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South Carolina House of Representatives

# Legislative Update & Research Reports

**Robert J. Sheheen, Speaker of the House**

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*CONTENTS*

**STATE DOCUMENTS**

House Week in Review.....	2
Bills Introduced.....	3
Subcommittees of House Standing Committees..	9
1989 Statehouse Media Corps.....	17

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**OFFICE OF RESEARCH**

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## House Week in Review

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The House got down to business quickly last week as the first session of the 108th General Assembly got underway. By the end of the legislative week, close to 200 bills had been read for the first time and assigned to committees.

On opening day, Speaker Robert Sheheen swore in the newest member of the House, District 25 Rep. Sarah G. Manly. Mrs. Manly of Greenville County was elected in a special election replacing the late Rep. Charles H. "Chick" Rice.

### Constitutional Amendments

By week's end, the House had sent to the Senate the eight House bills ratifying the constitutional amendments approved by the voters during November's general election. These amendments include creation of a statewide grand jury, changes in the General Reserve and Capital Reserve Funds, changes in juror qualifications and sheriff qualifications, among others. For a fuller explanation of the ballot questions, please see the October 1988 *Legislative Update*.

### Prison Approved

The House also gave third reading to H.3110, a concurrent resolution, sponsored by House Ways and Means Chairman Rep. Robert McLellan, directing the State Budget and Control Board and the Corrections Department to move ahead with the design and construction of the new 1,200 bed prison in Lee County. This new prison will replace the Central Correctional Institute in Columbia.

The resolution authorizes that the cost of the new \$50 million state prison be financed through \$24 million in state capital improvement bonds from the 1988 State Bond Bill with the balance coming from other sources, such as the Capital Reserve Fund, surplus funds and the sale of CCI property.

The Budget and Control Board had initially considered building the prison through a lease purchase agreement, but decided the new financing arrangement would be more efficient.

## Bills Introduced

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*Here is a sampling of the bills introduced in the House last week. Not all of the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.*

### *Agriculture and Natural Resources Committee*

Hazardous Waste Landfill (H.3169, Rep. McLeod). This bill would decrease the amount of hazardous waste a landfill could accept over a three year period beginning in 1989. By 1992, no landfill in South Carolina could dispose of hazardous waste. The bill also makes it illegal for any landfill to accept hazardous waste from another state which has a policy prohibiting the disposal of waste in that state.

DHEC Study (H.3170, Rep. McLeod) This joint resolution would direct the state Department of Health and Environmental Control to conduct the studies and public hearings necessary to choose a site for the operation of a hazardous waste storage facility. The study and site selection must be completed by January 1, 1992 under this resolution.

No New Land Disposal Facilities (H.3171, Rep. McLeod). Under this bill, no new or expanded land disposal facilities may be permitted for the disposal of hazardous waste after January 1, 1992. After that date, wastes, which are not treated to eliminate their hazardous characteristics, would have to be stored for future retrieval and treatment or disposal.

Fee Increase (H.3172, Rep. McLeod). This bill calls for increases in the fees for in-state and out-of-state hazardous waste disposed of in South Carolina, with increased portions of these higher fees going to the state Hazardous Waste Contingency Fund and to the Pinewood Hazardous Waste Contingency Fund. The fees for non-hazardous waste would not be increased under this bill.

*Education and Public Works Committee*

Coroner Tags (H.3126, Rep. McAbee). County coroners would be eligible for special license tags such as those available to municipal and county council members under this bill.

Obscene Bumper Stickers (H.3127, Rep. McEachin). This bill prohibits bumper stickers, emblems or decals on a motor vehicle which contain "patently obscene words, photographs or depictions." In addition to being a misdemeanor with a fine not to exceed \$100, the violation also would carry a four point penalty.

Midlands TEC (H.3133, Rep. Koon). Like the bill introduced during the 107th General Assembly, this legislation seeks to change the Richland-Lexington County Commission for Technical Education to the Midlands Technical College Commission "to reflect better the duties and relationships of the commission to the college it supervises." The bill also changes the ratio of the 12-member board to eight members from Richland County and four members from Lexington County, thus replacing one member from Richland with a member from Lexington. Funding for the colleges will be based on funding from the two counties in proportion to their populations.

Seat belts and Rate Reduction (H.3179, Rep. R. Brown). This is a mandatory seat belt bill that includes a auto insurance rate reduction of not less than 5 percent mandated by the Chief Insurance Commissioner. Under this bill, a driver could not be charged with a seat belt violation unless he is stopped for some other traffic violation.

*Judiciary Committee*

Alimony (H.3121, Rep. McElveen). This bill would define the circumstances under which alimony or maintenance may be granted in a divorce case. It also outlines the factors the court may consider in setting alimony or maintenance payments. The bill removes the current provision prohibiting alimony in cases of adultery stating in the bill that the court may consider the "marital misconduct of either party." The bill also would allow the court to require one of the parties in a divorce action to pay costs and attorneys fees, under certain circumstances.

Abortions for Minors (H.3122, Rep. Hayes). This bill would define the requirements that must be followed before an abortion could be performed on a minor. The major point of this legislation is to require parental consent before a minor under 17-years-old can obtain an abortion. The consent must be written and signed by both parents, or the legal guardian, and the minor daughter involved. In divorce cases, written permission is needed only from the parent with custody if the other parent is not available. The minor may also petition the court for consent.

Violation of the bill, if enacted, would be a misdemeanor carrying a sentence of not more than two years and/or a \$2,000 fine.

Nuclear Waste Consultation Committee (H.3124, Rep. Keyserling). This House resolution would allow the nine-member state Nuclear Waste Consultation Committee to select its own chairman. Currently, the governor or his designee serves as committee chairman.

15 Minute Public Session (H.3140, Rep. Davenport). This bill states that all public governing bodies must set aside at least 15 minutes at each meeting to allow the public to express its views without giving prior notice to the council or board.

Public Employees and Partisan Political Activities (H.3143, Rep. Davenport). State employees or any employee of a political subdivision whose salary is paid in whole or in part by state funds would be prohibited from partisan political activities under this bill.

This bill would prohibit these employees from: Being candidates in a partisan election, serving as an officer or committee member of a partisan political organization, participating in the organizing or reorganizing of a political party, handling funds for a political organization or partisan election, and selling tickets for political events. It also prohibits these employees from: Managing or promoting the campaign of a partisan candidate, being a poll worker, distributing campaign literature, addressing a political gathering, publicly endorsing or opposing a political candidate or driving voters to the polls.

The bill does allow these employees to vote, wear a political button, put a bumper sticker on their personal vehicles or a political sign in their yards. It also allows them to make a voluntary campaign contribution.

Violation would be a misdemeanor punishable by a fine of \$500 and/or a sentence of 30 days. Those convicted of violating these provisions would have to forfeit two months salary.

Straight Ticket Voting (H.3145, Rep. Davenport). This bill would eliminate straight ticket voting from general election ballots and or any type of vote recorder.

Recall Amendment (H.3155, Rep. Davenport). Similar to last year's bill, this joint resolution would amend the state Constitution to provide for recall procedures for elected officials in South Carolina. Under this bill, an elected official could be recalled for physical or mental illness, incompetence, violation of oath of office, official misconduct or a felony conviction.

Petition to recall statewide officials must have the signatures of at least 15 percent of the state's registered voters; for state-district offices, 25 percent of the voters in that district; county officers, 25 percent of the county voters, and local government or school board officials, 25 percent of that district's voters.

The bill specifies the form the recall petition must take. Once approved, the petition may be circulated for three months. If enough signatures are gathered and certified during that time period, then a special recall election is held. The official in question may place a statement, not to exceed 200 words, on the ballot stating why he should not be recalled. If a majority of those voting in the election vote to recall the official, the office is declared vacant.

Rights of Mental Health and Mental Retardation Patients (H.3180, Rep. P. Harris). Like the previously cited bill on mental health treatment for children, this legislation is a bill of rights for mental health and mental retardation patients. It strives to balance their rights as individuals with their need for treatment and care, sometimes imposed involuntarily or under emergency circumstances. The bill spells out the procedures that must be followed and the rights afforded every patient or client. Mechanical restraints, seclusion or physical coercion would be considered a treatment of last resort and only with the permission of the patient's doctor.

Fuzzbusters (H.3181, Rep. Simpson). Under this bill, it would be unlawful to operate or sell a police radar detection device, commonly known as a "Fuzzbuster." The bill states that the detection device need not be in operation to be considered *prima facie* evidence. A person would not be guilty of a violation if the device has no power source or was not readily accessible. Radar detection devices would be forfeited to the arresting officer if needed for evidence but eventually must be returned to the owner.

*Labor, Commerce and Industry Committee*

Risk Classification Plans (H.3159, Rep. Baker). The bill would allow companies selling auto insurance to set their own risk classification plans based on their loss experiences, which the Chief Insurance Commissioner could then approve. Under the current system, the classification plans for all companies are set by the Chief Insurance Commissioner. The bill also would repeal that section of Act 166 which adjusted for loss experience the auto insurance rates between young male and female drivers, since this now is established in regulations. The bill would also repeal those sections of the code that established the base rate and the objective standards rate for automobile insurance.

Insurance Certificate (H.3175, Rep. J.C. Johnson). In addition to the required inspection sticker displayed on the windshields of motor vehicles, this bill would require that a certificate of insurance also be displayed. The bill would have the insurance certificate displayed right above the inspection sticker. The purpose of this bill is to provide that "each policy holder be responsible for the insurance of his vehicle so that the recoupment fee surcharge may be abolished."

*Medical, Military, Public and Municipal Affairs Committee*

Mental Health Treatment for Children (H.3137, Rep. P. Harris). The purpose of this legislation is to balance a child's need for mental health treatment with his rights as a maturing individual. This lengthy legislation outlines the procedures for committing a child under the age of 18 for mental health treatment. It requires a guardian ad litem to review the case and report to the court in cases of involuntary admissions.

In voluntary admissions, the child must be advised in writing of his right to release. The procedures for emergency admissions are detailed in the bill, including the requirement of a court hearing and appointment of counsel for the child.

No child admitted involuntarily to a treatment facility can be moved from a less restrictive to a more restrictive program without court approval.

In addition, the legislation spells out a child's rights while undergoing mental health treatment. The bill also states a child may not be mechanically or chemically restrained, punished or secluded unless it is authorized by a doctor to prevent the child from harming himself or others, or disrupting the therapeutic nature of a facility.

*Ways and Means Committee*

State Agency Space (H.3131, Rep. Altman). The requirements governing the leasing of space by state agencies would be revised under this legislation. This bill sets the maximum space allowed for the offices of state employees from agency directors through clerical workers. Space for conference rooms and reception areas and other agency needs would be determined by the Division of General Services. The division could refuse to approve a lease that exceeds these space requirements.

If an agency needs more space, the Division of General Services will investigate the request, including the cost effectiveness of the move. The division can require the agency to modify its requests. Appeals would be decided by the State Budget and Control Board. The General Services Division cannot approve a request until it verifies that adequate funds exist for the lease payments and related costs.

In addition, the General Assembly would approve all lease purchase agreements by joint resolution.

Referendum on State Property Sales (H.3134, Rep. Koon). A two-thirds vote in a county referendum would be needed to sell any state-owned land, park or facility if the property is worth more than \$50 million. The referendum would be held in the county where the property is located.



## House Subcommittees

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*With the organization of the House completed in December, standing committees have now divided themselves into subcommittees for the purposes of studying the flood of bills being introduced each legislative day.*

*The following is a list of the House standing committees broken down by subcommittees and their chairmen.*

### Agriculture and Natural Resources Committee

Rep. L. Edward Bennett, chairman

#### *Wildlife Subcommittee*

Rep. Thomas N. Rhoad, chairman  
Rep. Kenneth E. Bailey  
Rep. Maggie W. Glover  
Rep. Larry L. Koon  
Rep. Lanny F. Littlejohn

#### *Agriculture Subcommittee*

Rep. John J. Snow Jr., chairman  
Rep. Liston Barfield  
Rep. Grady Brown  
Rep. Danny M. Bruce

#### *Environmental Affairs Subcommittee*

Rep. Charles R. Sharpe, chairman  
Rep. Kenneth S. Corbett  
Rep. Harry M. Hallman  
Rep. C. Lenior Sturkie  
Rep. Candy Waites  
Rep. Timothy L. Wilkes

Education and Public Works Committee

Rep David M. Beasley, chairman

*Colleges and Universities Subcommittee*

Rep. James C. Johnson, chairman  
Rep. Michael L. Fair  
Rep. Ennis M. Fant  
Rep. David A. Wright

*Highway Safety, Libraries, Museums, Statehouse and Grounds Subcommittee*

Rep. Edward W. Simpson Jr., chairman  
Rep. David M. Beasley  
Rep. Robert O. Kay

*K-12 Education Subcommittee*

Rep. Ronald P. Townsend, chairman  
Rep. Michael F. Jaskwich  
Rep. Alfred C. McGinnis Sr.  
Rep. Joseph H. Nesbitt

*Railroads and Aviation*

Rep. Olin R. Phillips, chairman  
Rep. James Faber  
Rep. Eugene C. Stoddard

*Highway General*

Rep. R. Linwood Altman, chairman  
Rep. Toney L. Farr  
Rep. Thomas G. Keegan  
Rep. Dewitt Williams

Judiciary Committee

Rep. David H. Wilkins, chairman

*Constitutional Laws Subcommittee*

Rep. Robert W. Hayes Jr., chairman  
Rep. Michael Baxley  
Rep. Howell H. Clyborne Jr.  
Rep. Larry E. Gentry  
Rep. David H. Wilkins

*Criminal Laws Subcommittee*

Rep. Eugene Leroy Nettles Jr., chairman  
Rep. Paul M. Burch  
Rep. J. Derham Cole  
Rep. William P. Keesley  
Rep. John W. Tucker Jr.

*Election Laws Subcommittee*

Rep. Jackson V. Gregory, chairman  
Rep. Terry E. Haskins  
Rep. Daniel E. Martin Sr.  
Rep. D. Malloy McEachin Jr.  
Rep. Joseph B. Wilder

*General Laws Subcommittee*

Rep. Thomas E. Huff, chairman  
Rep. Roland S. Corning  
Rep. B. Hicks Harwell  
Rep. James H. Hodges  
Rep. Joseph T. McElveen Jr.

*Special-Laws Subcommittee*

Rep. Paul E. Short Jr., chairman  
Rep. Robert A. Barber  
Rep. B.L. Hendricks Jr.  
Rep. Irene K. Rudnick  
Rep. John B. Williams

Labor, Commerce and Industry Committee

Rep. Robert B. Brown, chairman

*Labor and Commerce Subcommittee*

Rep. M. O. Alexander, chairman  
Rep. Thomas C. Alexander  
Rep. Thomas A. Limehouse  
Rep. Larry A. Martin  
Rep. E. B. McLeod

*Banking and Consumer Affairs Subcommittee*

Rep. William N. Cork, chairman  
Rep. T. Moffatt Burriss  
Rep. Paul W. Derrick  
Rep. Luther L. Taylor Jr.

*Insurance Subcommittee -- Property & Casualty*

Rep. Robert A. Kohn, chairman  
Rep. Thomas C. Alexander  
Rep. Tee Ferguson  
Rep. C. Alexander Harvin III  
Rep. Thomas A. Limehouse  
Rep. Theodore T. Mappus Jr.

*Insurance Subcommittee -- Life, Accident & Health*

Rep. Denny Woodall Neilson, chairman  
Rep. Tee Ferguson  
Rep. C. Alexander Harvin III  
Rep. Joyce C. Hearn

*Real Estate Subcommittee*

Rep. George H. Bailey, Chairman  
Rep. Paul W. Derrick  
Rep. E. B. McLeod  
Rep. Carole C. Wells

Medical, Military, Public and Municipal Affairs Committee

Rep. Donna A. Moss, chairman

*Health and Environmental Affairs*

Rep. Dell Baker, chairman  
Rep. Richard M. Quinn  
Rep. John Rama  
Rep. Juanita M. White

*Occupational Regulation & Licensing Boards Subcommittee*

Rep. Ralph Davenport, chairman  
Rep. M.J. Cooper  
Rep. Frank E. McBride

*Local Government and Correction Affairs Subcommittee*

Rep. C.D. Chamblee, chairman  
Rep. James J. Bailey  
Rep. Lewis R. Vaughn  
Rep. Sandra S. Wofford

*Military and Public Affairs Subcommittee*

Rep. Joe E. Brown, chairman  
Rep. M.D. Burriss  
Rep. James E. Lockemy

*Social Services, Mental Health & Children's Affairs Subcommittee*

Rep. Steven Lanford, chairman  
Rep. Dave C. Waldrop  
Rep. Lucille S. Whipper

Rules Committee

Rep. Thomas E. Huff, chairman

*Economic Subcommittee*

Rep. Robert N. McLellan, chairman  
Rep. T. Moffatt Burriss  
Rep. Michael L. Fair  
Rep. James W. Johnson, Jr.  
Rep. Harriet Keyserling

*Legislative Subcommittee*

Rep. Douglas McTeer, chairman  
Rep. Larry Gentry  
Rep. B.J. Gordon  
Rep. Alex Harvin  
Rep. B.L. Hendricks

*Judicial Subcommittee*

Rep. John W. Tucker, chairman  
Rep. Thomas E. Huff  
Rep. D. Malloy McEachin  
Rep. Joseph T. McElveen, Jr.  
Rep. David Wilkins

Ways and Means Committee

Rep. Robert N. McLellan, chairman

*Budget Subcommittees*

Corrections and Law Enforcement

Rep. Larry Blanding, chairman  
Rep. Woodrow M. McKay  
Rep. Henry E. Brown

Education and Economic Development

Rep. William D. Boan, chairman  
Rep. Jean L. Harris  
Rep. Timothy F. Rogers

Social Services

Rep. Marion P. Carnell, chairman  
Rep. Dill Blackwell  
Rep. McKinley Washington Jr.

Health

Rep. Patrick B. Harris, chairman  
Rep. B.J. Gordon  
Rep. James G. Mattos

Special Education and Services

Rep. Harriet H. Keyserling, chairman  
Rep. Samuel Foster  
Rep. William S. McCain

Higher Education

Rep. Herbert Kirsh, chairman  
Rep. Jarvis Klapman  
Rep. James W. Johnson Jr.

Natural Resources

Rep. Jennings McAbee, chairman  
Rep. D.N. Holt Jr.  
Rep. Dick Elliott

Executive/Administrative Subcommittee

Rep. Douglas E. McTeer Jr., chairman  
Rep. John G. Felder  
Rep. Daniel E. Winstead

Subcommittee on Provisos

Rep. Herbert Kirsh, chairman  
Rep. Larry Blanding  
Rep. William Boan  
Rep. Marion Carnell  
Rep. Patrick Harris  
Rep. Harriet Keyserling  
Rep. Jennings McAbee  
Rep. Robert McLellan  
Rep. Douglas McTeer

*Legislative Subcommittees*

Sales, Income and Property Taxes

Herbert Kirsh, chairman  
William D. Boan, co-chairman  
Jean L. Harris  
James W. Johnson, Jr.  
Jarvis Klapman  
Timothy F. Rogers

Other Taxes and Capital

Jennings G. McAbee, chairman  
Douglas E. McTeer, co-chairman  
Dick Elliott  
John G. Felder  
D.N. Holt  
Daniel E. Winstead

Licenses, Fees, Insurance, Others

Marion D. Carnell, chairman  
Harriet H. Keyserling, co-chairman  
Dill Blackwell  
Samuel R. Foster  
William S. McCain  
McKinley Washington, Jr.

Personnel/Retirement, Regulations  
Agencies

Patrick Harris, chairman  
Larry Blanding, co-chairman  
Henry E. Brown Jr.  
B. J. Gordon  
James G. Mattos  
Woodrow M. McKay



1989 Statehouse News Corps

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*Whether for good or ill, House members find themselves confronted with an ever growing number of news reporters who cover the General Assembly on a regular basis.*

*Here is a list of the reporters who have been assigned to cover the General Assembly this session. In the case of some of the out-of-town newspapers and television stations, the person listed may be an editor or news director who can refer you to the appropriate reporter on their staffs.*

*Statehouse News Corps Chairman: Lou Fontana, WIS-TV, 799-1010.*

Newspapers

*Associated Press: David Reed, Trip Dubard, G.G. Rigsby, Janet Pope, Mary Brooks, Marc Rapport, John Shurr, 799-5510.*

*Augusta Chronicle and Herald: Jim Strader and Carl Langley (Aiken) 648-1395, Paul Pinkham (Columbia) 252-5066.*

*Charleston News and Courier: Sid Gaulden (Columbia) 799-9051.*

*Charlotte Observer: Henry Eichel, John Monk (Columbia) 779-5037.*

*Florence Morning News: Carpenter King, 669-1771.*

*Greenville News: Dan Hoover, Tim Flach, Gary Karr (Columbia) 256-7367.*

*Spartanburg Herald-Journal: Cathy Gant (Columbia) 779-8231.*

*The State: Bobby Bryant, Cindi Ross, Clark Surratt, Maureen Shurr, Brad Warthen (Newsroom) 771-8571, (Statehouse) 254-9496.*

*United Press International: Brant Newman, Chris Mould, 779-0380.*

Television and Radio

*S.C. ETV:* Tom Fowler, Charlotte Sottile, Tim Carrier, Warren Foushee, Domino Boulware, 737-3353.

*S.C. Network:* Marilyn Fulper-Smith, Jack Jones, Frank Braddock, Bob Taylor, Carolyn Powell, 771-4117.

*WBTW-TV:* Mike Matthew (Charlotte) 704-374-3691.

*WBTW-TV:* Jim Griffin, Cecil Chandler (Florence) 678-4218.

*WCBD-TV:* Harve Jacobs, Ren Scott (Charleston) 884-2288.

*WCIV-TV:* Frank O. Hunt (Charleston) 723-4403.

*WCSC-TV:* Chris Drummond (Charleston) 577-6397.

*WECT-TV:* Keith Taylor (Myrtle Beach) 448-6597.

*WIS-TV:* Lou Fontana, Jerry Adams (Columbia) 799-1010.

*WLOS-TV:* Betty Bailey (Greenville) 271-1313.

*WLTX-TV:* Dick Hall (Columbia) 776-3600.

*WOLO-TV:* Reggie Hall, Mackie Quave, Cile Purcell (Columbia) 754-7528.

*WPDE-TV:* Clay Williams (Florence) 662-4916.

*WSPA-TV:* Chuck Edmondson (Spartanburg) 1-800-868-3773.

*WYFF-TV:* John Culbertson, Donald Jackson (Greenville) 240-5300.

*WCOS-Radio:* Dan Robison, Ann Morris (Columbia) 256-7348.

*WLTR-Radio:* Sammy Flood, Jacquelyn Johnson, Lexie Chatham, Al Jackson (Columbia) 737-3420.

*WMHK-Radio:* Linda White (Columbia) 754-5400.

*WVOC/WCEZ-Radio:* Beth McGirt, Rochelle Biegaj (Columbia) 772-5600, 772-5840.

Photographers

*Associated Press:* Lou Krasky, 799-5510.

*Cine Graphics:* Jim Covington, 254-9845.

*The State:* Maxie Roberts, Doug Gilmore, Jeff Amberg, 771-8420.

*United Press International:* Dan Sears, 779-0380.