



South Carolina House of Representatives

# Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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# Legislative Update

## The Week in the House

The legislative week of June 2 through 4 was the final one this year for the South Carolina General Assembly, and it concluded by passing the General Appropriation bill, wrapping up a number of other items (insurance reform, eminent domain procedure code, littering fines, among them), and adjourning promptly at 5 p.m. on Thursday.

### Appropriation Bill approved by both chambers

A budget of \$2,870,654,276 was agreed to by the House and Senate on Wednesday. This was a compromise which reflected often-expressed concerns by both chambers: the House to keep intact the reserve fund, the Senate to limit revenue enhancements. Although the fiscal situation this year was limited in resources, the General Assembly devised an appropriation bill that maintained the state's commitment in several areas, including education, corrections, and aid to subdivisions (including full funding for aid to replace loss of inventory tax to local governments).

A more complete review of the budget will be forthcoming in a future issue of the *Legislative Update*.

### Statewide Grand Jury

On Tuesday, S.577 was ratified. This bill proposes an amendment to the state constitution to provide for a statewide grand jury to investigate crimes of drug peddling and pornography.

The measure has been strongly advocated by Attorney General Travis Medlock, who has maintained that these crimes usually overlap county borders, which means that the law must pursue them across the borders as well.

The measure will now be presented to the voters at the next general election and, if approved, will become part of the state's constitution.

Automobile insurance bill in the passing lane

During the final week a House and Senate conference committee resolved differences over the much-debated automobile insurance bill (S.593) and the two bodies accepted the committee's report. Major highlights of the measure:

- 1) The bill contains two rates for automobile insurance: a base rate and an objective standards rate. "Bad drivers" are required to pay the objective standards rate which is 25% higher than the base rate. The driver is considered a "bad driver" if he falls into a long list of objective standards created by the bill. [Examples: 3 moving traffic violations in previous 3 years, or 2 "chargeable accidents", or 2 moving traffic violations and 1 chargeable accident (note these events can not happen at same occurrence)].
- 2) The bill allows automobile insurers to refuse to write physical damage coverage (i.e. comprehensive and collision) if the driver fails the same objective standards as mentioned above or if within the previous 3 years has had 2 or more total fire losses or 2 or more total theft losses.
- 3) If an automobile insurer refuses to write physical damage coverage at the objective standards rate, it may write the physical damage coverage at a higher rate approved by the Commissioner. If the coverage is written at such higher rate, the entire policy may not be ceded to the Reinsurance Facility.
- 4) The bill creates a new formula to recoup losses of the Reinsurance Facility. Currently, companies are assessed a share of the Facility losses by the amount of automobile business they do in the State. The companies then charge a percentage factor in their rates for these losses (each company's recoupment factor is different). Under this bill a complicated formula is set which creates a uniform dollar recoupment charge (by coverage) to be added to every driver's automobile insurance rates. The recoupment formula is based on the Uniform Merit Rate Plan promulgated by the Commissioner (not the objective standards list). If a driver has 1 merit rating point, he pays a recoupment charge 2 times higher than a driver with zero merit rating points, a driver who has 2 merit rating points pays a recoupment charge 3 times higher, a driver with 3 to 8 merit rating points pays a recoupment charge 4 times higher, and a driver with 9 or more points pays a surcharge 5 times higher. Points assigned under the Merit Rating Plan for defective motor vehicle equipment or for being licensed less than 1 year are not counted in determining total merit points for recoupment charges.
- 5) The bill directs the Chief Insurance Commissioner to review the classification of youthful males and youthful females and promulgate any necessary changes.

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- 6) Allows the Chief Insurance Commissioner to determine whether an automobile insurer has made excess profits and enables him to require the insurer to return the monies to the policyholders.

Dual officeholding resolved at last

Readers of the *Legislative Update* will have noticed that one of the recurring items this session has been the puzzle of dual officeholding. Briefly put, the South Carolina constitution forbids persons from holding more than one office "of honor or profit" at a time. Strictly construed, this would mean that members of fire departments could not hold another post with government--obviously, this would be a problem, especially for volunteer fire departments.

A number of bills were introduced to resolve the conflict, and two of them, S.604, and H.2497, finally made it to the ratification stage. The first bill exempts members of fire departments from the dual officeholding dilemma. It also includes, for good measure, county veterans affairs officers, constables, and municipal judges serving as attorneys for other cities.

The second bill (sponsored by Rep. Harvin and many others) would accomplish much the same goal, but by amending the state constitution.

Give a hoot, don't pollute (or else!)

Also ratified during the week was S.119, which substantially increases the penalties for persons convicted of littering in South Carolina. Once this bill arrived in the House, it was considerably rewritten so that offenders would not only receive stiff fines (starting at \$100) but would be given time to pick up trash along the highways. Repeat offenders could be sentenced to up to 20 hours of community service time.

Folk heritage award

H.2973 (Rep. T. Rogers) was ratified during the final week of the session. This bill creates the South Carolina Folk Heritage Award to honor up to four recipients each year for their achievements and accomplishments in folk arts in South Carolina. The criteria for the award would be the authentic tradition of the craft--real folk heritage, in other words--and the significance of the folk artist or group in "stimulating the craft to higher levels of artistic achievement." Recipients must live and practice in South Carolina.

Nicknames are OK on ballots

Candidates in South Carolina can soon appear on ballots using their nicknames. The House concurred in Senate amendments to S.553 and ordered it enrolled during the week. This bill permits a ballot to have "the candidate's given name, a derivative of his given name, or a nickname." Exceptions are made for certain honorific titles, preventing a candidate from listing himself as "Judge Jones," or "Bob, Vote-for-me, Smith."

Graduate honored

The House paused in its deliberations on Wednesday, June 3, to recognize Sylvia F. Haynes, of Fort Motte. To paraphrase the Bard, Who is Sylvia, and what is she, that all our solons commend her? She is the one hundred thousandth graduate of the special schools for industrial training operated by the State Board for Technical and Comprehensive Education. She was introduced to the House by Rep. John Felder at noon, on Wednesday.

A white sports coat and a pink crustacean

Finally--and perhaps inevitably--the House took up debate on the conference report concerning H.2742, the shrimp-baiting bill. The measure has been one of the closely debated issues this session, and has stirred considerable interest among legislators, the press, commercial and recreational shrimpers, and the general public--especially in coastal areas.

Thursday afternoon the House was considering the latest version of the bill, which adheres to many of the original (House) points, such as the use of poles and tags, distances between poles, and so forth. The proposed catch limit would be 48 quarts of whole shrimp or 29 quarts of headed shrimp, per boat per day, if no bait is used. When using bait, the limit is 48 quarts (whole) or 29 (headed) per set of poles per day.

As the House was in the midst of debate over the conference committee report, "Rep. TOAL raised the Point of Order that it was now 5:00 p.m., and in accordance with S.860, the House was now adjourned. The SPEAKER sustained the Point of Order and ruled that the House was now adjourned."

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Now that the General Assembly has adjourned for the year, the *Legislative Update* will be published once a month, rather than once a week. Copies will be mailed to House members at their home address.

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Legislation Introduced

Background

During the last week of the legislative session several bills were still getting started on their way through the process; since the General Assembly will be back in January of 1988 to continue the second half of this session, these bills, and others not passed by adjournment, will have one more year for consideration and possible passage.

Children

Adoption exchange (S.625, Sen. Hayes). This measure would have the Department of Social Services set up a statewide adoption exchange to help all authorized child-placement agencies in the state. Before a child could be listed in the files of the exchange at least one of the following requirements would have to be met:

1) The child must be legally free for adoption; 2) the child must have been permanently committed to DSS or a licensed child-placement agency; 3) the courts have required identification of an adoptive family for the child before he or she is finally removed from the biological parents; 4) DSS has identified adoption as the child's treatment plan.

Families

D-I-V-O-R-C-E (H.3229, H.3230, Rep. Koon). Two bills relating to divorce in South Carolina.

The first would strike out "habitual drunkenness" as a grounds for divorce in this state, and replace it with "alcohol or drug abuse."

The second would restrict when alimony or separate maintenance awards could be granted or increased. No person suing for divorce would be eligible for either alimony or separate maintenance, under provisions of this bill. Further, no increase in alimony or maintenance could be granted unless the other party of the marriage was "strictly proven" guilty of adultery, physical cruelty, desertion, or alcohol or drug abuse.

Business

Tent sales (H.3235, Rep. Moss). No, not the sale of tents, but selling in tents, usually automobiles. Car dealers have often used "tent sales" at locations other than their regular sales lot to increase business; this practice was recently declared illegal by the courts.

This bill would allow the dealers to have tent sales at temporary locations, just as long as the dealers pay all required sales taxes, license fees and any other fees or taxes. As Honest Omar would say, "O take the cash and let the credit go..."

Environment

Hazardous waste disposal (H.3252, Rep. E.B. McLeod). This bill would set the fee at \$10,000 for a permit to bury hazardous wastes in South Carolina. This permit would be good for one location only, and would last for a maximum of twenty years, including any temporary or interim permits that might have been issued. The twenty years would start from the time the first waste was buried. DHEC would be in charge of the permitting process.

Government Operations

Resignation from office; special elections (S.731, Sen. Martschink). This bill would provide for filling offices when the office holder is elected or appointed to a new position. When that happens, he or she could tender a resignation, valid at a future date and irrevokable. An election could then be held to fill the post that has been resigned. The newly-elected person would assume office once the original holder's resignation takes effect. In this way, there would be no vacancy in the office.

State Guard guarded against tort claims (H.3250, Rep. Lockemy). A number of government bodies and their activities are protected from civil action claims being filed against them. This bill would include the State Guard and its activities such as training, maneuvers, and so forth.

Reapportionment Commission (H.3251, Rep. J.H. Burriss). In 1990 the Census will be taken, and states will be required to prepare reapportionment plans to reflect changes in population. This bill would provide for a reapportionment commission if the General Assembly drags its feet on writing a reapportionment plan.

The Commission would consist of seven members. There would be two from the House and two from the Senate, chosen by "the two political parties having the largest representation" in those bodies. (Probably the Democrats and the Republicans; it is doubtful

the political landscape will change that much in the next three years.) Two would be appointed by the Governor, who would take care that his appointments insure participation by "minority races and political parties." The seventh member, who would act as chair, would be elected by the other six.

#### Justice

Jury trials in magistrate court (S.757, Sen. Tom Smith). Persons who are tried in magistrate court are entitled to a trial by jury. However, they are not required to have a jury trial. This bill states that if the right to a jury trial is waived by the defendant in a traffic case, then no jury trial is to be held.

#### Utilities

No more PSA (H.3249, Rep. Taylor). This bill would abolish the SC Public Service Authority on December 1, 1988. Assets and property of the PSA would be sold to the highest bidder, which could be any of the three electric companies operating in the state or an electric co-op. The money received from the sale would be distributed as follows:

- One-sixth to USC, MUSC and Clemson to be used for research;
- One-sixth for general education in the state;
- One-third to the General Reserve Fund;
- One-third to political subdivisions for property tax rollbacks.

Bids would be taken from July 1 through August 1 of 1988.

#### Weird Science

No monkey business (H.3227, Rep. P. Bradley). This bill would prohibit persons from attempting to impregnate female animals with human sperm, or to conduct experiments designed to fertilize animals with human sperm.

Recent news stories from Italy have reported claims by scientists who maintain that a cross-breeding between humans and apes is possible. Are the reports accurate, or is this a hoax? According to the stories, the resulting off-spring or "ape men" could be trained to do menial, repetitive or disagreeable tasks. This bill is designed to prevent that sort of experimentation in South Carolina.

## Index Legislative Update 11-22

The following index to the *Legislative Update* covers issues 11 through 22. An earlier index for issues 1 through 10 was published in issue 11 (March 24, 1987). A cumulative index for all issues will be prepared and mailed to House members later this summer.

The index is divided into three sections. Items are classified by SUBJECT, BILL NUMBER, and AUTHOR. The index gives the issue of the *Legislative Update* where information appeared, the date of that issue, and the page citation.

Please note that this index is only for items which appeared in the *Legislative Update* and is not an index for all bills filed during this session of the South Carolina General Assembly.

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Collecting delinquent property tax (H.2118)	12	3/31	3
Flying under the influence (H.2050)	19	5/19	2

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Kirsh, continued			
Notary public, false certification (H.2689)	11	3/24	7
Whistleblower protection (H.2687)	11	3/24	5
Tax conforming(H.2834)	14	4/14	7
Social Security Number, on drivers' license (H.2813)	14	4/14	11
Transporting litter (H.2814)	14	4/14	11
Klapman			
Electric co-op rates (H.3193)	21	6/2	8
Kohn			
DSS and child custody cases (H.2999)	16	4/28	5
DSS and child custody cases (H.3000)	16	4/28	5
Deadly force justified (H.2859)	14	4/14	13
Automatic weapons (H.2806)	14	4/14	8
Speed limits on interstates (H.2817)	14	4/14	11
Labor, Commerce and Industry			
Changes in wages (H.2772)	13	4/7	10
Economic Coordinating Council (H.3020)	17	5/5	2
Worker's Comp hearings	13	4/7	4
Land			
Temporary fishing license (S.445)	12	3/31	12
Lee			
Blackmail against family members (S.240)	13	4/7	10
Lewis			
Medicaid prescription savings (H.2965)	16	4/28	9
Limehouse			
Insurance freedom of choice (H.3085)	17	5/5	7
Worker's Comp cases, legs. (H.2672)	11	3/24	5
Lockemy			
School fringe benefits (H.2976)	16	4/28	6
Long			
Site of political conventions (S.239)	13	4/7	8
Lourie			
Changes in Human Affairs Law (S.379)	11	3/24	2
Driving without a license (S.89)	13	4/7	9
Investigation of auto accidents (S.710)	21	6/2	5
Second Injury Fund, Worker's Comp (S.547)	18	5/12	4
Second Injury Fund, assessment	18	5/12	4
Traffic accidents and alcohol (S.710)	19	5/19	6
Medical, Military, Public and Municipal Affairs			
Birthing centers, regulations (H.2811)	14	4/14	9
Sexually transmitted diseases (H.2807)	14	4/14	9
Unimproved land/sewage disposal (H.2808)	14	4/14	6

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<b>McAbee</b>			
SC Research Authority (H.2947)	15	4/21	6
SC Resources Authority (H.2947)	17	5/5	3
Retirement age for legislators (H.2850)	14	4/14	9
<b>McConnell</b>			
State agencies charging (S.84)	14	4/14	9
<b>McEachin</b>			
Drivers' license under 16 yrs (H.2832)	14	4/14	12
<b>McElveen</b>			
Divorce residency requirements (H.2234)	12	3/31	3
Confiscation of motor vehicles (H.2852)	14	4/14	12
<b>McGinnis</b>			
School employees, retirement (H.2842)	14	4/14	6
<b>McLellan</b>			
Bond issue for prisons (H.2816)	16	4/28	3
Bond issue for prisons (H.2816)	14	4/14	7
Chop shop bill (H.2015)	12	3/31	3
<b>McLeod, E.B.</b>			
Hazardous waste contingency fund (H.2851)	14	4/14	7
Hazardous waste burial (H.2797)	13	4/7	6
<b>McLeod, J.W.</b>			
Ferrets as pets (H.2776)	13	4/7	6
<b>Mitchell</b>			
Regional transportation authorities (S.725)	19	5/19	5
<b>Moss</b>			
Administrative fee, auto accidents (H.2994)	16	4/28	14
Evidence of child abuse (H.2790)	13	4/7	5
Killing of law enforcement officers (H.2791)	13	4/7	10
<b>Nettles</b>			
Hazing prohibited (H.2121)	17	5/5	3
<b>Ogburn</b>			
Refunds cancelled insurance policies (H.2967)	16	4/28	13
<b>Pearce</b>			
Game law revision (H.2974)	16	4/28	7
Nicknames on ballots (H.2279)	13	4/7	3
Repeal of paint law (H.2948)	15	4/21	8
Tax exemptions for boats (H.2883)	14	4/14	8
<b>Peeler</b>			
Bombs (S.98)	13	4/7	4
Disabled veterans and state parks (S.71)	17	5/5	4

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Petty				
License plates for rescue squads (H.2979)	16	4/28		11
Phillips, L.				
Driver's license and vision (H.3015)	16	4/28	11	
Driver's license and age (H.3016)	16	4/28		11
Pope				
Defense of indigents (S.59)	18	5/12		5
Eminent Domain Procedure Code (S.135)	19	5/19		2
Fire departments, dual office holding (S.604)	21	6/2		5
Dual office holding and fire epts (S.604)	14	4/14		9
Rogers, J.				
Automobile insurance (H.2953)	16	4/28		12
Special license plates, development bd (H.3132)	19	5/19		5
Medical tort claims (H.2873)	14	4/14		10
School for science and math (H.2952)	15	4/21		4
Banks and insurance (H.2805)	14	4/14		4
Rogers, T.				
Economic interest statement (H.2970)	16	4/28		9
Payroll deduction, state employees (H.2794)	16	4/28		4
Economic interest statements (H.2971)	16	4/28		9
Folk Heritage Award (H.2973)	16	4/28		5
Rudnick				
Maternity leave (H.2686)	11	3/24		7
Mobile homes and delinquent taxes (H.3107)	18	5/12		3
Oath of Office, members of GA (H.2305)	13	4/7		3
Recognition of United Way (H.2887)	15	4/21		2
Utility generating capacity (H.2682)	11	3/24		6
Utility rate increases (H.2681)	11	3/24		6
Senate Banking and Insurance				
Health insurance pool (S.499)	17	5/5		7
Senate Fish, Game and Forestry				
Shrimp baiting (S.437)	16	4/28		7
Senate Judiciary				
Statewide grand jury (S.734)	18	5/12		4
Setzler				
Foreign substances on highways (S.139)	17	5/5		6
Height of vehicles (S.347)	11	3/24		6
Made in USA labels on textiles (S.717)	17	5/5		8
State employees and sick days (S.274)	13	4/7		8
Sharpe				
Breath tests in accidents (H.2801)	13	4/7		9
Eliminate auto inspection (H.2853)	14	4/14		12

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<b>Shealy</b>			
Computers and jury list (S.179)	11	3/24	5
Prisoners and litter control (S.568)	13	4/7	6
<b>Sheheen</b>			
Election of Supreme Court judges (H.2921-2)	15	4/21	6
Financial report from local govts (H.2264)	16	4/28	3
Higher education research (H.2926)	15	4/21	4
Wine coolers (H.2924)	15	4/21	6
Gasoline tax increase (H.2869)	17	5/5	3
Increase gasoline tax (H.2869)	14	4/14	7
<b>Smith, J.</b>			
Illegal parking, handicapped (S.262)	16	4/28	12
Suspension of driver's license (S.100)	19	5/19	2
<b>Snow</b>			
Ignition interlock program (H.2739)	12	3/31	11
<b>Taylor</b>			
Highway fund set asides (H.3001)	16	4/28	11
<b>Thomas</b>			
American History Month (S.429)	13	4/7	2
<b>Thraikill</b>			
Motor vehicle inspection (H.2928)	15	4/21	7
<b>Toal</b>			
Closing roads and streets (H.3009)	16	4/28	11
Second Injury Fund, employers (H.2718)	12	3/31	12
Second Injury Fund, assessments (H.2719)	12	3/31	12
Tax increment financing (H.2960)	16	4/28	8
<b>Waddell</b>			
Agency annual reports (S.688)	18	5/12	4
Economic Coordinating Council (S.627)	19	5/19	4
Economic Coordinating Council (S.627)	16	4/28	6
Hunter education (S.476)	16	4/28	8
<b>Washington</b>			
Fair housing law (H.2925)	15	4/21	8
<b>Ways and Means</b>			
General Appropriation Bill (H..2590)	12	3/31	4
Student loans (H.2783)	13	4/7	5
<b>Wells</b>			
Blood tests for food workers (H.2788)	13	4/7	8
<b>White</b>			
Pari-mutuel betting (H.2895, H.2896)	15	4/21	5
Agricultural real property (H.2877)	14	4/14	8

