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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

Facing the leanest budget year in memory, the House of Representatives gave second reading last Thursday to an austere 1991-92 State Appropriation bill after four days of debate.

Working with a revenue estimate of \$37.6 million in new dollars over the 1990-91 Appropriations Act, the House also cut \$25 million from the base budgets of selected state agencies. In addition, the House voted to raise revenue \$45.5 million through several avenues, including an increase in the Medicaid match, a one-time use of excess property insurance reserve funds, the elimination of the capital gains tax refund, and an increase in the nursing home bed fee.

Here are the highlights of the \$3.7 billion State Appropriations bill (H.3650):

- \$7.9 million to fund the constitutional General Reserve Fund and Capital Reserve Fund;
- \$2.4 million to pay the interest only on the \$31 million Hurricane Hugo loan;
- \$20 million to fund state employee and school district employee health insurance. This allocation will maintain the current level of service and ensures no increase in the employees' share during 1991-92.
- \$17.1 million to annualize the 1990-91 state employee base pay and merit pay increases. There is no state employee pay raise provided in the new budget.
- Public education (K-12) received a \$28.2 million increase, which will fully fund the Education Finance Act with a 3.7 percent inflation factor, maintains the school districts fringe benefit funding, and provides funds for textbooks and school bus transportation. Textbooks received a \$6.5 million increase; the school bus program received a \$2.7 million increase.

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- Teachers pay was maintained at the southeastern average of \$28,943, and an 18th step was added to the teacher pay scale.
- The EIA received an increase of \$14.8 million from the penny sales tax -- \$3.7 million was provided to expand Target 2000 programs, \$5.8 million expanded the EIA building fund program and the balance was distributed among various EIA programs. After defining the southeastern average and adding in the new revenue, \$17.7 million was provided for the school building program from the EIA appropriation.
- Cigarette taxes were increased from 7 cents to 12 cents per pack with the \$19 million raised going for matching Medicaid services, including hospital, drug and physician services.
- The nursing home Medicaid bed fee was increased from \$2 to \$5 per bed per Medicaid day. This yielded \$18.2 million of which \$5.3 million went to the general fund and \$12.9 million was appropriated for new Medicaid nursing home beds, among other services. As a result of the cigarette tax and the bed fee increases, the state will realize \$88.7 million in new federal Medicaid dollars.

Details of the House's recommendations on H.3650 are contained in the House of Representatives 1991-92 Budget Briefing Summary to be distributed to all House members this week.

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Bills Introduced

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

Agriculture, Natural Resources and Environmental Affairs

Restaurants and Smoking (H.3677, Rep. Cromer). Under this legislation, smoking would be prohibited in restaurants, cafeterias and other eat-in dining establishments, except in designated smoking areas. This legislation would be an addition to the Clean Indoor Air Act of 1990.

Abandonment of Animals (S.123, Sen. McConnell). This legislation would redefine the provisions dealing with abandonment of animals. Under this bill, a person could not abandon an animal without securing another owner or without providing the necessities of life. These necessities are defined in the bill as essentially adequate food, water and shelter. Violations, which would be heard in magistrate's court, would be misdemeanors punishable by a fine of \$200 to \$500 and/or 30 days of jail time.

In addition, if an animal is left at a kennel, veterinarian, or animal care facility 14 days after it was supposed to be picked up, the animal could be declared abandoned. This would give the caretaker the right to humanely destroy the animal or take it to a pound or shelter after trying for 10 days to notify the owner. The legislation specifically prohibits abandoned animals from being used for experimentation.

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Education and Public Works

New Age Religion and Public Schools (H.3687, Rep. Fair). Under this legislation, it would be unlawful to teach or counsel any mind altering psychological, occult, or "New Age" techniques in the public schools or teacher training programs. This techniques included "guided imagery," visualization, progressive relaxation, moral relativism, transcendental meditation, altered states of consciousness, "deep processing," use of spirit guides, channeling, psychic "mind experiments," chanting, astral projection or astral travel, telekinesis or parakinesis, yoga, parapsychology, astrological forecasting, mental telepathy, divination practices, psychic precognitive activities, "cross sensing," and other practices that are derived from Eastern mysticism or the occult.

If this legislation is enacted, a public school employee would be subject to disciplinary measures up to dismissal for practicing any of these activities.

CHE Annual Report (S.313, Sen. Setzler). The state Commission on Higher Education would report each year on the educational achievements of the state's public colleges, if this legislation is enacted. By January 15th of each year, the CHE would submit to the governor and the General Assembly a report that would compare the institutions in South Carolina with other Southern Regional Education Board (SREB) institutions. The reports would start in 1993.

Among the data reported would be the number and percentage of accredited programs at each four-year institution, the number and percentage of undergraduates and graduate students who complete their degree programs, the percentage of lower division instructional courses taught by full-time faculty, part-time faculty and graduate assistants, the number of students enrolled in remedial courses and the number exiting, the number of graduate students and upper division undergraduates participating in sponsored research, placement data on students, the enrollment rate of minority students and other information.

Two-year colleges also would have to submit data similar to the four-year college report. Surveys would be developed to measure alumni satisfaction with both four-year and two-year institutions. The CHE would be able to withhold funding recommendations for an institutions that did not handed in the data for the report.

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Judiciary

Anti-Discrimination and Accommodations (H.3680, Rep. Keyserling). This legislation would amend the Public Accommodations statutes to include gender among the grounds on which public accommodations may not discriminate.

Child and Infant CPR Requirement for Day Care Centers (H.3682, Rep. Waites). This legislation would require each child care center in the state to have at least one person on the staff present at the center who is currently certified in infant and child first aid and cardiopulmonary resuscitation.

Lobbying Employment (H.3684, Rep. McLeod). A person would be prohibited from lobbying for pay, under this legislation, unless the person was employed exclusively by an association or was a full-time employee of an association, corporation or other entity and was registered as a lobbyist for one of those organizations. The bill specifically prohibits any person from representing as a lobbyist more than three organizations.

Litter Dumping (H.3689, Rep. Cromer). This legislation would double the penalties for the illegal dumping of trash on public or private property. Fines would increase from \$200 to \$400 for each offense and litter-gathering labor would increase from a minimum of 5 hours to a minimum of 10 hours. Fines for the illegal dumping of litter in an area not designated for public deposit of litter would increase from \$200 to \$400 and a minimum of 10 hours of litter-gathering labor. If litter gathering is substituted for the fine, this bill would raise the substitution from one hour for each \$5 of the fine to two hours for each \$5 of the fine. A second conviction would bring an additional penalty of 40 hours of community service. The assessment for supervising this labor would increase from \$25 to \$50 for each person convicted or pleading to this offense.

Labor, Commerce and Industry

South Carolina Milk (H.3691, Rep. Waldrop). Under this legislation, all public schools, institutions of higher learning and state agencies that have food service could purchase only class A-1 milk produced and processed in South Carolina. The milk cartons would have to bear the certification that the milk was South Carolina produced and processed.

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Medical, Military, Public and Municipal Affairs

Consolidated Governments (H.3681, Rep. Waites). The intent of this bill is to provide a method of creating consolidated governments to fulfill the unique needs and demands of various county areas. This bill provides the enabling legislation setting out the procedure for counties, municipalities and other political subdivision to provide for the joint administration of any function. This bill specifically prohibits the abolishment of any constitutional office by consolidation.

Under this bill, the county governing body would create a 12-member consolidated government charter commission to draw up the provisions of the consolidation. This commission could be created only upon the request of the county government or the petition of at least 10 percent of the county's registered voters.

Six of the 12-member commission would be appointed by the county. Four of these county representatives would have to live outside the limits of the county's largest municipality, and no more than one could be an elected official. Special purpose districts, serving more than 1,000 customers, could have a representative on the commission. However, this representation would be limited to one person per special purpose district, and special purpose districts could have no more than four representatives on the commission.

The remaining six commission members would be municipal residents, appointed according to the appointive index outlined in the bill. However, no single municipality could appoint more than four members to the commission, and only one elected municipal official could sit on the commission.

The commission would draft a proposed charter to provide for: the abolishment of specified governments within the county and for the creation of a new single government; the transfer of all powers and obligation of the governments to be consolidated. (However, special purpose districts could be authorized to continue to perform their functions.) The charter could also call for all old public offices and government positions to be abolished, except constitutional officers, judges and school board members or school district employees. It would establish the membership of the consolidated governing board, the employee positions and offices to be set up under the new government, and the assumption of all obligations and indebtedness. The charter would speak to tax levying and tax districts, and the method by which the charter could be amended or dissolved.

The commission must complete its draft charter within a 12 month period. It would then be required to hold three public hearings and a county-wide referendum on the issue. If the referendum is approved county-wide, but rejected by the voters in a municipality or special purpose district, the charter has no effect on that municipality or special purpose district.

The consolidated government goes into effect when the members of the new consolidated government board are elected.

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Ways and Means

Increasing the Multiplier for Law Enforcement Retirement (H.3678, Rep. Rama). Under this legislation, retiring law enforcement officers would receive a monthly retirement allowance equal to 1/12 of 3 percent of the his or her average final compensation multiplied by the number of years of Class 2 service. Currently, the multiplier is 1/12 of 2.14 percent. The Budget and Control Board would be directed to adjust the employee contribution paid by law enforcement members to offset the actuarial cost of the increased retirement benefits.

Senate Orientation for New Members (S.190, Sen. Rose). This legislation would require that the Senate Operations and Management Committee hold a new member orientation for incoming senators following the 1992 senatorial elections. The fiscal impact of this orientation is estimated at \$3,180 based on an estimated maximum participation of 20 new members. The bill would authorized the new members to draw per diem, mileage and subsistence. Incumbent senators would be allowed to participate in the orientation.

Administrative Leave Limit (S.508, Sen. Land). This legislation would limit to 90 days the administrative leave state employees could take if they are temporarily disabled due to an assault by an inmate, patient or client. Sick leave does not have to be taken.

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Little Known Facts about South Carolina Women

Two years ago, the S.C. Department of Archives and History put together an exhibit on the "Notable Women of South Carolina." As part this exhibit, the department listed some of the achievements of these accomplished women through the centuries. In celebration of Women's History Month, here are those highlights. Thanks to the Department of Archives and History for this information. This brochure is one of many produced by the department on historical topics of interest.

17th and 18th Centuries:

- The Indian Treaty of 1675 bears the signatures of seven women "captains" who held positions of tribal leadership.
- Mary Cloud's massacre by Indians in 1751 illustrates the dangers of life in the South Carolina backcountry.
- Independent-minded Elizabeth Haig instructed the Commons House of Assembly on how to rescue her husband George from the Indians.
- Eliza Lucas Pinckney introduced indigo as a major cash crop in South Carolina.
- Anne Timothy, publisher, ran her husband's newspaper and printing business after his death in 1782.

19th Century:

- Celia Mann, a midwife and free black, established the First Calvary Baptist Church in her home, which still stands at Richland and Marion streets in Columbia.

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- Angelica Singleton Van Buren, born in Sumter District, served as White House hostess for her father-in-law, President Martin Van Buren.
- Sarah and Angelina Grimke' crusaded against slavery and were early advocates of women's rights.
- Ann Pamela Cunningham, a Laurens County native, spearheaded the campaign to save Mount Vernon.
- Mary Boykin Chesnut's diary has become famous for its frank revelations about southern society and Confederate leaders.

20th Century:

- Peggy T. Gignilliat, a pioneer in historic preservation, was the first woman member of the Archives and History Commission.
- Educator and humanitarian Mary McLeod Bethune advised four U.S. presidents on youth and social welfare.
- Anne Worsham Richardson is a nationally recognized artist and ornithologist.
- Septima Poinsette Clark, teacher and civil rights activist, received the Order of the Palmetto.
- Maude Callen was a nurse and midwife in Berkeley County for over 60 years.
- Anne King Gregorie helped preserve South Carolina history through her work as director of the Historical Records Survey.