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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

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Legislative Update, May 21, 1991

House Week in Review

One of the most significant bills of the 1991 session -- the Solid Waste Policy and Management Act -- was enrolled for ratification last week. With both the House and Senate adopting the work of the free conference committee, the bill was enrolled last Thursday.

Also enrolled for ratification last week was H.3711, the Recreational Fisheries and Conservation Management Act. This legislation would authorize the issuance of a saltwater fishing stamp with the proceeds from the sale of the stamp going solely for marine recreational fisheries conservation and management purposes.

Added to the enrolled list was S.190, which would require state government orientation sessions for new members of the Senate and House.

Special order status was given S.417, the Senate's version of the Coin-Operated Machines legislation. This special status was not granted easily. At first the House rejected the Rules Committee resolution to set the bill for special order consideration. The House finally adopted the special order resolution by a vote of 60-35. S.417 was amended to reflect the anti-gambling provisions placed in the House version of the bill. By a vote of 23-81, the House refused to add an amendment that proposed holding a statewide referendum on the question of a lottery in South Carolina and whether the owners of coin-operated machines should be allowed to pay off customers in cash for free games won.

By a vote of 91-12, the House finally gave second reading to S.417. Third reading was given on Thursday.

H.3345, legislation to expand the scope of the statewide grand jury to include public corruption investigations, ended up on the House contested calendar after a move to commit the bill to the Ways and Means Committee failed. Ways and Means members questioned how much the additional responsibilities proposed for the statewide grand jury would add to its cost.

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When the motion failed to have the bill committed to Ways and Means for review, objections placed it on the contested calendar.

Third reading by the House was given to several bills last week. Sent to the Senate for consideration were H.3364, the Prepaid Postsecondary Educational Expense Program; S.741, legislation requiring Infant-Child CPR certification of at least one staff member at all child care centers; H.3704, which would change from college to university the name of S.C. State, and H.3716, another bill adding university to a school's name -- this time, the College of Charleston.

In Conference Committee

H.3650 -- State Appropriations Act

H.3743 -- Ethics and Lobbying legislation

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Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all the bills introduced in the House are featured here. The bill summaries are arranged according to the standing committee to which the legislation was referred.

Education and Public Works

School Breakfast Program (H.4005, Rep. Jimmy Bailey). This joint resolution would require all school districts in the state to implement in each school a school breakfast program beginning with the 1991-92 school year. The joint resolution notes of the 701 "severe need" schools in the state -- those in which at least 40 percent of the students qualify for free or discounted lunches -- 112 do not have a school breakfast program. Another 108 schools, which have between 25 and 40 percent of their students eligible for free or discounted meals, also do not have a breakfast program. The legislation points out that studies have shown hungry children have lower achievement test scores, are tardy more often and have more health problems. The joint resolution also notes that the USDA reimburses schools 90 cents for free breakfasts and 60 cents for discounted breakfasts. Through federal reimbursements for these meals, the state would receive an estimated \$9.3 million in additional revenue, according to the legislation.

Judiciary

State Ports Authority and Land Acquisition (H.3997, Rep. Jimmy Bailey). This legislation would restrict the State Ports Authority from using its power of eminent domain on properties lying within the city limits of a municipality without the consent of the governing body of the municipality. If enacted, this restriction would go into effect Jan. 1, 1991.

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Ways and Means

No Funding Until Traffic Signal Installed (H.4009, Rep. Cooper). Under this joint resolution, the State Highway Department would be prohibited from using any funding it receives from the General Assembly and the State Highway Fund until a traffic signal is installed at the intersection of S.C. 86 and S4-53 in Anderson County.

Free Tuition for Veterans' Children (S.868, Sen. Giese). This legislation would change the current residency requirements for free public college tuition for the children of veterans killed, missing in action, made prisoners of war, totally disabled or recipients of the Congressional Medal of Honor during war time military service. Currently, the statutes require the veteran to have been a state resident for 18 years. This legislation would change the residency requirement to one year.

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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.

State Run Primaries (S.362, Sen. Holland). This legislation would authorize the State Election Commission to run the primaries instead of the political parties. The House added an amendment changing the primary date from June to August.

Status: Passed by the Senate and the House; recommitted to Senate Judiciary when returned to 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.

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: Passed the House; given second reading in the Senate 4-25-91.

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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: Passed the House; recalled from Senate Judiciary Committee 5-16-91. Set for Special Order.

Drug Testing of State Employees (H.3489, 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.

Spousal Sexual Battery (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.

Status: Passed the House; On Senate calendar, committee report favorable with amendment from Senate Judiciary.

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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 authorize 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.

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; in Senate Finance Committee.