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Vol. 8

June 7, 1991

No. 22

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OCT 1 1991

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Printed by the Legislative Council

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Legislation Passed This Session

Here is a list of some of the more significant bills that either have been enrolled for ratification, ratified or signed into law.

1991-92 Appropriations Act (H.3650, House Ways and Means Committee)
Already facing the leanest budget year in memory, the House of Representatives faced a final revenue reduction of \$115 million in the 1991-92 Appropriations Bill the day before mandatory adjournment.

Throughout the Spring, the General Assembly had to juggle the appropriations process with declining revenue estimates. When the State Budget and Control Board met in the Fall, state revenue for the new budget year was estimated at \$3.65 billion. However, by February when the bill came before the House, the Board of Economic Advisors reduced the revenue estimate by \$30 million to \$3.62 billion.

Two days before mandatory adjournment as the budget conference committee prepared to report back to the General Assembly, the BEA released another revenue reduction -- this time a staggering \$100 million. Additionally, the BEA also reported a \$15 million reduction in the conference committee's revenue enhancements, leaving the enhancements at only \$64 million.

The cumulative effect of these actions by the BEA left the total revenue for the 1991-92 budget at \$3 million less than what was appropriated in the 1990-91 budget. This is the first time that the General Assembly has passed a budget with less revenue than the prior year's budget.

The decline in state's economy is reflected in several key revenue categories: sales tax, individual income tax and corporate income tax collections. For example, the May revenue reports from the State Tax Commission show sales tax collections at a 1.4 percent growth rate with a 3.6 percent growth rate needed to meet projections; individual income tax grew 1.4 percent versus a projected growth rate of 7 percent; and corporate income tax growth rate was projected at 8 percent, however, the May collections show only 4 percent growth.

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To bring the proposed budget into balance, the General Assembly was forced to impose an across-the-board 3.3 percent reduction on all state agencies. With this action, the General Assembly was able to pass a balanced budget bill; however, few agencies or programs were left untouched. The Legislature's top two priorities, public education and Medicaid services, did receive additional funding, as did the Department of Corrections, the judiciary, and health insurance benefits for state employees, teachers and retirees.

Here are highlights of the \$3.6 billion State Appropriations Act:

- Public education (K-12) received a \$4.6 million net increase over this year's appropriation, which provides the Education Finance Act with a 1.5 percent inflation factor and maintains the school districts' fringe benefits funding. The teacher salary schedule remains funded at the same level, and the average teacher's salary is estimated to increase by only \$31, bringing the average to \$28,356. Funds were not available to reach the projected Southeastern average of \$28,943. By shifting internal budget priorities, both the textbooks and school bus programs will receive funding increases, together totaling \$9.1 million.
- Funding for the Preschool Handicapped Children's program (PL99-1457), serving handicapped children ages 3-5, is provided at approximately \$1.3 million.
- The Education Improvement Act received an increase of \$6 million from the penny sales tax, and no EIA programs were reduced below the prior year's appropriation. From this money, Target 2000 programs were increased by \$1.1 million. These programs include drop-out prevention, school innovation grants, parenting education, arts curriculum and the Teacher Leadership Center. All incentive pay programs under the EIA, with the exception of the campus incentive model, were eliminated.
- The nursing home Medicaid bed fee is increased from \$2 to \$5 per bed per Medicaid day. This, along with new revenue generated by increased Medicaid matching funds, allows an increase of \$31.6 million for Medicaid services. Combined state and federal money of \$115 million will fund about 806 new Medicaid nursing home beds, will maintain the drug program to three prescription per month per client, and will fund increased prenatal and neo-natal services for poor women and their infants.
- The Department of Corrections received \$5.2 million to assist with the funding of prison beds already constructed.

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- The Judicial branch received a funding increase of \$2 million to fund nine new circuit court judges. This increase reflects the 3.3 percent across-the-board cut.
- \$7.9 million is provided to fund the constitutional General Reserve Fund and the Capital Reserve Fund;
- \$2.4 million to pay the interest only on the \$31 million Hurricane Hugo loan;
- State employee and school district employee health insurance is funded in order to maintain the current level of service and ensures no increase in the employees' share during the 1991-92.

With the ratification of the Appropriations bill Thursday, Gov. Campbell now has five days to veto any line item.

Status: Ratified 6-6-91.

Solid Waste Policy and Management Act of 1991 (S.388, Sen. Moore).
One of the top bills of the 1991 session, here are highlights of this important environmental legislation:

- Establishes a statewide goal of reducing by 30 percent the amount of solid waste received in municipal solid waste landfills and future solid waste incinerators not later than 6 years after enactment. Not more than one-half of the waste reduction goal may be achieved by removal of yard trash, construction debris, white goods, waste tires and similar waste problems from the solid waste stream.
- Sets a state goal of recycling 25 percent of the solid waste generated not later than six years after the date of enactment. Not more than 40 percent of the recycling goal could be reached by removing yard trash and construction debris from the waste stream.
- Prohibits the building of any solid waste incinerator with a daily capacity in excess of 600 ton and prohibits the location of incinerators with a daily capacity in excess of 100 tons within three miles of each other. As previously stated, the 30 percent reduction goal applies to incinerators as well as landfills.
- Calls for DHEC to submit a comprehensive state solid waste management plan to the governor and General Assembly 18 months after enactment. Thereafter, the department would submit annual reports describing what progress is made.
- Establishes a 16-member Solid Waste Advisory Council to advise DHEC on the preparation of the state solid waste management plan and preparation of the annual reports

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- Creates a 14-member Recycling Market Development Council within the State Development Board to assist in identifying and developing markets for recycled materials. Fifteen months after the bill is enacted, the council would have to submit a comprehensive recycling report with annual reports required thereafter.
- Requires local governments and regions (groups of counties) to submit local solid waste management plans to the governor and General Assembly. The plans must be designed to achieve the statewide goal of solid waste reduction. Local governments could establish higher goals if they wish. DHEC could also modify a statewide goal for a particular local government for good cause.
- Encourages counties to pursue and submit regional plans but does not required them to do so.
- Does not prohibit municipalities from continuing to operate existing solid waste management facilities or from providing solid waste service in their jurisdiction; however, counties have the responsibility of operating solid waste management facilities to meet the needs of both the incorporated and unincorporated areas of the county.
- Would not hold counties responsible for the operation, closure or post closure of any solid waste management facility privately owned and operated.
- Imposes a \$10 per ton fee for out-of-state waste unless the other state has a higher fee. All these fees would be deposited in the Solid Waste Management Trust Fund.
- Establishes a local Solid Waste Advisory Council for each county or region to advise on the preparation and implementation of a solid waste management plan.
- Requires DHEC to promulgate within one year of enactment regulations for counties and municipalities to use in calculating the full cost of the solid waste services they provide.
- Establishes within DHEC the Office of Solid Waste Reduction and Recycling within 90 days of enactment. Among the office's duties would be the receiving and disbursing of funds from the Solid Waste Management Trust Fund, managing the grant program, promoting private and public waste reduction, educating the public and solid waste professionals on this issue.
- Establishes the Solid Waste Management Trust Fund, composed of appropriated funds, public and private contributions, \$3 million in oil overcharge funds, .44 cents of the \$2 per new tire sold fee, \$2 per new lead-acid battery fee, \$2 per white good fee and funds raised by fees imposed on motor oil and interest earned on the trust fund. The funds primarily will be used to fund DHEC operations and assist local governments.
- Establishes a Solid Waste Grant program from trust fund monies to assist local governments in carrying out the provisions of this bill.

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- Requires all branches of state government, all state agencies, and all public colleges and universities to establish source separation and recycling plans within 12 months after DHEC submits the statewide plan. State agencies are encouraged to purchase recycled materials.
- Would prohibit:
 - * Beverage containers with detachable metal rings or tabs -- six months after enactment;
 - * Products packed in a container or packing material manufactured with CFC's -- by Jan. 1, 1994;
 - * Plastic bags for consumer purchases unless the bags are recyclable -- one year after enactment;
 - * Plastic ringer carriers unless they are recyclable -- one year after enactment.
 - * Polystyrene foam for products used in conjunction with food unless the packaging products are recyclable -- one year after enactment.
- Would prohibit plastic bottles unless marked with the resin type used to manufacture the bottle (18 months after enactment). Five years after enactment, if less than 25 percent of the glass, aluminum or plastic containers are being recycled, DHEC will make a report to the General Assembly and the governor.
- Prohibits the disposal of used oil except by delivery to a used oil collection, recycling, or recovery facility or an authorized agent for delivery to one of these facilities (12 months after enactment). The State Highway Department would establish at least one collection center in every county. On Nov. 1, 1991, an 8 cents per gallon fee would be imposed on motor oil invoiced to oil distributors. These fees would be deposited in the Solid Waste Management Trust Fund's Petroleum Fund.
- Prohibits the disposal of waste tires except at permitted waste tire collection centers or processing facilities or at a permitted solid waste disposal facility (18 months after enactment). A \$2 per new tire fee would be imposed; \$1.50 of this fee would go to the counties based on population for the management of waste tires, and 50 cents would go to the Trust Fund to be placed in a separate fund. Wholesalers or retailers who deliver waste tires to a permitted disposal site will receive a \$1 refund per tire delivered. Additionally, state and county solid waste management plans must include a section on waste tires.
- Requires the disposal of lead-acid batteries by returning them to a battery retailer or wholesaler, a recycling facility or a EPA-approved secondary lead smelter (12 months after enactment). Retailers of batteries must accept used batteries from their customers, and battery wholesalers must accept used batteries from retailers.

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- A \$2 per lead-acid battery sold fee would be imposed after Nov. 1, 1991, with funds going to the Trust Fund. Also adopted is a \$5 refundable deposit on the battery core. When the core is returned, the deposit will be refunded to the consumer. State agencies would be required to procure recycled lead acid batteries when practical.
- Prohibits the disposal of yard trash or land clearing debris in a municipal landfill unless the landfill has a composting facility (15 months after enactment). DHEC will promulgate regulations on the proper disposing of yard trash.
 - Would prohibit the disposal of white goods (appliances) in a municipal landfill or for a municipal landfill to dispose of white goods (3 years after enactment). Within 18 months of enactment, DHEC would promulgate regulations regarding disposal of white goods. A \$2 per white good fee would be imposed after Nov. 1, 1991 with funds going to the Trust Fund.
 - Sets a 35 percent statewide recycling goal for newspapers. Five year after enactment, DHEC would determine whether the newspaper recycling goal is being met. If the rate is less than 35 percent, DHEC would make recommendations regarding incentives and/or penalties.
 - Gives DHEC the authority to issue, deny, revoke and modify permits, registrations, or orders for solid waste management facilities in order to protect human health and safety and the environment.
 - Requires DHEC permits to build or operate a solid waste management facility. Existing landfills must meet closure and postclosure requirements.
 - Prohibits the issuance of a permit for a new or expanded municipal solid waste management facility until a demonstration of need of the facility is approved by DHEC. In determining need, DHEC would consider only the solid waste generated in the jurisdictions under the county or region solid waste plan. These facilities must comply with local zoning or land use ordinances.
 - Establishes an approval procedure for special wastes, which are wastes that are difficult or dangerous to handle.
 - Sets minimum requirements for municipal solid waste landfills, solid waste incinerators, ash management, and the transfer and storage of solid waste. Fine and penalties for non-compliance would be established by DHEC.
 - Establishes a "facility issues negotiation process" to promote better citizen input into the permitting and siting process.

Status: Signed into law 5-27-91.

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Saltwater Fishing Stamp (H.3711, House Agriculture, Natural Resources and Environmental Affairs Committee). This legislation would create the South Carolina Recreational Fisheries Conservation and Management Act of 1991.

Under this legislation, both residents and nonresidents, 16-years-old or older, could not catch fish or shellfish from the tidal waters of South Carolina without possessing a marine recreational fisheries stamp. Funds from the sale of the stamp and any other promotional materials from it -- such as commemorative prints -- could be used solely for the marine recreational fisheries conservation and management purposes.

This legislation would authorize the issuance of charter fishing permits and marine public fishing pier permits. The annual fee for the marine recreational fishing stamps would be \$5.50; the public fishing pier permit, \$300; and the charter vessel permit, \$150 (six passengers or less), \$300 (7 to 49 passengers), and \$500 (more than 49 passengers).

Fishermen using a hook and line from the shore would be exempt from the stamp requirement, as would those who fish from a charter vessel with a permit or a fishing pier with a permit. Military personnel who are residents of the state and on leave are also exempt from the fishing stamp requirement.

Funding accrued from the permits would be used for development of marine fishing facilities, scientific research, protection and maintenance of marine habitat, and administrative and coastal enforcement activities. The legislation also establishes a Marine Recreational Fisheries Advisory Board to assist in prioritizing the appropriation of funding received from the sale of the stamps and permits.

Status: Signed into law 5-27-91.

Phosphorus Cleaning Agents (H.3081, Rep. M.O. Alexander) An issue that has been before the General Assembly for the past few sessions, this bill would prohibit the use, sale or distribution of any cleaning agent that contains more than 0 percent phosphorus by weight. The exception would be products containing not more than 8.7 percent phosphorus that are use as dishwashing detergent and products excluded from the limitation by DHEC regulation because there is no adequate substitute or would create a significant hardship on the users.

Status: Signed into law 5-31-91.

Operation Desert Storm Filing Deadlines Extended (S.393, Sen. Martschink). This joint resolution directs the State Tax Commission to follow IRS guidelines and extend the time participants in Operation Desert Shield have to file their state income tax returns for the 1990 tax year. These extensions would be made without penalty. Extensions for paying corporate income and license taxes would be extended if all corporate officers are participants in Operation Desert Shield.

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Deadline for property taxes also would be extended for these military personnel. The deadline for property tax payment would be extended without penalty to June 15, 1991, and could be extended again by the Tax Commission if warranted, but not beyond October 1, 1991.

Status: Signed into law 5-27-91.

Infants and Toddlers with Handicapping Conditions (S.615, Sen. Nell Smith). This legislation makes changes in the former provisions dealing with handicapped infants and toddlers, including expanding the language to include infants and toddlers with disabilities, instead of "handicapping conditions" as it now appears in the law.

The bill states that the purpose of the legislation is to provide early intervention services to infants and toddlers with disabilities contingent upon the appropriation of federal funds. The legislation updates the language of the bill to conform with new federal provisions. Federal, state, local and private programs are directed to work together to provide the intervention services. The State Interagency Coordinating Council would advise the Department of Health and Environmental Control in developing a comprehensive system to provide early intervention services for all eligible infants and toddlers. A joint funding plan for these coordinated service would be submitted to the Joint Legislative Committee on Children by August 1 each year. The legislation also calls for the establishment of county or multi-county local interagency planning councils.

Status: Signed into law 4-29-91.

Students and Paging Devices (S.623, Senate Education Committee) This bill would prohibit any public student from kindergarten through the 12th grade from carrying beepers on school property or at any school sponsored event. Exceptions to this rule would be students who are volunteer firemen or emergency medical service volunteers or those who carry the beepers for legitimate medical reasons. It would be left up to the school principals as to what constitutes a "legitimate medical reason." It would also be left up to school boards to devise the punishment for violation of this prohibition. Any person who discovered a beeper being carried by a student would report the matter to the school administration who would have the beeper confiscated. The beeper would be forfeited to the school district.

Status: Signed into law 4-22-91.

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English Fluency in Higher Education (S.654, Senate Education Committee). This legislation would require each public institution of higher learning to have a policy that insures that the instructional faculty has adequate proficiency in both written and spoken English. This requirement would apply to every instructor whose first language is not English, including graduate assistants, who teach one or more undergraduate credit courses. The bill also would require the establishment of a student grievance procedure regarding an instructor not able to speak or write the English language. The number of student grievances would be reported annually to the state Commission on Higher Education and the Senate and House Education Committees.

Status: Signed into law 4-22-91.

Death with Dignity Amendments (H.3090, Rep. Keyserling). This legislation would add provisions to the current law dealing with permanent unconsciousness and would allow a person to leave instructions regarding the withdrawal of food and water.

Status: Ratified 6-6-91.

Marital Rape Bill (H.3071, Rep. Whipper). This legislation would create the offense of spousal sexual battery. Under this legislation, spousal sexual battery is defined as sexual battery through the use of aggravated force by one spouse against the other if they are living together. The assault must be reported to law enforcement within 30 days to be prosecuted. Further, a spouse could be charged with criminal sexual conduct if the couple is living apart when the offense occurs, and the assault constitutes first or second degree criminal sexual assault. The incident must be reported to law enforcement within 30 days to be prosecuted.

Status: Ratified 6-6-91.

Boating Under the Influence (H.3026, Rep. Gentry). This legislation expands the law regarding the operation of water craft under the influence of drugs or alcohol, adding stiff penalties for DUI offenses on the water. This act makes boating under the influence causing great bodily harm or death a felony offense would a felony punishable by one to 10 years in prison and a \$10,000 to \$25,000 fine when a death occurs, and a \$5,000 to \$10,000 fine and imprisonment from 30 days to 10 years when great bodily harm occurs. Property damage resulting from boating under the influence would be a misdemeanor carrying a fine of \$100 to \$200 or imprisonment of not more than 30 days.

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The Wildlife Department would have the authority to suspend the boating privileges of those convicted under this act, and the legislation adds the offense of boating under suspension and provides penalties. The legislation contains implied consent provisions to test for the presence of alcohol or drugs.

Status: Ratified 6-6-91.

Presidential Primaries (H.3069, Rep. Farr). This legislation would authorize political parties to hold presidential preference primaries in South Carolina.

Status: Signed into law 5-1-91.

Dispensing Gasoline to Disabled Drivers (H.3257, Rep. Rudnick). Under this legislation, service stations would pump gas for handicapped drivers, at their request, and would charge them the self-serve price and not the full service price.

Status: Signed into law 5-27-91.

Automatically Dialed Announcing Devices (H.3140, Rep. Rama). Under this legislation, Any automatically dialed announcing device, which delivers a recorded message without the assistance of a live operator for the purposes of unsolicited consumer calls, would be prohibited.

Status: Signed into law 5-27-91.

Junk Fax (S.177, Sen. Martschink). This legislation prohibits the use of FAX machines to transmit unsolicited advertising materials, also known as "junk Fax."

Status: Signed into law 5-27-91.

Stormwater Management and Sediment Reduction Act (S.376, Sen. Wilson). This bill is aimed at reducing the adverse effects of stormwater runoff and sediment and to better safeguard property by strengthening and making uniform the existing stormwater management and sediment control program. Under this legislation, no one would be able to engage in a "land disturbing activity" without first submitting a stormwater management and sediment control plan and obtaining a permit.

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This provision would not apply to farming, forestry, activities regulated by the state Mining Act, construction or improvement of single family dwellings not involving development of a subdivision. Other exceptions for utilities, road building and maintenance are outlined in the bill. The Land Resources Commission would be charged with overseeing the provisions of this act, providing education and advice to those effected, and promulgating regulations regarding stormwater management and sediment reduction.

The bill allows local governments to establish fees to help pay for the activities required by this bill, such as watershed master plans, facility retrofitting and facility maintenance. The legislation outlines what must be included in the watershed master plan. Once adopted, all projects would have to have stormwater management and nonpoint source pollution control requirements consistent with the master plan. Penalties for violations are included in the bill.

This is the first significant enacted dealing with the deficiencies uncovered by the damage done by Hurricane Hugo.

Status: Signed into law 5-27-91.

Independent Insurance Agents Legislation (S.707, Senate Banking and Insurance Committee). Because insurance companies continue to leave South Carolina as a result of the automobile insurance reform adopted in 1989, this legislation is aimed at encouraging insurance companies currently writing automobile insurance to remain in the state. Highlights of the bill include:

- Allowing an insurer to refuse to write physical damage coverages for anyone who doesn't qualify for the safe driver discount. Currently, insurance companies can refuse to write physical damage coverages if the person, non-excluded operator or someone in the household fails the objective standards criteria.
- Allowing insurance companies to cede to the Reinsurance Facility those drivers who do not qualify for the safe driver discount in addition to the 35 percent of their business they can currently cede to the Facility. The effect of this provision would allow a company to cede an unlimited number of drivers who don't qualify for the safe driver discount in addition to the 35 percent limit. However, this provision is effective for only 24 months following the Oct. 1, 1991 effective date. (Please note that the effective date of physical damage provisions is Oct. 1, 1992.)

Status: Signed into law 6-5-91.

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Recoupment of Hurricane Hugo Losses (H.3553, Rep. Jimmy Bailey)
Under this legislation, the State Reinsurance Facility could recoup its operation losses accumulated during the 12 month period of Hurricane Hugo if this action is recommended by the Reinsurance Facility governing board and approved by the chief insurance commissioner. The recoupment would be for a 36-month period following the approval. The aim of the legislation is to spread the Hugo losses incurred by the facility over three years in order to keep the increase in the recoupment charges as low as possible.

Status: Signed into law 4-25-91.

Individual and Group Insurance (S.935, Senate Banking and Insurance Committee). Widely supported as needed health insurance reform, this legislation is aimed at addressing the issue of the availability and cost of health insurance, and some discriminatory industry practices that are, in part, the cause of these problems. One key provision of the legislation is restricting the practice called "tiering," in which insurers issue a policy at a low rate, then as some persons become sick and pre-existing conditions must be covered, stop writing that particular policy. The company then issues another policy at a low rate for which only the healthy can qualify. The sick are then trapped in a policy with escalating rates. Other provisions of the legislation deal with small group health insurance, protection for persons moving from one group to another, and the individual accident and health insurance policyholder's right to transfer.

Status: Ratified 6-6-91.

Real Estate Appraiser Registration, License and Certification Act (H.3421, House Labor, Commerce and Industry Committee). This committee bill establishes the provisions for the registration, licensing and certification of real estate appraisers in South Carolina.

Federal law states that after July 1, 1991, all appraisals performed in connection with federally related transactions must be prepared by a state certified or state licensed appraiser. Until this bill was signed into law, South Carolina was one of only a handful of states that did not have a licensing and certification system for appraisers in place. Federally related transactions include a vast majority of transactions involving loans, including any transaction involving a FDIC insured lender.

Likewise, the Federal Office of Management and Budget has required all agencies subject to its jurisdiction, including the Veterans' Administration and HUD, to determine which transactions (such as VAs and FHAs) should require the use of certified and licensed appraisers. The deadline for this determination is also July 1, 1991.

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Prior to this legislation, the only requirement an individual had to meet to appraise property in South Carolina was possession of a real estate salesman's license. The House LCI legislation establishes varying requirements for three different classifications of appraisers: registered, licensed, and certified. A registered real estate appraiser cannot perform federally related transactions and is primarily a class of appraisers who are already brokers and who would like to continue to perform market analyses. This classification would also allow an individual who wishes to be licensed or certified as an appraiser to gain necessary experience. The only qualification for a registered appraiser is that he hold a real estate broker-in-charge, broker, or salesman license.

In order to become a licensed real estate appraiser, an individual must have completed 75 hours of courses relating to real estate appraisal; have a minimum two years appraisal experience; and pass an examination. A "transitional" license may be issued to an applicant who passes the examination but who lacks either the educational or experience requirement, but not an applicant who lacks both. The applicant must meet the lacking requirement within two years or his license is automatically canceled. An applicant may become certified as a real estate appraiser if he has completed 165 hours of courses relating to real estate appraisal; has a minimum two years appraisal experience; and passes an examination. All appraisers must complete 10 hours of continuing education as a condition of annual renewal of their registration, license, or certification.

South Carolina's appraiser registration, licensing, and certification program would be run by a nine-member South Carolina Real Estate Appraisers Board. Among the Board's responsibilities will be the regulation of the issuance of registrations, licenses and certifications; investigating complaints; and disciplining appraisers by denying, suspending, revoking or otherwise restricting registrations, licenses or certifications or imposing other sanctions allowed in the legislation.

Status: Signed into law 3-22-91.

NAIC Accreditation (H.3508, House Labor, Commerce and Industry Committee). With insurer solvency becoming an issue of concern across the nation, the National Association of Insurance Commissioners (NAIC) developed minimum standards for effective solvency regulation by the states. To ensure that all states have the essential statutes, regulations and regulatory resources necessary to regulate the insurance industry, the NAIC instituted a certification program in 1990 whereby over the next three years each state's compliance with these minimum standards will be evaluated by an independent review team.

South Carolina's initial evaluation revealed several areas that need to be addressed legislatively in order to bring South Carolina's insurance solvency regulatory system up to the NAIC standards. The Insurance Department drafted a legislative package to put into place the changes necessary for the Department to receive NAIC accreditation, a move

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strongly supported by South Carolina's domestic insurance industry.

This act incorporates the necessary changes for NAIC accreditation into one omnibus bill. Adoption of these standards is important for several reasons. First, it will strengthen existing state statutes to ensure effective solvency regulation of insurance companies in South Carolina. While insurer insolvencies is not a problem in this state, these measures may prevent it from ever becoming an issue here.

Secondly, at a time when there is increasing discussion about regulation of insurance companies by the federal government, action by states now to address the insolvency issue may discourage federal action and help retain regulation of the insurance industry on a state level.

Finally, domestic companies of states that are not accredited within the three-year period will suffer. A company headquartered in a state that is not accredited may be unable to become licensed to do business in state that is accredited. Likewise, a company headquartered in a state that is not accredited that is already doing business in states that do become accredited will probably be restricted as to its activities in those accredited state.

South Carolina's NAIC audit is scheduled for this summer, and with this legislative package in place, South Carolina will become one of the first small states to be accredited.

STATUS: Signed into law 3-22-91.

IN CONFERENCE COMMITTEE

H.3743 -- Ethics and Lobbying bill

S.362 -- State Run Primaries bill

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House-Passed Legislation

The following is a list of notable bills that have been passed by the House of Representatives this session. The status of each is given after a brief summary of the bill.

House Reapportionment Bill (H.3834, Rep. Wilkins). This legislation reapportions the S.C. House of Representatives in accordance with the 1990 U.S. Census figures. According to the Census figures, each House district should have a population of 28,118 in order to comply with the federal court "one man, one vote" rulings. Although the total number of House districts stays at 124, two new districts have been created -- one in Dorchester and other mostly in Horry County.

Status: Passed the House 5-29-91; pending in Senate Judiciary.

Capital Improvement Bond Bill (H.3651, House Ways and Means Committee). This legislation, which comes once every two years, would authorize the issuance of capital improvement bonds for \$274.8 million in state projects.

Status: Passed the House 4-11-91; given third reading in the Senate 6-6-91. Final action: House to reconsider the vote to adjourn debate on Senate amendments.

Grand Jury Revisions (H.3345, Rep. Wilkins). This is the bill, promoted by Attorney General Medlock, which would expand the responsibilities of the statewide grand jury to include investigations into public corruption.

Status: Passed the House 6-5-91; pending before the Senate Judiciary Committee.

Coin-Operated Machines (S.417, Sen. Waddell). This legislation, also known as the Video Poker bill, would bring video poker machines and other coin operated non-payout machines with a free play feature under the state's unlawful gaming tables and unlawful games and betting laws. However, ownership or possession of a non-payout machine would not be considered illegal under provisions of the bill.

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The legislation also would allow municipalities and counties to license the premises where coin-operated machines are located.

Status: Passed the Senate 2-19-91; amended and passed the House 4-16-91; carried over by the Senate.

Felony and Misdemeanor Classification Bill (H.3400, Rep. Wilkins). This bill, written by the Sentencing Guidelines Commission, would place approximately 700 criminal offenses with a maximum term of one year or more into different categories based on the seriousness of the offense. The bill specifies nine categories of offenses -- six felonies and three misdemeanors. Each of the categories carries a maximum term of imprisonment.

Status: Passed by the House; in Senate Judiciary Committee.

Drug Testing of State Employees (H.3515, Rep. Neilson). This legislation outlines the procedures to be followed for state employee drug testing and the testing of applicants for state jobs. The legislation addresses what procedures must be followed by employers when instituting drug testing for employees or applicants. It states how the drug testing must be performed, how employees are selected for the testing, how specimen collection must be performed and test results handled, and the rights of employees and employers in connection with this procedure.

The legislation also specifies how laboratories may be selected, what procedures the laboratory must use in testing and reporting the results, the confidentiality of drug testing and its results, and what actions may be sought for violation of this legislation.

Status: Passed the House; in Senate Judiciary Committee.

911 Systems (H.3494, Rep. Wilkins). The purpose of this legislation is to authorize each county or municipality to establish and operate 911 public safety communications centers in their jurisdictions, to encourage political subdivisions to do the same, and to provide a funding method that will allow the implementation, operation and maintenance of the 911 system. Under this legislation, a 911 system would provide law enforcement, fire and emergency medical services. Other emergency services would be incorporated into the system at the discretion of the local government.

Status: Passed the House; in Senate LCI Committee.

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Shorter Legislative Sessions (H.3127, Rep. Wilkins). This joint resolution proposes changing the constitution to allow the General Assembly to hold shorter sessions. Under this joint resolution, the Legislature would convene on the second Tuesday in February each year, instead of the second Tuesday in January. The Senate would also be required to have an organizational session following Senate elections like the one currently required of the House of Representatives.

Status: Passed the House; in Senate Judiciary Committee.

Legislative Adjournment and the Budget Process (H.3128, Rep. Wilkins). Under this proposed constitutional change, mandatory adjournment would be moved up one month to the first Thursday in May. In addition, this bill would change the times the state Board of Economic Advisors would issue their forecasts. The legislation proposed the initial forecast of economic conditions be made by October 15, not the current November 1, and that any adjustments to this forecast could be downward adjustments only. The bill also would authority the budget writing committees of the House and Senate to sit jointly to hold budget hearing, beginning on the second Tuesday in December. In addition, the bill would prohibit supplemental appropriations from being included in the General Appropriations Act.

Status: Passed the House; in Senate Judiciary Committee.

School Children and Residency (H.3011, Rep. Kirsh). Under this legislation, current laws which allow children who own property in a school district to attend school in that district would be eliminated. If this bill is enacted, school children could attend public schools only in the districts in which they reside. This legislation has been considered in previous sessions.

Status: Passed the House; in Senate Education Committee.

Vehicle Inspection (H.3092, Rep. Bruce). This legislation would repeal the state statutes requiring the inspection of vehicles.

Status: Passed the House; in Senate Transportation Committee.

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Still on the House Calendar

Here is a list of bills still pending before the House of Representatives. The status of each bill is noted.

House, Senate and Congressional Reapportionment (S.1003, Senate Judiciary Committee). This legislation would reapportion the state Senate, House and U.S. Congressional districts according to the 1990 U.S. Census figures. All three plans would be incorporated into this one bill, instead of separately. The bill contains descriptions of the Senate and U.S. House redistricting plans, as passed by the Senate. The House redistricting section is left blank.

Status: In House Judiciary committee.

S.C. Parental Responsibility Act (H.3851, Rep. Wright and H.3417, Rep. Glover). The purpose of this act is to place the primary responsibility for a child's education with his or her parents. The bill sets forth the responsibility of parents in connection with their children's education, particularly in the area of attendance. The states it is the intention of the bill to have parents clearly understand their obligations with regards to their children's school attendance, that academic problems associated with poor attendance are identified early, and that when legal remedies are sought, it is only after all other means -- including appropriate social services -- have been exhausted.

Status: In House Education committee.

Parental Choice in Education Act (H.3881, Rep. Jaskwhich). Under this legislation, parents would receive certificates to present to schools of their choice allowing their child to receive the school's educational services. All public schools in the state would participate in the program; private schools would decide if they wanted to participate. The certificates would be worth 100 percent of the pupil expenditure supplied by the state based on the Education Finance Act weighting.

Status: In House Education Committee.

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Human Life Protection Act (H.3652, Rep. Beasley). This legislation would ban abortions in South Carolina under any circumstances except to save the life of the mother. The bill also would establish the legislative finding that the life of a human being starts at conception and that prosecution for abortion should be directed at those performing the abortion, not the women involved.

Status: In House Judiciary Committee.

Informed Consent for Abortion (H.3866, Rep. Corning). This legislation would prohibit any abortion from being performed except with the voluntary and informed consent of the woman, except in the case of a medical emergency.

Status: In House Judiciary committee.

Judicial Screening Committee Make-up (H.3889, Rep. Hodges and S.221, Sen. Bryan). This legislation would change the make-up of the Joint Legislative Judicial Screening Committee.

Status: Both in House Judiciary Committee.

Independent Inspection of the Pinewood Landfill (H.3740, Rep. McElveen). Under this joint resolution, the General Assembly would direct the state Department of Health and Environmental Control to contract with an independent firm to conduct an inspection and evaluation of the Pinewood hazardous waste landfill.

Status: In House Agriculture Committee.

Consolidated Governments (H.3681, Rep. Waites). The intent of this bill is to provide a method of creating consolidated governments to fulfill the unique needs and demands of various county areas. This bill provides the enabling legislation setting out the procedure for counties, municipalities and other political subdivisions to provide for the joint administration of any function.

Status: In House Judiciary Committee.

Fuzzbuster Ban (H.3588, Rep. Sheheen). This bill would make it illegal for a person to operate a motor vehicle in South Carolina equipped with a radar detector. This legislation also would make the sale of the devices illegal. The legislation also provides for the forfeiture of the radar detector to the arresting officer if the device is needed as evidence. When it is no longer needed, the device would be returned to the owner. Unclaimed radar detectors could be destroyed.

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Under this bill, the presence of the device in the vehicle is *prima facie* evidence of a violation, and the state would not have to prove the device was operational. However, a person would not be guilty of violating these provisions if at the time of the alleged offense, the device had no power source and was not accessible for use readily by the driver or a passenger in a vehicle.

Status: In House Education Committee.

Limitations on Terms of Office (H.3594, Rep. Cromer and H.3424, Rep. Cato). This joint resolution would amend the state constitution to limit the number of consecutive terms served by legislators and statewide constitutional officers. Under this legislation, House members could serve only six consecutive two-year terms. The exception would be the House members serving in office when the legislation is ratified. The limitations also would apply to state senators, who would be restricted to three consecutive four-year terms. But seated senators would serve out their term before applying the term limit. Constitutional officers would come under a two consecutive four-year term limit, but this limit would not apply to the constitutional officers serving when the legislation is ratified.

Status: In House Judiciary Committee.

Recalling and Removing Public Officials (H.3426, Rep. Baxley). Under this joint resolution, every person holding public office in the state would be subject to recall from office. Every registered voter in the state would be eligible to sign a recall petition. The basis for recall would be physical or mental lack of fitness, incompetence, violation of oath, official misconduct, or conviction of a felony. No person would be recalled for performing a mandatory duty of an office or for not performing an act that would subject him to prosecution for official misconduct.

Status: In House Judiciary Committee.

Freshwater Wetlands Protection (H.3414, Rep. Sturkie). This legislation, aimed at protecting and conserving the state's freshwater wetlands, outlines the steps the state should take to achieve this goal. Under this legislation, the General Assembly would declare it is the policy of the state to achieve a goal of no overall net loss of regulated wetlands, based on function and value. This would be accomplished through a program of wetlands classification and mitigation.

Status: In House Agriculture Committee.

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Highway Department Reorganization (H.3288, Rep. Beasley). This lengthy bill is the result of the work of the joint legislative committee charged with investigating the State Highway Department. After six months of review, the committee, co-chaired by Rep. Beasley and Sen. Isadore Lourie, recommended both structural and budgetary changes in the department.

Status: In House Education Committee.

Drug Kingpins and the Death Penalty (H.3103, Rep. Waldrop). Under this legislation, being the principal organizer in an illegal drug trafficking operation, also known as a "drug kingpin," would be added to the list of aggravating circumstances in murder cases in which the prosecution may seek the death penalty.

Status: In House Judiciary Committee.

Limit Terms on State Commissions (H.3108, Rep. Keyserling). This bill is aimed at limiting the consecutive terms a person may serve on a state board or commission, whether it is by election of the General Assembly or gubernatorial appointment. Under this legislation, the person would be limited to two successive full terms or 12 years, whichever is longer. The exception would be if the person is paid an annual salary. The person may return to the board or commission after an absence of two years. The limitation would not apply to lifetime members of the Clemson University board. This legislation would operate prospectively and would not take into account the time served by sitting commission and board members when the legislation takes effect.

Status: In House Judiciary Committee.

Gubernatorial Cabinet (H.3114, Rep. Wilkins). This joint resolution proposes amending the constitution to allow the governor to appoint all statewide officers, currently elected by the public. This would include the Secretary of State, Attorney General, State Treasurer, Superintendent of Education, Comptroller General, Commissioner of Agriculture and Adjutant General.

Status: In House Judiciary Committee.

Remove State Superintendent as Elected Official (H.3117, Rep. Wilkins). This joint resolution proposes amending the state constitution to remove the state superintendent of schools as a statewide elected official and provide that the superintendent be appointed by the governor.

Status: On the House contested calendar.

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Corporal Punishment (H.3314, Rep. Rama). Corporal punishment in the public schools would be prohibited if this legislation is enacted. This prohibition does not include incidental, minor or reasonable physical contact to maintain order, to quell a disturbance or removal a student from the scene of a disturbance; or reasonable force to prevent a student from harming himself; acting in self defense or reasonable force to obtain possession of a weapon.

Status: On the House second reading contested calendar.

Repeal of the Local Option Sales Tax (H.3019, Rep. Kirsh) This legislation would repeal the Local Sales and Use Tax passed by the General Assembly last session.

Status: In the House Ways and Means Committee.