

## Session 116 - (2005-2006)

**H\*3694 (Rat #0131, Act #0104 of 2005) General Bill, By Miller, Cotty, Anderson, Vaughn, Clark, Neilson, Altman, Battle, G.A. Brown, Davenport, Edge, Frye, Hagood, Hamilton, Rivers, Sinclair, D.C. Smith and Wilkins**

**Similar (S 0615)**

**Summary:** Gambling Cruise Prohibition Act

AN ACT TO ENACT THE GAMBLING CRUISE ACT BY ADDING CHAPTER 11, TITLE 3, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO DELEGATE TO COUNTIES AND MUNICIPALITIES OF THIS STATE THE AUTHORITY, CONFERRED TO THIS STATE PURSUANT TO THE JOHNSON ACT, TO PROHIBIT OR REGULATE THE OPERATION OF GAMBLING VESSELS THAT DEPART THE TERRITORIAL WATERS OF THIS STATE WITHOUT AN INTERVENING STOP; TO PROVIDE DEFINITIONS APPLICABLE FOR THIS ACT, INCLUDING A DEFINITION FOR "PASSENGER CRUISE LINER", TO WHICH THE DELEGATION OTHERWISE AUTHORIZED BY THIS ACT DOES NOT APPLY; TO ALLOW A COUNTY OR MUNICIPAL PROHIBITORY OR REGULATORY ORDINANCE TO IMPOSE ONLY A CIVIL PENALTY FOR VIOLATIONS AND TO PROVIDE A MAXIMUM CIVIL PENALTY AND TO ALLOW SPECIFICALLY FOR INJUNCTIVE RELIEF AGAINST A VIOLATOR; TO PROVIDE THAT A COUNTY OR MUNICIPALITY PROHIBITORY OR REGULATORY ORDINANCE MUST NOT BE CONSTRUED TO PROHIBIT OR REGULATE GAMBLING DEVICES ON A PASSENGER CRUISE LINER IF NO GAMBLING IS ALLOWED WHILE THAT LINER IS IN THE TERRITORIAL WATERS OF THIS STATE; TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER DO NOT APPLY TO GAMBLING ACTIVITIES ON UNITED STATES-FLAGGED OR FOREIGN-FLAGGED VESSELS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THIS ACT MUST NOT BE CONSTRUED TO REPEAL OR MODIFY VARIOUS LAWS OF THIS STATE OR THE UNITED STATES APPLICABLE WITH RESPECT TO GAMBLING, TO AUTHORIZE A COUNTY OR MUNICIPALITY WHERE GAMBLING VESSELS ARE NOT PROHIBITED OR WHERE THE PROHIBITION AUTHORIZED BY THIS ACT CANNOT BE MADE TO APPLY TO ASSESS A TICKET SURCHARGE UP TO TEN PERCENT AND A GROSS PROCEEDS SURCHARGE UP TO FIVE PERCENT OF THE GROSS PROCEEDS, TO PROHIBIT SUCH SURCHARGES IN THE CASE OF PASSENGER CRUISE LINERS, TO REQUIRE GAMBLING VESSELS TO REPORT MONTHLY TO THE SOUTH CAROLINA DEPARTMENT OF REVENUE THE AVERAGE DAILY PERCENTAGE OF WINNINGS TO LOSSES FOR EACH GAMBLING DEVICE, TO PROVIDE FOR A CIVIL PENALTY FOR VIOLATIONS, AND TO REQUIRE THE REPORTING OF THIS DATA; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS, TO ALLOW FOR CONTINUED OPERATION OF GAMBLING VESSELS ALREADY IN OPERATION WHEN A PROHIBITORY ORDINANCE IS ENACTED FOR FIVE YEARS AND PROVIDE FOR THE REGULATION OF GAMBLING VESSELS DURING THIS PERIOD, TO PROVIDE THAT A COUNTY OR MUNICIPAL ORDINANCE PROHIBITING GAMBLING VESSELS ENACTED BEFORE THE EFFECTIVE DATE OF THIS ACT REMAINS IN EFFECT, AND TO PROVIDE A MODEL PROHIBITORY ORDINANCE, TO PROVIDE THAT THE PROVISIONS OF THIS ACT WITH RESPECT TO THE EXCEPTION FOR PASSENGER CRUISE LINERS AND THE REQUIREMENT OF GAMBLING VESSELS IN OPERATION BEFORE A PROHIBITORY ORDINANCE IS ENACTED MAY CONTINUE TO OPERATE FOR FIVE YEARS ARE MUTUALLY DEPENDENT AND NOT SEVERABLE; AND TO PROVIDE FOR SEVERABILITY FOR OTHER PROVISIONS OF THIS ACT. - ratified title

<b>03/03/05</b>	<b>House</b>	<b>Introduced and read first time HJ-16</b>
<b>03/03/05</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-16</b>
<b>04/26/05</b>	<b>House</b>	<b>Recalled from Committee on Judiciary HJ-85</b>
<b>04/27/05</b>	<b>House</b>	<b>Requests for debate-Rep(s). Rutherford, Howard, Moody-Lawrence, J Brown, Miller, Whipper, Weeks, Phillips, Anthony, Breeland, Mack, Emory, and Jefferson HJ-116</b>
<b>04/28/05</b>	<b>House</b>	<b>Requests for debate removed-Rep(s). Weeks and Breeland HJ-24</b>
<b>05/10/05</b>	<b>House</b>	<b>Debate adjourned until Wednesday, May 11, 2005 HJ-23</b>
<b>05/11/05</b>	<b>House</b>	<b>Amended HJ-42</b>
<b>05/11/05</b>	<b>House</b>	<b>Read second time HJ-66</b>
<b>05/11/05</b>	<b>House</b>	<b>Roll call Yeas-64 Nays-52 HJ-66</b>
<b>05/12/05</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-46</b>
<b>05/12/05</b>	<b>Senate</b>	<b>Introduced and read first time SJ-11</b>
<b>05/12/05</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-11</b>
<b>05/18/05</b>	<b>Senate</b>	<b>Committee report: Majority favorable with amend., minority unfavorable Judiciary SJ-71</b>
<b>05/18/05</b>	<b>Senate</b>	<b>Read second time SJ-71</b>
<b>05/19/05</b>	<b>Senate</b>	<b>Amended SJ-30</b>
<b>05/19/05</b>	<b>Senate</b>	<b>Read third time and returned to House with amendments SJ-30</b>
<b>05/20/05</b>		<b>Scrivener's error corrected</b>

<b>05/25/05</b>	<b>House</b>	<b>Concurred in Senate amendment and enrolled HJ-299</b>
<b>05/26/05</b>		<b>Ratified R 131</b>
<b>06/01/05</b>		<b>Signed By Governor</b>
<b>06/03/05</b>		<b>Copies available</b>
<b>06/03/05</b>		<b>Effective date 06/01/05</b>
<b>06/07/05</b>		<b>Act No. 104</b>