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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

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House Week in Review

Reapportionment continued to dominate the attention of the House of Representatives last week. The House failed to override the governor's vetoes of the House and Senate redistricting plans. And the Speaker appointed three House members to the conference committee on congressional reapportionment.

After listening to impassioned speeches on both sides of the issue, the House failed to override Gov. Campbell's veto of H.3834, the S.C. House reapportionment plan. Although the House voted 77-44 for the override, a two-thirds vote was necessary. The governor's veto also was sustained on S.1003, the Senate reapportionment plan, after the House failed to get the necessary two-thirds vote. The Senate previously voted to override the gubernatorial veto of its own redistricting plan, but an override vote also was needed by the House.

Three members of the House were appointed by the Speaker to the conference committee for H.3836, Congressional reapportionment. State Reps. Jim Hodges, Larry Gentry and Lucille Whipper will join Sens. Glenn McConnell, Don Holland and John Matthews on the joint conference committee.

The joint resolution to dissolve the board of the S.C. Department of Social Services was given third reading approval by the House last week. By a vote of 112-3, the House gave final approval to H.4321, which would temporarily place the powers of the DSS board in the hands of the State Budget and Control Board. Also given third reading was H.3447, a bill to increase the qualification of sheriffs.

On Wednesday, the House met in joint session with the Senate to elect new judges and then met by itself to elect members to the State Reorganization Commission and the House Ethics Committee.

State Rep. J. Derham Cole was elected by acclamation to the 7th Judicial Circuit bench. Also elected by acclamation was Rep. James W. Johnson to the 8th Judicial Circuit Court.

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A seat on the 3rd Judicial Circuit was filled by Thomas W. Cooper Jr. of Manning, and Ralston Wright Turbeville of Turbeville was elected to the Family Court 3rd Judicial Circuit, Seat 3. Both Cooper and Turbeville were elected by acclamation.

The House then elected Rep. J. Roland Smith to the House Ethics Committee. Reps. George Bailey and David Waldrop were elected by their colleagues to the State Reorganization Commission.

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Bills Introduced

The following bills were introduced in the House of Representatives. Not all bills given first reading in the House are featured here. The bill summaries are arranged according to the standing committees to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Revetment Exemption (H.4371, Rep. Cork). This legislation would exemption a private island of specific description from the prohibition against new erosion control devices (seawalls) and revetments in the Beach Management Act. The bill specifically states that a private island with an Atlantic shoreline of 20,210 feet, of which 19,105 feet is revetted with existing erosion control devices and 1,105 is not revetted, would be exempted from the prohibitions in the law. These specifications describe Fripp Island.

Education and Public Works

Teenagers and Point System Violations (H.4377, Rep. McLeod). This legislation would require suspending the driver's license of any driver 18-years-old or younger for motor vehicle violations that are part of the point system. Under this bill, a first offense violation involving four points or less would result in a three month license suspension. However, the bill states the driver's automobile insurance premiums could not be increased. For a second violation, or a first violation involving more than four points, the license would be suspended for a year; however, the bill states the automobile insurance premiums would not be affected. Third offense also would result in a one year suspension, or until the person reaches his 18th birthday; again, the automobile insurance premiums could not be increased.

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If a licensed driver under age 18 is caught driving with a suspended license, the license would be suspended for an additional year, and there would be no prohibitions against raising his automobile insurance premiums.

Judiciary

Executive Cabinet (H.4334, Rep. Wilkins). This joint resolution proposes a constitutional amendment to create an executive cabinet of the governor consisting of 15 members by January 15, 1995. The joint resolution states that the 15 cabinet members would act as heads of departments "organized as far as practicable according to major purposes and functions as determined by the General Assembly." The department heads would be appointed by the governor with the advice and consent of the State Senate, whose voting on the matter must be recorded. The cabinet members would serve at the pleasure of the governor. The joint resolution directs state agencies to perform their functions under the supervision of the cabinet department head responsible for their governmental function. No judicial or legislative agency would come under the executive cabinet.

The proposed amendment for a cabinet form of government would be submitted to the voters in a statewide referendum during the next general election after the joint resolution is passed by the Legislature.

Teenager Drinking and Driver's License Suspension (H.4332, Rep. Corning). Under this bill, the driver's license of any young person, under the age of 21, would be suspended immediately if it is determined that he was driving with any amount of blood alcohol content. The license suspension would be for six months. Anyone under 21 who operates a motor vehicle in the state would be presumed to have given consent to be tested for the presence of alcohol. The test could be ordered by any law enforcement officer who stops the teenager driver for any traffic offense. If the teenage driver refuses a blood alcohol test, his license automatically would be suspended for six months. If the teenager is driving without a license, he would not be able to obtain a license until six months after he was eligible for it under state law.

If the test is positive, or the teenage driver refuses to take the test, the arresting officer would immediately take possession of the driver's license. The teenager would have the right to an administrative review. If a teenager's license is suspended under these provisions, he would not have to provide proof of insurance.

Informed Decision for Abortion Act (H.4331, Rep. Corning). No abortion could be performed or induced except with the voluntary and informed decision of the woman involved if this legislation is enacted.

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Except in a medical emergency, an informed, voluntary decision for an abortion is defined in the bill as the woman being told by the performing physician of the medical risks associated with abortion and the probable gestation age of the fetus as the time of the abortion.

The woman also would be informed that she has the right to review state-provided printed materials, which describe the unborn child, list agencies offering alternatives to abortion, describe the assistance available for prenatal, childbirth and neonatal medical care. The material also would contain information regarding the financial liability of the father for support of the child, even if the father has offered to pay for the abortion.

Before the abortion is performed, the woman must state in writing that she has been informed of the gestation age of the fetus, the medical risks associated with abortion, and the availability of written material. The doctor would have to receive a copy of the woman's statement before the abortion could be performed. Further, the abortion could not be performed until one hour has lapsed since the informed decision statement was signed. This hour waiting period would not apply in medical emergencies.

The state Department of Health and Environmental Control would be directed to develop the printed materials described in the bill. A ten percent surcharge would be required on all abortions performed and remitted to DHEC to defray the cost of the printed materials.

In an medical emergency, the doctor, if possible, would inform the woman of the medical indications that support the decision that an abortion is necessary. A person who performs an abortion without following the provisions of this legislation would be guilty of a misdemeanor, punishable by a fine between \$1,000 and \$5,000.

Legislation By Initiative Petition (H.4330, Rep. Clyborne). This skeleton bill would provide the method by which legislation could be initiated by citizen petition.

House Reapportionment Proposal (H.4340, Rep. Haskins). This legislation proposes a reapportionment plan for the S.C. House of Representatives.

Another House Reapportionment Plan (H.4341, Rep. Haskins). This is another proposed S.C. House reapportionment plan; however, this plan has slightly higher variance than H.4340.

Congressional Reapportionment Plan (H.4342, Rep. Haskins) This legislation proposes a reapportionment plan for the state's six congressional districts. All congressional districts in this plan have equal population of 581,117 and a 0 percent variance.

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Under this legislation, the 1st Congressional District would be comprised of parts of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown and Horry counties.

The 2nd Congressional District would include parts of Aiken, Barnwell, Calhoun, Edgefield, Greenwood, Kershaw, Lexington, Newberry, Orangeburg, Richland, Saluda and Sumter counties.

The 3rd District would include all of Abbeville, Chester, Fairfield, Laurens, McCormick and Union counties and parts of Aiken, Anderson, Darlington, Edgefield, Greenville, Greenwood, Kershaw, Lancaster, Lee, Lexington, Newberry, Richland, Saluda, Spartanburg, Sumter and York counties.

The 4th District would be made up of all of Oconee and Pickens counties and parts of Greenville, Anderson and Spartanburg counties.

The 5th Congressional District would be comprised of all of Cherokee, Chesterfield and Marlboro counties and parts of Clarendon, Darlington, Dillon, Florence, Horry, Kershaw, Lancaster, Marion, Spartanburg, Williamsburg and York counties.

The 6th District would be all of Allendale, Bamberg, Hampton and Jasper counties and parts of Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Lee, Marion, Orangeburg, Richland, Sumter and Williamsburg counties.

Another Congressional Redistricting Plan (H.4343, Rep. Haskins).
This legislation is another congressional redistricting plan, also with a 0 percent variance.

Under this plan, the 1st Congressional District would include parts of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper counties.

The 2nd District would be comprised of all of Barnwell, Kershaw, Lexington, Newberry and Saluda counties and parts of Aiken, Calhoun, Orangeburg, Richland and Sumter counties.

The 3rd District would be made up of all of Abbeville, Anderson, Edgefield, Greenwood, Laurens, McCormick, Oconee and Union counties and parts of Aiken and Pickens counties.

The 4th District would be all of Greenville and Spartanburg counties and parts of Pickens County.

The 5th Congressional District would include all of Cherokee, Chester, Chesterfield, Dillon, Fairfield, Lancaster, Marlboro and York counties and parts of Darlington, Florence, Horry and Marion.

The 6th District would be made up of all of Allendale, Bamberg, Clarendon, Hampton, Lee and Williamsburg counties and parts of Beaufort, Berkeley, Calhoun, Charleston, Colleton, Darlington, Dorchester, Florence, Georgetown, Horry, Jasper, Marion, Orangeburg, Richland and Sumter counties.

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Racketeer Influenced and Corrupt Organizations Act (H.4374, Rep. Rama). This legislation would define racketeering and make it a felony to receive proceeds either directly or indirectly, or acquire property, or be employed by or associated with a racketeering activity. This felony would carry a fine of up to \$10,000 and/or up to 10 years in jail.

If convicted, the defendant could be ordered to divest himself of any interest in an enterprise or property. Other actions taken against the defendant could include restrictions placed on his future activities, the dissolution or reorganization of the enterprise, suspension of any state license, and/or the forfeiture of the charter of the corporation.

The legislation would authorize the county's prosecuting attorney to bring the forfeiture action. Upon court order, property subject to forfeiture under this legislation could be seized by law enforcement.

The legislation contains provision regarding the rights of aggrieved persons or people holding a valid claim to property, who did not know the property was the object of corrupt business influence. The bill would allow the aggrieved person to bring a court action against the parties who violated the provisions of this bill

Labor, Commerce and Industry

Athletic Regulation Division (H.4361, Rep. Wright). This bill would establish an Athletic Regulation Division within the Department of Labor. This division would assume all of the duties of State Athletic Commission regarding the supervision and management of all boxing, wrestling and sparring events and exhibitions, whether in person or via closed circuit television. This legislation would authorize the commissioner of Labor to promulgate regulations for the health and safety of the participates in the sport. The State Athletic Commission would assume an advisory role to the Labor commissioner.

Any person holding a boxing, wrestling or sparring event, or participating in one, would have to be licensed by the Athletic Regulation Division. The license would be renewed annually. A person would have to be 18-years-old to be licensed, although the age requirement could be waived for a specific participant.

The division would be allowed to discipline anyone associated with the sport for violation of the division regulations. This could include revocation or suspension of his license.

Boxing events would require a two week notice to the division and a written permit. A boxing permit would not be issued unless the names of all the participants are furnished, a surety bond is filed, and the promoters provide proof of medical and hospitalization insurance covering all participants. A wresting event could not be held unless the licensing requirements are met, and the promoter has complied with regulations issued by the division. Penalties are provided for those who file for permits late.

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The building where the event is held must have the proper ventilation and fire escapes. Penalties are provided for those who sell tickets beyond the seating capacity of the building.

In addition to the age requirement, any participant must have a physician's certificate stating he is in good physical condition. In addition, a boxing event may not be held unless a licensed doctor is at ringside. If a boxer suffers a knockout, he may not participate in another event for 30 days.

The provisions of this bill do not apply to college or high school boxing or wrestling events if all participants are students, nor do they apply to matches sanctioned by the U.S. Amateur Boxing Federation or the Amateur Athletic Union. Violation of these provisions would be a misdemeanor, punishable by a fine of not more than \$1,000 or jail time of not more than two years. The commissioner of Labor could issue a civil penalty of up to \$500.

Driver Training and Insurance Discounts (H.4376, Rep. Annette Young). Drivers who complete a driving training course would be eligible for a discount or credit on their automobile insurance under this legislation. The course would have to be approved by the State Highway and the Education departments, conducted by a high school, college or university or a licensed training school, and have certified drivers. The course would have to require, at a minimum, 8 hours of classroom instruction and 6 hours of on-street practice.

Medical, Military, Public and Municipal Affairs

Automated Child Support System (H.4360, Rep. Wilkins). This legislation directs those counties not currently involved in the automated child support system to participate. The bill allows county clerks, at the expense of the county, to use the automated system for other Family County cases. All counties must participate in the statewide automated system as part of the requirements of the federal Family Support Act of 1988. Non-compliance could lead to a loss of federal child support and AFDC funds.

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Ways and Means

Total Quality Management (H.4336, Rep. Barber). This bill directs the Division of Human Resource Management to annually issue a report on the initiatives and achievements of the Total Quality Management system (also know as "TQM") within state agencies. The first report would be due out by June 30, 1993. According to the bill, TQM is a "strategic, integrated management system for achieving customer satisfaction involving all managers and employees and using quantitative methods to improve continuously an organization's processes."

Solid Waste Fees (H.4346, Rep. Pat Harris). Under this legislation, sales tax could not be charged on the fees imposed in connection with the sale of motor oil, new tires, lead-acid batteries and white goods (appliances) as part of the Solid Waste Policy and Management Act of 1991.

Volunteer EMS and Firefighter Tax Credit (H.4373, Rep. Cooper). Citizens who volunteer as firefighters or emergency medical services technicians would be allowed an income tax credit to cover the purchase of equipment if this bill is enacted. The tax credit would be limited to \$100 and could not be used in connection with the purchase of a motor vehicle.

State Highway Bond Fund Account (H.4378, Rep. Jimmy Bailey). This legislation would repeal the Strategic Highway Plan for Improving Mobility and Safety (SHIMS) program, its Select Oversight Committee and the Economic Development Account. In its place would be established a state highway bond fund and a state highway bond fund debt service account, funded by the gas tax. These accounts would be separate and distinct from the State Highway Department's general fund and highway fund. The proceeds of all state highway bond issuances, including earnings, would be deposited in the state highway bond fund. The State Highway Commission would request from the State Budget and Control Board the authority to issue bonds from this account.

At the time that the bill goes into effect and the SHIMS program is eliminated, the State Highway Commission would review all the pending construction projects under the SHIMS plan, including projects that have been let and those that have been funded. The commission would issue a written report detailing all the projects including the location and estimated cost of completing the projects. This written report must be submitted to the House Education and Public Works Committee and the Senate Transportation Committee.

All funds not approved by the commission for the continuation of projects would be transferred to the state highway bond fund. Funds for projects approved by the commission for completion would be transferred to the state highway fund.

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Energy Conservation and Efficiency Act (H.4379, Rep. Keyserling). This legislation would establish a comprehensive state energy plan to minimize cost while maximizing environmental quality, energy conservation and efficiency. The bill would establish a State Energy Office as a part of the State Budget and Control Board. The purpose of the office would be to develop and implement a well-balanced energy strategy and to increase the efficient use of all energy sources within the state. Among the duties of the State Energy Office would be: To provide information and technical assistance for conservation and efficiency programs; to promote energy research; to evaluate and approve energy conservation products; to promote tax incentives, low interest loans and other means of financing cost-effective energy conservation; to promote the adoption and enforcement of energy efficient building codes and certification procedures, including energy efficiency for manufactured housing; to promote public transportation and the use of less-polluting transportation fuels; to promote state government as a model for energy efficiency, among other responsibilities.

The State Energy Office annually would submit a state energy action plan to the governor and the Joint Legislative Committee on Energy outlining its plans and identifying barriers to meeting the targeted goals. The Energy Office also would establish an advisory committee made up of energy suppliers and distributors.

As part of the State Government Energy Conservation Plan, the Energy Office would develop an energy code for all state buildings including public schools. All state agencies and public school districts would submit for approval by the Energy Office energy conservation plans and energy consumption goals. To determine if the goals are being reached, the Energy Office could direct that an individual meter be installed in the agency's building. The bill states that an agency's budget could not be reduced due to energy cost savings. Instead, incentives would be used to reinvest the savings into other energy savings methods. The savings realized through these measures would be equally divided among the agency, the General Fund and debt retirement.

Any vendor selling energy saving equipment to state government must have its product evaluated by the State Energy Office before it can be purchased. The office also will assist the state Materials Management Office in identifying energy efficient goods before procurement, and it will help the state engineer draft conservation standards regarding state-owned buildings.

All the duties of the S.C. Energy Research and Development Center, the State Energy Conservation Program, the Energy Extension Service and the Institutional Conservation Program are transferred to the State Energy Office under this bill. The new Energy Office would be funded by the state funds and oil overcharge money.

This lengthy bill also outlines the labeling and insulation standards for mobile homes, offering tax incentives to meet the higher insulation ratings. Insulation ratings also are increased in the Standard Building Code.

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Under this legislation, the State Public Service Commission would be directed to encourage energy efficient technology among the electric and gas utilities. The PSC annually would report to the General Assembly the past, on-going and projected demand for energy and purchase of power among the utilities it regulates. The electric cooperatives, S.C. Public Service Authority and municipally owned utilities would report this information to the State Energy Office.

All electric utilities and S.C. PSA would submit their 20-year demand and energy forecasts to the State Energy Office for evaluation. The Energy Office could publicly comment on the environmental and economic consequences of the plans.

The bill also directs the State Highway Department to set aside 1 percent of its total annual state appropriation for public transportation. In addition, the Highway Department would be directed to consider in its planning high occupancy lanes when constructing highways in urban areas and pedestrian walkways and bicycle paths.

State fleet sedans would have to be compacts, under this bill, and state police cars would be issued only to those employees who meet the Internal Revenue Service definition of law enforcement officer.

Other provisions in the bill include:

- Creating an Alternative Transportation Fuels Study Committee to conduct a comprehensive study of clean alternative transportation fuels;
- Exploration by the Division of Motor Vehicle Management regarding the possibility of operating the state fleet on alternative transportation fuels;
- Creating a task force to study the feasibility of establishing intrastate rail service connecting the population centers in South Carolina, North Carolina and Georgia. The task force must report back by January 15, 1993;
- Strengthening the Regional Transportation Authorities.

Without Reference

Expansion of Dawson Stadium (H.4372, Rep. Felder). This joint resolution would give the trustees of S.C. State College the authority to issue \$3 million in special obligation bonds to enlarge and improve Dawson Football Stadium. The bonds would be repaid by admission fees and special student fees. The admission fees would be charged on varsity football game tickets for home or away games. The special student fee would be imposed on full-time students, excluding summer sessions.