bill requires that DNR must be reimbursed for design and engineering costs and administration of these provisions from funds collected under the provisions of the bill. The bill requires that revenue collected or funds remaining in the Water Recreational Resources Fund created by Act 1134 of 1968 must be transferred to the fund created under this bill, and any funds collected by the state treasury between January 7, 2002, and the effective date of this bill which would have been allocated to the Water Recreation Resource Fund created by Section 12-28-2730 must be allocated to the fund created by this bill.

#### EDUCATION AND PUBLIC WORKS

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

#### JUDICIARY

The full Judiciary Committee met on Tuesday, February 5, and reported out several pieces of legislation.

The Committee gave a favorable report on **S.478**, a bill pertaining to the **abuse or neglect of vulnerable adults**. The bill was approved by the full House and enrolled for ratification (see House Week in Review, this issue).

The Committee gave a favorable report on **H.4303**, a bill that revises conditions that preclude the **registration of certain trade marks and names**. The full House approved the bill and sent it to the Senate (see House Week in Review, this issue).

The Committee gave a report of favorable with amendments on **S.134,** a bill pertaining to **waiving the fee for filing a complaint and motion for a restraining order against a person engaged in harassment or stalking**. The full House adopted the amendment and returned the bill to the Senate (see House Week in Review, this issue).

**H.3450**, pertaining to **misdemeanor death by vehicle**, was recommitted to the Criminal Laws Subcommittee.

**H.3767**, relating to **legal actions based upon a defective or unsafe condition of an improvement to real property**, was recommitted to the Special Laws Subcommittee.

#### LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, February 5, and reported out several pieces of legislation.

The committee gave a report of favorable with amendment to **H.3840**, a bill pertaining to **nationally recognized building codes**. The legislation requires all agencies to adopt and enforce the most current editions of nationally recognized codes and standards for the construction, manufacture, renovation, improvement, and maintenance of structures. The bill provides a mechanism for the adoption of these nationally recognized codes and for proposing and adopting amendments. The bill provides that, unless otherwise required by law, an agency may not enforce a provision of a nationally recognized code to the extent it is inconsistent with any state statute or regulation that does not rely on a nationally recognized code.

The committee gave a favorable report on **S.45**, which provides revisions to the **South Carolina Building Codes Council**. The full House approved the bill and enrolled it for ratification (see House Week in Review, this issue).

The committee gave a report of favorable with amendment on **H.4430**, pertaining to the **South Carolina Association of Insurance and Financial Advisors**. The full House adopted the amendment and sent the bill to the Senate (see House Week in Review, this issue).

**H.4029**, the **Motorist Insurance Identification Database Act**, was recommitted to the Insurance Subcommittee.

Two bills were recommitted to the Real Estate Subcommittee: **H.3090**, relating to the **South Carolina Residential Builders Commission**, and **H.3440**, relating to the licensure and regulation of **residential builders, residential specialty contractors, and home inspectors**.

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

The full Medical, Military, Public and Municipal Affairs Committee reported favorable on **H.4485**. This bill changes the name of the South Carolina Emergency Preparedness Division to the **“South Carolina Emergency Management Division.”**

The Committee adjourned debate on **H.3145**, regarding **state and federal criminal records checks for certain direct caregivers**.

#### 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.4650 *STATE WILDFLOWER* Rep. Talley**

This bill designates the Goldenrod as South Carolina’s official state wildflower.

**H.4685 *RESTRICTIONS ON USE OF AIRBOATS* Rep. Gourdine**

Current law makes it unlawful to operate an airboat on South Carolina’s public waters from the freshwater-saltwater dividing line, seaward, and on certain specified waters of South Carolina during certain specified hours and during the season for hunting waterfowl. This bill deletes those provisions and provides that it is unlawful to operate an airboat on the waters of this State during the period from one hour after legal sunset to legal sunrise and anytime during the season for hunting waterfowl.

**H.4690 *OPEN SEASON FOR ANTLERED DEER* Rep. Davenport**

This bill revises the open season for antlered deer in Game Zone Four, so as to provide that the open season in that zone is August 15 through August thirty-first, with archery equipment only; September first through September fourteenth, with primitive weapons only; and September fifteenth through January first, with archery equipment and firearms.

#### EDUCATION AND PUBLIC WORKS

**H.4641 *NONFRANCHISE AUTOMOBILE DEALERS* Rep. Cato**

This bill provides for pre-licensing education requirements for obtaining an initial nonfranchise automobile dealer license, and continuing education requirements for license renewal. The bill also creates and provides for an advisory board to oversee these education requirements.

**H.4644 *MISSED SCHOOL DAYS IN GREENWOOD COUNTY* Rep. Carnell**

This joint resolution provides for exemption from make-up requirements for certain school days missed due to extreme weather or other circumstances in Greenwood County School District 51.

**H.4648 *CHILDREN’S USE OF PSYCHOTROPIC DRUGS* Rep. Bingham**

This bill requires school districts to adopt policies prohibiting school personnel from recommending the use of psychotropic drugs for any child. The bill also provides that the refusal of any parent having control of a child to administer or consent to the administration of any psychotropic drug does not, in and of itself, constitute grounds for the Department of Social Services (DSS) to take the child into custody or for a family court to order that the child be taken into custody by DSS, unless the refusal causes the child to be neglected or abused.

**H.4652 *“UNITED WE STAND” SPECIAL LICENSE PLATES* Rep. Lourie**

This bill provides for the issuance of “United We Stand” special license plates and provides for the distribution of the fees collected for this special plate.

**H.4653 *MISSED SCHOOL DAYS IN FLORENCE COUNTY* Rep. Askins**

This bill provides that specified school days missed this year by students in Florence County School District Three due to inclement weather are exempted from the make-up requirement.

**H.4666 *ADMINISTRATION DATE OF PACT TEST* Rep. Hamilton**

This bill provides that, time permitting, the Palmetto Achievement Challenge Test (PACT) shall be administered annually in the Greenville County School District on the day following completion of the district’s one hundred sixtieth day of student instruction. If sufficient time does not remain during that week to complete the test, it shall be administered at the beginning of the following week, with the make-up test to begin two weeks later. The bill also provides an alternate date in the event that the dates in any year are earlier than the dates set by the State Board of Education for administration of the test in other school districts that year.

**H.4670 *ELIGIBILITY FOR DRIVER’S LICENSE ISSUANCE* Rep. Harrison**

Current law allows issuance or renewal of a driver’s license to persons from other countries who are present in South Carolina on a student visa or on a work visa, or their dependents. This bill deletes that provision and provides that for purposes of determining eligibility to obtain or renew a South Carolina driver’s license, the term “resident of South Carolina” includes all persons authorized by the U.S. Department of Justice, the U.S. Immigration and Naturalization Service, or the U.S. Department of State to live, work, or study in this country on a temporary or permanent basis who present documents indicating their intent to live, work, or study in South Carolina. The bill provides that these persons are eligible to obtain or renew a driver’s license.

**H.4674 *STUDENT USE OR POSSESSION OF A CELL PHONE* Rep. Huggins**

This bill revises the current prohibition on student possession of paging devices by providing conditions under which a student may possess a paging device on school property. The bill includes a cell phone under the definition of “paging device.” The bill also provides that special schools (such as alternative schools) may, with board approval, completely prohibit the use or possession of paging devices on their premises.

**H.4679 *GENERAL ASSEMBLY LICENSE PLATES* Rep. Rodgers**

This bill provides that General Assembly special license plates must be imprinted with the district number of the legislator and must identify the legislator as either a Representative or a Senator.

**H.4680 *S.C. TECHNOLOGY ALLIANCE SPECIAL LICENSE PLATES* Rep. Talley**

This bill provides for the issuance of and distribution of fees for “South Carolina Technology Alliance” special license plates.

**H.4681 *DRIVER’S LICENSES FOR PERSONS FROM OTHER***

***COUNTRIES* Rep. A. Young**

This bill provides for the issuance of a one-year South Carolina driver’s license to a person from another country who is in South Carolina on a fiance’ visa, so long as that person has a valid Social Security number.

**H.4686 *WINTHROP BOARD OF TRUSTEES* Rep. Simrill**

This bill revises the manner of appointment and terms of service of the Winthrop University Board of Trustees.

#### JUDICIARY

H.4651 *PROPOSED CONSTITUTIONAL AMENDMENT: THE RIGHT OF THE*

*PEOPLE TO HUNT, FISH, AND TAKE GAME* Rep. Barrett

This joint resolution proposes an amendment to portion of the Constitution of South Carolina that provides a declaration of rights. The proposed amendment would add a new provision that the people have the right to hunt, fish, and take game, subject only 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.4654 *STATISTICS ON LOTTERY RELATED CRIMES* Rep. Delleney

This bill provides that the State Law Enforcement Division must compile annual statistics on lottery related crimes. When compiled the annual statistics on lottery related crimes must be published or made readily available to the general public.

**S.670 *COMPENSATION AND EXPENSES IN A PROTECTIVE PROCEEDING IN***

***PROBATE COURT* Sen. Land**

This bill revises provisions for compensation and expenses payable in connection with a protective proceeding in probate court, so as to provide for attorney’s fees from the estate for the lawyer representing the conservator in the proceeding.

**H.4667 *SOUTH CAROLINA CHILDREN’S JUSTICE TASK FORCE ACT***

**Rep. Allison**

This bill establishes the South Carolina Children’s Justice Task Force as an advisory body to the General Assembly and the Governor on issues related to the investigative, administrative, and judicial handling of child abuse and neglect cases. The bill provides for the membership of the task force and its powers and duties.

H.4668 *NONPROFIT CHILDREN’S ADVOCACY CENTERS* Rep. Allison

This bill provides for the establishment of nonprofit children’s advocacy centers throughout the state.

S.322 *GUARDIAN AD LITEM REFORM ACT OF 2002* Sen. Mescher

This bill establishes various new requirements for and responsibilities for guardians ad litem.

S.828 *ELECTION OF JUDGES AND JUSTICES* Sen. McConnell

This bill revises provisions for the election of judges and justices, so as to repeal a provision relating to the exemption of a public hearing.

H.4675 *BEER AND WINE SALES AT GAS STATIONS* Rep. Haskins

This bill provides that it is unlawful for a business establishment selling gasoline or other motor fuels and which possesses a permit to sell beer and wine to sell refrigerated or chilled beer and wine. The bill also provides that it is unlawful for such establishments to sell fewer than six separate containers of beer to one customer. Penalties are provided for violations.

H.4678 *SUSPENSION OF SUNDAY WORK PROHIBITIONS* Rep. Rodgers

This bill provides that Sunday work prohibitions may be suspended in an unincorporated area by the county governing body by ordinance and in an incorporated area by the governing body of a municipality in those counties which are not exempt from the prohibition. The bill eliminates certain referendum provisions.

**H.4682 *SCOPE OF THE UNIFORM COMMERCIAL CODE PROVISIONS***

***GOVERNING SECURED TRANSACTIONS* Rep. Harrison**

This bill revises the scope of the Uniform Commercial Code provisions governing secured transactions, so as to make the provisions inapplicable to a transfer by a governmental unit after June 30, 2001. The bill eliminates provisions under which the UCC provisions governing secured transactions are preempted by a statute of this state or another state or foreign country.

H.4683 *SOUTH CAROLINA STUDENT‑LED MESSAGE ACT* Rep. Campsen

This bill authorizes the governing body of a school board or school district to adopt policies that permit the use of a brief opening or closing message by a student at a high school graduation exercise and at a high school athletic or other event. The bill provides the conditions under which such messages may be delivered.

**H.4696 *JUDICIAL PERFECTION AND SELECTION COMMISSION***

**Rep. W. D. Smith**

This bill changes the name of the Judicial Merit Selection Commission to the Judicial Perfection and Selection Commission. The bill adds to the criteria the commission must consider for candidates for judicial office the criteria that the candidate is perfect and proof from a candidate that he has recused himself when he is going to have a bad day.

**H.4697 *TAKING WEAPONS AND EQUIPMENT OF LAW ENFORCEMENT***

***AND CORRECTIONAL OFFICERS* Rep. Knotts**

This bill revises provisions for offenses against the person, by adding a provision that it is unlawful for a person to take a firearm, weapon, or item of police or custodial equipment from a law enforcement officer, correctional officer, or a person having and lawfully exercising the power of arrest. Penalties are provided for violations.

#### LABOR, COMMERCE AND INDUSTRY

**H.4655 *REACTIVATION FEE WHEN A CELLULAR PHONE IS LOST,***

***DAMAGED, OR DESTROYED* Rep. R. Brown**

This bill provides that it an Unfair Trade Practice for the provider of cellular telecommunications access, service, or equipment to charge a reactivation fee when a cellular phone is lost, damaged, or destroyed.

H.4660 *INSURANCE* Rep. Cato

This bill provides various revisions for insurance laws.

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

**H.4659 *RIGHTS OF BLIND AND OTHER DISABLED PERSONS* Rep. Keegan**

This bill provides that a person with disabilities has the right to be accompanied by or have in-house accommodations for an assistance dog in training, as well as an assistance dog (as is currently provided), when the disabled person is using public facilities and public accommodations.

**WAYS AND MEANS**

**H.4663 *SCHOOL DISTRICT REVENUE AND EXPENDITURES* Rep. Allison**

This joint resolution allows all South Carolina school districts and special schools, for fiscal years 2001-02 and 2002-03, to transfer up to twenty percent of revenue between programs to any program with the same funding source. The resolution provides for review of the transfers by the State Department of Education and for provision of relevant information to the General Assembly upon the General Assembly’s request. The resolution also allows, under specified circumstances, a carry forward of Education Improvement Act and restricted state grant fund revenue into the following fiscal year. The resolution also allows all school districts and special schools of the State, for fiscal years 2001-02 and 2002-03, to expend funds received from the Children’s Education Endowment Fund for school facilities and fixed equipment assistance instead for any instructional program.

**H.4669 *TRANSFER OF STATE ANNUAL/SICK LEAVE* Rep. Davenport**

This bill allows a state employee to request voluntarily, in writing, to transfer a specified amount of accrued annual or sick leave to a specified employee of the same agency for the specified employee to use for absences occurring due to extenuating circumstances. Such transfers must be approved by the agency director on a case-by-case basis.

**S.830 *LEAVES OF ABSENCE FOR ORGAN DONORS* Sen. Giese**

This bill provides for paid leaves of absence for state and local officers and employees for purposes of organ donation.

**H.4676 *MERGER OF LEGISLATIVE INFORMATION SYSTEMS (LIS)***

***AND LEGISLATIVE PRINTING AND INFORMATION***

***TECHNOLOGY RESOURCES (LPITR) Rep. Kelley***

This bill codifies and provides for the merger of LIS and LPITR, transferring all assets and resources of LIS to LPITR, with the exception of one FTE which must be transferred to the House of Representatives. The bill provides that the merged entity will be known as Legislative Printing, Information and Technology Systems (LPITS).

**H.4677 *SERVICES OF FIRE DISTRICTS* Rep. Askins**

This bill authorizes fire districts to provide, by resolution of the governing body, certain nontransportational rescue services within the boundaries of the district. To pay for these services, the bill allows the governing body to levy taxes and to impose fees within the district, and to issue county bonds.

**H.4684 *SET-ASIDE FUNDS FOR DEFERRED MAINTENANCE AT***

### *PUBLIC COLLEGES AND UNIVERSITIES* Rep. White

This bill provides that any South Carolina public college or university soliciting private funds for costs associated with construction or renovation of a college or university building or facility must set aside at least three percent of these monies in escrow for the sole purpose of providing regular or deferred maintenance for the building or facility. The bill authorizes the Commission on Higher Education to waive this provision under certain circumstances.

**H.4694 *REPEAL OF CODE SECTION REGARDING CERTAIN***

***DEPARTMENT OF EDUCATION APPROPRIATION* Rep. Cotty**

This bill repeals *S.C. Code of Laws* §59-21-170, which reads as follows:

“Funding equal to that appropriated for fiscal year 1994-95 must be appropriated to the Department of Education to offset any reduction suffered by school districts due to a change in the distribution of employer contribution funds. This funding shall be specifically appropriated and be reflected as a line item in the Appropriations Act. If the fiscal year 1994-95 level of funding to offset the change in allocation is not appropriated, Section 59-21-160 of the 1976 Code shall be suspended.”

**H.4695 *S.C. CODE OF LAWS REFERENCE DATE FOR IRS* Rep. Chellis**

This bill updates the *S.C. Code of Laws* reference date regarding application of the federal Internal Revenue Code to State tax laws.

**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.***