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South Carolina House of Representatives

# Legislative Update

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

Vol. 7

February 13, 1990

No. 5

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House Week in Review

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Objections from House members placed two highway bills on the contested calendar last week.

One bill was H.3848, the sequel to the Highway Safety Act, sponsored by the House Education and Public Works Committee. After emerging from the House Education Committee as a committee bill last session, the legislation was sent to the House Judiciary Committee for review. The Judiciary Committee further amended the bill, which was up for second reading consideration last Tuesday when objections placed it on the House contested calendar.

The second highway-related bill was S.593, which as amended would make littering a two point violation. This also was placed on the contested calendar after objections were raised by House members.

Enrolled for ratification was S.567, which will provide early intervention for preschool-aged handicapped children. This bill follows-up on last year's proviso in the Appropriations Act. The bill directs other state agencies to provide the State Department of Education with any information available to help estimate the needs and costs of the early intervention program. The bill focuses primarily on the needs of three to five-year-old handicapped children.

The House also adopted S.1159, a concurrent resolution, indicating the intention of the General Assembly to approve \$800,000 of non-recurring money to fund the shortfall in the Children's Rehabilitative Services budget. CRS recently received media attention when a shortfall in the program's budget threatened to diminish services given to the program's handicapped clients.

By a vote of 54-52, the House also voted last week to continue H.3383. This proposed constitutional amendment would have changed the opening of the legislative session from the second Tuesday in January to the second Tuesday in February. It also would require the State Senate to have organizational sessions following elections, as the House now has.

Bills Introduced

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Here is a sampling of bills introduced in the House last week.. Not all the bills introduced are featured here. The legislation is organized by the standing committee to which it was referred.

**Education and Public Works Committee**

School Notification of Juvenile Criminal Records (S.919, Sen. Courson). Under this legislation, the Department of Youth Services would provide a copy of the juvenile criminal record of a juvenile, adjudicated for a violent crime, to the principal of the school where the juvenile will be attending class. The bill authorizes the department to provide a copy of the juvenile criminal record and, if requested, information pertaining to the record. DYS must provide the school principal with the information immediately upon the juvenile's release from the department.

The legislation would require each school district to develop a confidentiality procedure for handling the information provided in the juvenile criminal record. At a minimum, the bill requires the information to be kept in the student's disciplinary file or some other confidential file with limited access. The information must be destroyed upon the juvenile's completion of high school or upon reaching the age of 21.

Alternate Method of Teacher Certification (H.4614, Rep. Corning). This bill would establish an alternate means of obtaining teacher certification outside the college teacher preparation program.

Under this bill, a provisional teaching certificate would be issued to a person who participates in a training program approved by the State Board of Education. The person who successfully completes the training program would be issued the standard certificate.

To participate in this alternate training program, the prospective teacher would have to:

- possess a bachelor's degree;

- pass a test of subject matter knowledge in the teaching field, approved by the State Board of Education. For elementary and kindergarten teaching, the candidate must pass a test of general knowledge approved by the State Board. To pass a subject field test, the candidate must have completed at least 30 semester hours in a coherent major or have five years experience in the subject field;
- have been offered employment by a school approved by the State Superintendent of Education at the recommendation of the Office of Teacher Education and Certification to offer a certificate training program, and
- meet the standard health requirements.

The Teacher Certification Office could reject anyone who is judged not to meet the academic requirements comparable to college teacher preparation programs.

Any school district seeking to hire a teacher under these provisions would submit a plan to the State Board of Education, describing key elements of the proposed training program. The district would show evidence of having sought joint sponsorship of its approved training program with colleges and universities.

Training during the provisional stage must include:

- A fulltime seminar/practicum of no less than 20 days which takes place before the time the provisional teacher takes responsibility for a classroom. The seminar must provide formal instruction in basic teaching skills through supervised teaching experiences with students, and must include orientation to the policies, organization and curriculum of the district.
- Intensive on-the-job supervision for a period of 10 weeks once the provisional teacher is in the classroom. Once a week the teacher will be evaluated and critiqued by a professional support team. Formal instruction would include topics such as student assessment, development, learning curriculum and school/classroom organization. After the 10 weeks, a written evaluation would be issued.
- An additional 20 weeks of supervision and evaluation. This would include critiques once a month and formal evaluation at least twice. Formal instruction would continue in essential areas. The teacher would be given the opportunity to observe experienced teachers.
- Approximately 200 hours of formal instruction would be required in all three phases of the program. The support team would be made up of a school principal, an experienced teacher, a curriculum supervisor and a college faculty member.

At the end of the training, the chairman of the support team would submit to the Teacher Certification Office a recommendation regarding whether the provisional teacher is approved or disapproved for certification or whether more training is needed. The provisional teacher would be given recourse if he or she disagrees with the team recommendation.

**Judiciary Committee**

Laundering Drug Money (H.4571, Rep. Hayes). This legislation would make it a felony to knowingly participate in a financial transaction designed to disguise or conceal the proceeds gained through violation of state or federal illegal drug laws. It also would make it a felony if the transaction was used to promote further illegal drug activities. The penalty for violation would be a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or not more than 20 years in jail.

Further, the legislation makes it a felony to transport, transmit, or transfer a monetary instrument or funds from a place in South Carolina to a place outside the U.S., or to a place in South Carolina from a place out of the country, if the action is taken to promote illegal drug activities or to disguise or conceal the proceeds of illegal drug activities.

This also would be punishable by a fine of \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or both.

In addition, anyone involved in illegal drug activities or who conceals or disguises property gained through illegal activities, or attempts to conduct a financial transaction involving property gained through illegal activities or used in illegal activities, would be guilty of a felony. The punishment would be a \$500,000 fine or twice the value of the property involved, whichever is greater, or a 20 year jail term.

Anyone convicted of the violations described in this legislation would also be liable to the state for a civil penalty. This civil penalty would be either the value of the property, funds, or monetary instruments used in the transaction, or \$10,000, whichever is greater.

Leader of a Narcotics Trafficking Network (H.4572, Rep. Hayes). This legislation would define a "leader of a narcotics trafficking network" and set penalties of this felony. Under this legislation, the leader of a narcotics trafficking network is a person who conspires with five or more people and acts as the organizer, supervisor, financier or manager of activities to illegally manufacture, distribute, dispense or transport a controlled substance.

A leader, as defined in this bill, would be guilty of a felony, punishable by life in prison. None of this life sentence could be suspended nor could parole or probation be granted for any part of it. A person convicted of this crime would not be eligible for work release or supervised furlough. In addition, the court could fine the convicted \$500,000 or five times the street value of the drug involved, whichever is greater.

The legislation states that it would not be necessary for the prosecution to prove that any intended profit from the activity was actually realized.

Additional Penalties for Drug Offenses and Machine Gun Use (H.4573, Rep. Hayes). This legislation would provide additional punishment for a drug related offense if the convicted was in possession of a firearm or visibly displays a firearm or knife in the commission of the crime. The additional punishment, like that for violent crimes, would be five years on top of the sentence for the original offense.

The legislation also provides that if the firearm used in the commission of a violent or drug-related crime is a machine gun or a firearm with a silencer, the additional penalty would be ten years. These additional penalties must run consecutively, not concurrently, if the conviction is drug-related. The convicted would not be eligible for parole, work release or extended work release during the service of the sentence.

Juveniles and Drug Operations (H.4574, Rep. Hayes). This legislation would make it illegal to use a person under 18-years-old in an illegal drug operation, nor would it be legal to receive a controlled substance from a juvenile. Violation of these provisions would constitute a felony carrying a sentence of 5 to 15 years.

State Highway Patrol Under SLED (H.4582, Rep. Winstead). Under this legislation, the State Highway Patrol would be removed from the State Highway Department and placed under the direction of the State Law Enforcement Division. Troopers would be commissioned by the governor upon the recommendation of the chief of SLED, and the SLED chief would have firing powers. All other supervisory powers over the patrol would be removed from the chief highway commissioner and placed under the chief of SLED, if this bill is enacted.

State Agency Regulations (H.4605, Rep. McLeod). This joint resolution would amend the State Constitution to require that regulations, issued by state agencies, must follow the same approval procedure by the General Assembly as required by bills. If this resolution is approved, the General Assembly would have the power to amend a regulation. Additionally, in cases of emergency, regulations could become effective for the duration of the emergency with the approval of the governor. If passed by the General Assembly, this constitutional amendment must be approved by the voters in a statewide referendum.

Committee Handling of State Regulations (H.4606, Rep. McLeod). This legislation would reduce the time legislative committees have to consider regulations submitted by state agencies. Currently, the committees are given 120 days to consider the regulations and determine their action. This bill would reduce that time to 30 calendar days. If the committee takes no action within the 30 day time limit, the regulation is considered approved by the committee and would be sent to the full House or Senate as a joint resolution. The bill also deletes reference to automatic approval of regulations after 120 days.

### **Labor, Commerce and Industry Committee**

Insurance Coverage Sticker (H.4579, Rep. J.C. Johnson). Under this legislation, each motor vehicle would have a front windshield sticker designating the month, day and year, including any grace period, for which the automobile insurance has been paid. If the insurance is paid on a monthly basis, the sticker must be issued for a three month period. The stickers would be regulated by the State Highway Department, which would issue them to insurance companies. Monthly reports would be made to Highway Department by those issuing the stickers.

Insurers would have 15 days from the day the premium is paid to provide the sticker to the vehicle owner. If a policy is cancelled, the vehicle owner must return the sticker to the insurance company. Vehicles with expired stickers or no stickers at all would have their license tags removed by the law enforcement officer at the time of the violation. In addition, the owner would be guilty of a misdemeanor, punishable by a \$25 fine.

If within ten days of the tags being removed, the owner provides proof that insurance was in effect, the tags must be returned. If no proof is provided by the owner, then he is guilty of a misdemeanor, and the tags would be suspended until he can provide proof to the Highway Department of payment for a one year insurance policy. In addition, the owner, upon conviction, would be fined \$200. The legislation also outlines provisions making it a misdemeanor to alter or manufacture counterfeit insurance stickers.

Reinstatement Fee Change (H.4602, Rep. T.C. Alexander). This legislation would reduce the reinstatement fee from \$200 to \$25 for the first refusal to surrender suspended license plates and registration from an uninsured motor vehicle as required by the Auto Insurance Reform Act of 1989.

**Medical, Military, Public and Municipal Affairs Committee**

Public Record Keeping (4578, Rep. Keyserling). This legislation redefines "public record" as it appears in the Freedom of Information law. And the definition of "public body" is expanded to include all public bodies from the state to the local level, including school districts and special purpose districts. The definition also includes any group supported fully or in part by public money, including any committee, subcommittee, advisory committee, or any panel by whatever name.

It designates the chief administrative officer of a public body as the legal custodian of public records for that body, charged with carrying out the responsibilities for the records outlined in this legislation. The bill increases the penalty for unlawfully removing public records or for altering or destroying them. Under this legislation, the fine for this misdemeanor would be increased to not less than \$200 nor more than \$5,000. A person found guilty of neglect or unauthorized destruction of public records while acting in an official capacity would receive a public reprimand.

The Department of Archives and History could remove any public record from a facility that does not meet the department's record storage standards. The department would establish a records management program and institute a records and information management training program, which it would bring to the attention of all public agencies. The department could issue regulations outlining the general schedule for a records series to either be destroyed at a stated time or to be preserved through other means, such as transfer to the Archives department. The department would be given the authority to set minimum and maximum retention requirements for public records, and it would have the authority to review all records for appraisal and scheduling purposes, including those closed or confidential.

The department could determine by what medium the records must be retained. Other record keeping requirements by the Archives department are authorized and outlined in this bill.

**Ways and Means Committee**

Additional Airport Bonds (H.4577, Rep. Carnell). This bill authorizes the issuance of additional bonds by the State Aeronautics Commission for airport improvements in counties around the state. The new total for all improvements is \$133.9 million. The funds must be prioritized and scheduled for release by the Joint Bond Review Committee and the Budget and Control Board over a five year period beginning with the January - July 1991 period.

Income Tax Exemption for All Retirees (H.4603, Rep. McGinnis). If this bill is enacted, all South Carolina residents, age 65 or older, would be exempt from the state income tax.

Tax Deduction for Timber Loss Due to Hugo (H.4604, Rep. McKay). This joint resolution would allow the owner of commercial timber in a declared hurricane disaster county to take a state income tax deduction not to exceed 75 percent of the loss from damaged timber. No more than one-third the amount would be allowed as a deduction in any one year. The deduction allowed by this resolution could be carried forward for five succeeding tax years. This deduction also must be reduced by any hurricane-caused casualty loss of commercial timber deducted on the taxpayer's federal income tax form.

Among a number of other provisions in the bill, the joint resolution would allow a state income tax deduction for Hurricane Hugo commercial timber damage assessment expenses.

The timber owner, as defined by the bill, would be one whose residence or principal place of business was in an area declared a federal disaster area as a result of Hurricane Hugo.

#### Without Reference

New Lobbying Law (H.4613, House Judiciary Committee). This bill tightens up the reporting requirements of lobbyists for private businesses and lobbyists for state agencies, departments, and commissions. It includes lobbying to influence gubernatorial and executive department action, as well as legislative action.

The bill requires registration of lobbyists with the State Ethics Commission and annual reports filed with the commission. The bill contains civil and criminal penalties for noncompliance that are higher than the current law, which just has criminal penalties and a bar on lobbying.

Under the current law, the lobbyist files with the Secretary of State an annual statement of "all contributions and expenditures made, paid, incurred or promised in connection with promoting or opposing in any manner any legislation...A legislative agent with other duties is required to report only that income or expense directly related to lobbying." Violations of these provisions is a misdemeanor punishable by \$200-\$500, or 60 days, as well as a two year ban on lobbying.

Under H.4163, the penalties are increased to \$1,000 and 90 days, plus a three year ban on lobbying. For failure to file timely reports, the civil penalty is \$100 if filed up to five days late, \$10 per day for each additional day to up a maximum of \$500.

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The bill requires a lobbyist to register with the State Ethics Commission within 15 days of employment. The fee would be \$200. If the lobbyist receives no money or expends none while lobbying, then the fee would be \$50. The current fee is \$10. The registration form would include full identification of the lobbyist, the businesses to be lobbied for, and identification, so far as possible, of each person, including state agency, board, commission or committee, with whom contact will be made while lobbying.

The lobbyist would maintain records for five years on his total income received attributable to lobbying, identification of each person from whom money is received, and the amount received, and the total expenditures of the lobbyist. If money is received from a voluntary membership organization, then just those who contribute over \$500 would be listed.

The annual report would be submitted within 30 days of the sine die adjournment. It would contain:

- full identification of the reporting lobbyist;
- each person the lobbyist has lobbied;
- each person who has worked for the lobbyist as a lobbyist;
- each legislative, executive or state agency action which the lobbyist sought to influence by subject matter;
- identification of each person from whom money was received as well as the amount received with the exception listed above;
- totals of all expenditures made or incurred for the benefit of the public official or employee by the lobbyist while lobbying. These totals must be listed by category. Also the lobbyist would list the total number of public officials or employees on whose behalf these expenditures were made and list the names of public employees or officials on whom more than \$100 was spent in any calendar day;  
In the case of special events for public employees, such as dinners or athletic events, the date, location, name of the public body invited and total expense must be listed;
- statement of any money promised or loaned to a legislator, public official, employee or the governor;
- statement of direct business association with a legislator, the governor, public official or employee.

This legislation places the same reporting requirements on the lobbying activities of state agencies, departments and commissions as is required of other lobbyists.

Under this legislation, the power of the Ethics Commission regarding lobbying requirements are outlined, including the power to investigate and subpoena, the promulgation of regulations, and requests of the Attorney General to take civil or criminal action. It also directs the commission to maintain files, issue identification cards to lobbyists, receive complaints, etc. Civil penalties also are proposed against a lobbyist who never files or files late.

## Legislative Update, February 13, 1990

### Legislative Media Corps 1990

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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 his or her staff.

**Chairman:** Lou Fontana, 799-1010.

#### Newspapers

**Associated Press:** Trip Dubard, Tom Strong, G.G. Rigsby, Janet Pope, Mary Brooks, Elizabeth Grant, Eva Parziale, John Shurr, 799-5510.

**Augusta Chronicle and Herald:** Paul Pinkham (Columbia) 252-5066, Leslie Buck (Aiken) 648-1395.

**Charleston News and Courier:** Andy Brack, Sid Gauden (until March 5), Schuyler Kropf (after March 5) (Columbia) 799-9051.

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

**Florence Morning News:** Mike Jones, 669-1771.

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

**Spartanburg Herald-Journal:** Chuck Carroll (Columbia) 779-8231.

**The State:** Cindi Ross Scoppe, Clark Surratt, Jeff Miller, Charles Pope, Bill Robinson, Brad Warthen (Newsroom) 771-8390, (Statehouse) 254-9496.

**United Press International:** Brant Newman 779-0380.

Television and Radio

**S.C. ETV:** Tom Fowler, Pete Poore, Tim Carrier, Warren Foushee, Tom Posey, Christine Nelson, 737-3353.

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

**WBTW-TV:** Brian Thompson (Charlotte) 704-374-3691.

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

**WCBD-TV:** Harve Jacobs, Terry Casey, Shellee Smith (Charleston) 884-2288.

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

**WCSC-TV:** Chris Drummond (Charleston) 577-6397, FAX 722-7537

**WECT-TV:** Natalie Dick (Myrtle Beach) 448-6597.

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

**WLOS-TV:** Judy Fleming (Greenville) 271-1313.

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

**WOLO-TV:** Reggie Hall, Suzel Spiller, Stephanie Thompson (Columbia) 754-7528.

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

**WSPA-TV:** Robert Kittle (Columbia) 772-3666, 254-2274; Chuck Edmondson (Spartanburg) 1-800-768-9772.

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

**WCOS-Radio:** Margaret Gregory, Julie Jones (Columbia) 256-7348.

**WLTR-Radio:** Lexie Chatham, Al Jackson, Barry Myers, Audrey Fannin (Columbia) 737-3420.

**WMHK-Radio:** Carolyn Walter, Mark Garrett, Claudia Quinton (Columbia) 754-5400.

**WVOC/WCEZ-Radio:** Dianne Chase (Columbia) 772-5600, 772-5840.

Photographers

**Associated Press:** Lou Krasky, Mary Ann Chastaine 799-5510.

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

**The State:** Maxie Roberts, Doug Gilmore, Tim Dominick, Joe Jackson, Jim Arnold, Anne McQuary, Linda Stetler, Pam Royal, Perry Baker, Bill Kelley 771-8420.

**United Press International:** Joe Mohoney, Chris Seward 779-0380.

