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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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Legislative Update

Progress of Legislation

The current status of bills which the *Legislative Update* reported on in earlier issues this session.

Government Operations

Filing for Office (H.2016, Rep. Taylor). Under provisions of this bill, a person could file for only one elective office at a time. Now on the CONTESTED calendar.

Lobbyist Regulations (H.2123, Rep. McEachin). This bill would tighten up the regulations governing lobbyists, including additional reporting requirements. Last seen lurking in the vicinity of the CONTESTED calendar.

State Fire Commission (H.2209, Rep. Cork). Since 1981, the Budget and Control Board has been concerned about the differing regulations relating to fire and life safety which were being developed by various state agencies. In an effort to gain some consistency and uniformity, H.2209 was introduced. This legislation provides that the Fire Commission is the single source of authority for fire prevention and protection. SIGNED by His Excellency the Governor on March 4, 1986.

Annexation (H.2287, Rep. Toal). This measure eliminates the requirement that municipal electors in an expanding city would have to vote in annexation elections; only the people in the territory to be annexed would have to vote. This PASSED the House on February 25; the Senate Judiciary Committee has reported it out favorably.

Infrastructure Authority (H.2737, Rep. Pat Harris). This bill proposes establishment of the South Carolina Infrastructure Authority, to assist local governments with financial assistance for water, sewer, and other public work projects. This assistance can take the form of low-interest loans or credit enhancement through the Infrastructure Fund. PASSED the House on April 9; now in the Senate Committee on Finance.

Legislators Notaries Public While in Office (H.3089, Rep. Taylor). Every member of the General Assembly would be a notary as long as he or she was in office. On the CONTESTED calendar in the House.

Filling Sheriff Vacancies (H.3097, Rep. Kirsh). If the office becomes vacant less than six months before the next election, the Governor may appoint a sheriff; if there is more than six months to go, a special election is held. SIGNED April 21.

Homestead Exemption Filing Extended (H.3181, Rep. Blackwell). The cut-off date for filing a homestead exemption has been moved from May to July 15. SIGNED by the Governor on April 16.

State Development Board and Energy (H.3285, Rep. Keyserling). The State Development Board would take over the coordination of energy development in South Carolina. PASSED the House on February 21; now receiving high level consideration by the General Committee in the Senate.

Cancelling Insurance Policies (H.3339, Labor, Commerce and Industry Committee). Sets specific reasons for cancellation of an insurance policy. These reasons are such as failure to pay a premium when due; lying when applying for the policy; and unexpected changes in risk. SIGNED on March 5.

Consolidation of Political Subdivisions (H.3384, Judiciary Committee). Provides procedures allowing political subdivisions to consolidate. CONTESTED.

Change Name of Industrial Commission (H.3513, Labor, Commerce and Industry Committee). The Industrial Commission handles Workers' Compensation claims; this bill would change its name to the Workers' Compensation Commission. There's a certain symmetry to that. PASSED House February 21; ordered to THIRD READING in the Senate on April 9.

Minor = Under Twenty One (H.3555, Rep. Rawl). Sections of the Code addressing the sale of alcohol to "minors" are changed so that the term is more strictly defined—those persons who are under twenty one years of age. SIGNED by the Governor, April 21.

Signs About Minors (H.3558, Rep. Rawl). Now that beer and wine cannot be sold to persons under twenty one, signs will have to be placed in stores stating the legal purchasing age. SIGNED, sealed and delivered, April 21.

Pistol Permits—Fingerprints (H.3660, Rep. Joe Anderson). In addition to the other requirements, this bill would have pistol permit seekers send in their fingerprints. Favorable report from the Judiciary Committee, April 17.

Firearms Dealers (H.3661, Rep. Joe Anderson). A Federal permit would be required in addition to state ones. Favorable report from the Judiciary Committee, April 17.

Below Cost Sales of Motor Fuel (H.3810, Rep. McAbee). The Department of Consumer Affairs would be allowed to respond to complaints that such sales were on-going by subpoenaing relevant records. In addition, the Administrator of the Department could assess an investigation fee of between \$1,000 to \$5,000 per complaint; this fee would be levied against the complaining party if no evidence turned up supporting the allegations of below-cost sales.

Statute of Limitations on Architects (S.153, Senator Leatherman). Would set a ten year limit on the time actions could be brought against architects for defects or poor work in buildings. When last seen the bill was in the Senate, where the House amendments had been further amended.

Handicapped Voters (S.971, Senator Holland). This bill would permit handicapped and elderly voters to vote outside of the polling places—specifically, in their cars or vans. Favorable report from the Judiciary Committee, April 17.

Boxing Commission (S.1017, Senator Shealy). Would expand the authority of the state Boxing Commission and the county boxing commissions to regulate wrestling. Reported out of the Labor, Commerce and Industry Committee favorably, with amendments.

Public Transportation (S.1109, Transportation Committee). This bill would provide protection of the the rights of passengers on public transportation, such as buses—including charter buses. Under the terms of this bill it would be illegal to do the following while riding on public transportation:

- Throw trash around;
- Play a radio, cassette, tape player or "similar device" unless it has an earphone that limits the sound to the user;
- Bring weapons, explosives or animals on the bus—with the exception of seeing eye dogs, "small animals properly packaged" or animals/weapons used by law officers;
- Bother the driver or interfere with operation of the vehicle;
- Board the vehicle from the rear exit door (unless directed by driver or agent);
- Use profane or obscene language or act in an obscene fashion;
- Board the vehicle drunk.

ABC Permits and Distance (S.1192, Senator Nell Smith). Gives the Alcoholic Beverage Commission the right to consider distance alone when deciding on granting a permit. SIGNED by the Governor on April 21.

Finances

Prison Bonds (H.3279, Ways & Means Committee). Allows issuance of bonds to meet the requirements of the Nelson Suit settlement. PASSED by House March 27; now in the clutches of the Senate Finance Committee.

Additional Capital Improvement Bonds (H.3283, Ways & Means Committee). Much the same as above, except that these bonds are for other uses than prisons. PASSED House on March 27; now in Senate Finance.

Appropriation Bill (H.3550, Ways and Means Committee). Deals with money. PASSED House on March 20; now in Senate Finance Committee.

Employment Revitalization Act (H.3701, Education and Public Works Committee). Currently, training, re-training, technical and vocational education efforts in South Carolina are conducted by a number of different state agencies and organizations, including the Governor's Office. The Employment Revitalization Act places responsibility for adult basic and secondary education with the State Board of Education, and all other vocational/technical training and education with the State Board for Technical and Comprehensive Education. ORDERED ENROLLED April 16.

Tax Breaks for Research (S.1009, Senator Waddell). This sets a limit of \$300 on the sales tax for machinery used in research and development. SIGNED by the Governor on March 7.

Crime, Vice & Folly

False ID Cards (H.2316, Rep. Fair). This would make it illegal for persons to create false ID cards—the kind often used by under-age teens to buy alcohol. Now on the CONTESTED calendar.

Growing Pot on Someone's Property (H.3107, Rep. Tucker). Cultivation of marijuana on the land of another would be made illegal under this bill. The measure PASSED the House on March 26. It is now in the Judiciary Committee in the Senate.

Bad Check Law (H.3720, Rep. Hawkins). Adds "rent" to the list of items covered by the bad check law. Presently the law addresses bad checks written for "anything of value." PASSED by the House on April 24.

Education

Hazing (H.2420, Rep. Nettles). This bill proposes regulations covering the hazing practices used by many sororities and fraternities to initiate new members. On the CONTESTED calendar.

Veterans' Day Observed (H.3099, Rep. Harvin). This measure would require all state-supported colleges and universities to observe Veterans' Day. PASSED the House on January 14; now in the General Committee in the Senate.

Exemption from 2% Cut (H.3690, Rep. Schwartz). This bill would exempt the public colleges and universities in the state from the mandatory 2% cut ordered earlier by the Budget and Control Board. On the CONTESTED calendar.

Health Care and Safety

Lights on When Raining (H.2003, Rep. White). When the rain is falling your lights would have to be burning. Now on the CONTESTED calendar.

Auto Inspection Violations (H.2160, Rep. L. Martin). No inspection sticker on your car would mean a \$15 fine. CONTESTED.

Tinted Windshields (H.2582, Rep. Davenport). It would be illegal to darken the windows of an automobile if this bill passes into law. The measure is in INTERRUPTED DEBATE status.

DUI and Driver's License (H.3242, Rep. Fair). A person guilty of causing death or bodily injury would lose their license for three years. Ordered for THIRD READING, April 24.

Court Ordered Treatment of Alcohol/Drug Abusers (H.3149, Rep. Jean Harris). Makes changes in the court's authority in ordering treatment programs for alcohol and drug abusers. On the CONTESTED calendar.

Alcohol/Drug Treatments in Nonemergency Hospitals (H.3150, Rep. Jean Harris). The courts would have the authority to require treatment of abusers in nonemergency hospitals in certain circumstances. PASSED the House on February 18; now in the Medical Affairs Committee across the lobby.

Temporary Leaves of Absence, Alcohol/Drug Facilities (H.3151, Rep. Jean Harris). This measure would permit the authorities at the treatment centers to grant temporary leaves of absence to patients if they (the authorities) thought it suitable. PASSED the House on February 13; now being studied by the Senate Committee on Medical Affairs.

Certification of Addicts (H.3153, Rep. Jean Harris). Reduces from two to one the number of doctors needed to certify someone as a drug or alcohol addict. PASSED the House on February 21; presently ensconced in the Senate Medical Affairs Committee.

Time for Counseling (H.3154, Rep. Jean Harris). This measure would extend from five to twenty days the minimum amount of time a person would have to remain under observation and counseling for drug or alcohol abuse. PASSED the House on February 13; now in the Senate Medical Affairs Committee.

Voluntary Admission for Alcohol/Drug Problems (H.3156, Rep. Jean Harris). This measure would reduce from eighteen years to sixteen years the age limit allowing a person to voluntarily check into a drug or alcohol treatment program facility. PASSED the House on February 13; currently being mulled by the Medical Affairs Committee in the Senate.

Masseurs and Masseuruses (H.3506, Rep. Sheheen). This bill would repeal Chapter 29 of Title 40, which covers masseurs and masseuses. A "masseur" is—according to the Code—"a male person who applies manual or mechanical massage or similar treatment to the human body trunk or limbs..." A "masseuse" is a "female person so engaged." PASSED the House on February 21; now on SECOND RUB DOWN in the Senate.

Respiratory Care Regulations (H.3762, Medical, Military, Public and Municipal Affairs Committee). This bill would establish the S.C. Respiratory Care Committee within the Board of Medical Examiners. The committee would establish regulations for and grant licenses to qualified respiratory therapists. Applicants for certificates would have to prove good moral character and successful completion of the requirements established by the Commission of Allied Health Education and Accreditation for respiratory therapy. ORDERED FOR THIRD READING, April 25.

Children & Families

Child Case Resolution System (H.3245, Rep. Evatt). This bill would create a body to review the cases of children for whom state and local agencies have not provided necessary services. Services and improvements in service delivery would be recommended for both individual children and children in general. PASSED the House on February 26; now in the Senate Medical Affairs Committee.

Spouse Testimony (H.3287, Rep. Evatt). This would permit a spouse to testify in court proceedings concerning child abuse. On the CONTESTED calendar.

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Children's Bureau and DSS (H.3345, Rep. Kirsh). This bill proposes transferring the adoption functions of the Children's Bureau to the appropriate unit within the Department of Social Services; this would be the sole state adoption agency in South Carolina. Set for SPECIAL ORDER after H.3671 (Habitat Protection Bill).

Maternal and Child Health Council (S.884 Senator Verne Smith). Establishes a State Council on Maternal, Infant, and Child Health. The object is to improve the healthcare of children—current and future generations. The council will provide for the assessment of maternal, infant, and child health status, identification of these groups' needs, and the assessment of the system to serve those needs. SIGNED by the Governor, April 14.

Food

Barbeque Classification (H.3718, Rep. Snow). This bill would direct the State Department of Agriculture to "design and print distinctive decals which may be displayed wherever barbeque is sold."

There would be three categories of decal:

- (1) *Barbeque - Whole hog - Cooked with wood.*
- (2) *Barbeque - Whole hog - Cooked from a heat source other than wood.*
- (3) *Barbeque - Part of, but not whole hog - Cooked from any source of heat.*

Any person who used a decal which lied about the type barbeque sold at his establishment (the swine!) would be guilty of a misdemeanor; punishment would be either a fine of up to \$200, or imprisonment for not more than thirty days. On the HOTLY CONTESTED calendar.

Gramm-Rudman-Hollings: What Next?

Will the Gramm-Rudman-Hollings deficit reduction law survive? A Federal District court in the District of Columbia held the measure was unconstitutional; the Supreme Court has agreed to hear arguments on the case, but a decision could be a while in coming. Should the high court uphold the law, states could see \$12.4 billion in cuts during fiscal year 1987, according to a D.C. financial consulting firm, Fiscal Planning Services.

When—and if—the budget knife falls, states will be hard-pressed to make up the difference. One possibility already being advocated is the familiar one of a state lottery. Lottery supporters say that most states could soften the adverse impact of the Gramm-Rudman-Hollings' cuts by fifty percent.

How could states in the southeast fare, using a lottery to make up potential loss of federal funds? According to the latest issue of *Gaming and Wagering Business*, the figures in the chart below tell the tale for fiscal year 1987.

But will lotteries go into operation in these states? Six of the southeastern states have lottery bills in the process of consideration: Alabama, Florida, Kentucky, Louisiana, South Carolina and Tennessee. Only Kentucky seems likely to move on the measure in the near future: the bill was reported out of Committee in February with a one-vote margin. It will now be considered by the full House.

In Georgia, Mississippi and Virginia, lottery legislation has already been defeated this term.

Gramm-Rudman-Hollings Cuts / Possible Lottery Revenues

<u>State</u>	<u>GRH Cuts (millions)</u>	<u>Cost per capita</u>	<u>Govt Revenues from lottery (millions)</u>	<u>Savings per capita</u>
Alabama	\$214.3	\$ 53.72	\$ 91.3	\$ 22.70
Arkansas	72.9	50.97	52.3	22.17
Florida	467.7	42.62	315.7	27.77
Georgia	277.9	47.62	153.0	25.60
Kentucky	189.5	50.92	88.5	23.75
Louisiana	249.8	55.98	110.9	24.75
Mississippi	150.8	52.02	52.7	20.17
North Carolina	249.0	40.40	152.0	24.30
SOUTH CAROLINA	147.0	44.53	76.2	22.77
Tennessee	224.6	47.63	112.4	23.78
Virginia	241.3	42.81	168.8	29.58

Smoke Gets In Your Eyes

Legislation restricting public smoking has been introduced into the S.C. General Assembly and *Legislative Update* recently ran a research report on the topic. (Issue number 14, April 15, 1986). The idea is spreading across the country, with state legislatures and city councils enacting or considering public smoking laws. Some recent developments:

In *New York City*, Mayor Ed Koch wants a strong law passed with severe restrictions on public smoking, including banning it in many places. Smoking would be outlawed in taxi cabs, retail stores, public restrooms and waiting rooms, and semi-private hospital rooms.

Private employers would have to provide nonsmoking areas for employees who wanted them. Owners of restaurants, convention halls and indoor sporting/entertainment areas would have to provide nonsmoking sections—at least fifty percent of the seats.

Punishment would be stiff: A \$200 fine for the first offense; \$400 for the second violation; and up to \$1,000 for each additional crime.

The support of the Mayor represents a switch. Similar legislation has been blocked by Hizzoner for the past five years because he feared it would hurt the city's economic recovery.

In *Arizona*, the House of Representatives has received a bill from its Health Committee which would limit public smoking. Covered would be government buildings, stores, and restaurants that seat more than fifty persons. Smoking would not be prohibited completely, but limited to certain areas. Fines would be more reasonable than in the Big Apple: only \$100 for each violation.

In *Kansas City, Missouri* the city council is considering three separate proposed ordinances to limit public smoking. All three would limit, not ban, smoking in banks, office buildings, auditoriums, theatres and concert halls. Private offices would be exempted, as would bars.

Pigeons—"Rats With Wings"

The Iowa Senate wants to declare open hunting season on the state's burgeoning pigeon population. It is currently illegal to kill pigeons in the state, but, according to one Senator, pigeons have become a hazard and a nuisance and "they should be eliminated where they aren't wanted."