



South Carolina House of Representatives

# Legislative Update

Robert J. Sheheen, Speaker of the House

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STATE DOCUMENTS

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## Legislative Update, January 29, 1991

### House Week In Review

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Snowy weather prompted the House of Representatives to adjourn earlier than usual on Thursday, but earlier in the legislative week, the House gave third reading to a number of bills and adopted another House rule change.

By a vote of 90-9, the House gave second reading approval to H.3059, a joint resolution to amend the constitution to allow appropriations to be made to compensate for services given during state emergencies declared by the governor. The House gave the bill third reading on Wednesday and sent it to the Senate. If enacted, the joint resolution would have to be approved by the voters in a statewide referendum during the next general election.

Two House bills to shorten the legislative session, H.3127 and H.3128, were placed on the contested calendar after five objections were lodged against them. H.3127 is a joint resolution to change the convening date of the General Assembly to the second Tuesday in February instead of the current second Tuesday in January. H.3128 would place mandatory adjournment at the second Thursday in May, instead of the first Thursday in June, and also require earlier economic forecasts by the Board of Economic Advisors and budget hearings by the House and Senate budget committees.

Debate on changes in the House rules continued last week. After rejecting several amendments, the House adopted a rule that will require all House candidates and their campaign committees to maintain a record of all funds and contributions received with the full name, full address and amount of the contribution. However, on Wednesday, the House upheld an amendment stating that the name and addresses of contributors of \$100 or less need not be maintained.

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### Bills Introduced

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

#### Education and Public Works

Highway Department Reorganization (H.3288, Rep. Beasley). This lengthy bill is the result of the work of the joint legislative committee charged with investigating the State Highway Department. After six months of review, the committee, co-chaired by Rep. Beasley and Sen. Isadore Lourie, recommended both structural and budgetary changes in the department. Among the changes highlighted in this bill are:

- Changing the name of the Department of Highways and Public Transportation to the Department of Transportation;
- Establishment of an ombudsman office to handle all public complaints;
- Changing the current method of electing highway commissioners. Under this legislation, the state would be divided into seven highway districts from which one highway commissioner will be elected by the General Assembly. The legislation contains language which states that each commissioner must represent the state as a whole and not sacrifice state interest for local interest. Under current law, the commissioners are elected by the county legislative delegations, which they represent. The law also requires that the commissioners also must be rotated among the counties they represent. There is no similar provisions in this proposed legislation.

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In addition, there will be two at-large representatives appointed by the governor with advice and consent of the Senate. Further, the chairmen of the House Education and Public Works and Senate Transportation Committees, or their designees, would serve ex officio. These changes will reduce the size of the commission from the current 20 members to 11 members.

- The removal of the Highway Department from the budgetary lump sum status it now has. Under the present law, only the higher education institutions and the Highway Department receive lump sum budget allocations. Under this legislation, the Highway Department would go through the same budgetary process as all other state agencies. These budget changes also include:
  - \* Expend funds as budgeted in the General Appropriations Act each year;
  - \* Receive approval of the Budget and Control Board ~~prior to making any interdepartmental transfers;~~
  - \* Process all vouchers for payment of purchase of goods and services through the Comptroller General's Office, beginning July 1, 1992;
  - \* Process personnel services through the Comptroller General's Office, beginning Jan. 1, 1993.
  
- Changing the divisional structure within the department. The department would be reorganized into six divisions, instead of the current four. These new divisions would be finance and administration; construction, engineering and planning; motor vehicle services; law enforcement; mass transit, and inspection, certification, compliance, permits and enforcement.
  
- Restructure the offices of state highway engineer and secretary-treasurer. Under this bill, the duties of the secretary-treasurer would be assumed by a new manager of finance and administration. The responsibilities of the state highway engineer would be taken over by the manager of the construction, engineering and planning division. All division managers under the reorganization would be appointed by and serve at the pleasure of the department director. Under current law, the state highway engineer and the secretary-treasurer are elected by the highway commission.
  
- Requires the executive director to appoint an internal deputy director, an external deputy director and a district director for each highway district. The external deputy director would be responsible for the business-like management of each

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highway district and the coordination and implementation of division policy at the district level. The internal deputy director would be responsible for establishing uniform departmental policies, rules, procedures and standards within state headquarters. The internal deputy director would have direct supervision of each division manager. The district director would be the chief administrative officer of the highway district, responsible for managing all aspects of the department's operations at the district level.

Computing Teaching Experience (H.3297, Rep. Larry Martin). Under this legislation, the State Department of Education must give credit for each portion of daily instructional activity that a classroom teacher performs, whether full-time or part-time. The portion of credit given would be determined by the department's "FTE Conversion Table." In addition, the department would establish guidelines for converting summer school credit. If a teacher wishes to update his or her teaching experience on file with the department based on the provisions of this legislation, the request for the update and the documentation must be provided by the teacher.

Safe Driving and Alcohol and Drug Abuse Education (H.3310, Rep. Rama). This legislation if enacted would require all teenagers, under the age of 18, to complete a drivers training course and a safe driving course before they may be issued a driver's license. The safe driving course must contain a segment on the effects and dangers of drugs and alcohol on driving. These courses would be required for those under 18 in addition to the driving examination required by the Highway Department.

It would be up to the Highway department to approve the content of the safe driving course. If a teen has had a driver's license for at least four years, the spouse of a married teen-ager or the parents, grandparents or guardian of a teenager may sign a form stating the teen has received the required training by the person signing the certification, called a home training certification.

Further, the State Department of Education would prepare and local school districts create a safe driving course in all high schools.

Interscholastic Activities (H.3313, Rep. McAbee). Under this legislation, the South Carolina High School League would have jurisdiction over all interscholastic activities in grades 9 through 12, whether these activities are athletic or academic. Currently, local school boards monitor those interscholastic activities not under the jurisdiction of the S.C. High School League.

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### Judiciary

Absentee Ballot Addition (H.3292, Rep. Jimmy Bailey). This legislation would allow all registered voters 72-years-old or older to vote absentee if they wished.

Fair Campaign Practices (H.3294, Rep. Waites). This is another of the bills to emerge from the ad hoc committee on ethics. This bill would require all candidates, regardless of how they are nominated for office, to comply with its provisions. Under the code of fair campaign practices, all candidates would pledge:

- To conduct their campaigns openly and publicly;
- To reject and not permit the use of character defamation, libel, slander or scurrilous attacks on another candidate or candidate's personal or family life;
- Not to use or permit the use of any material which misrepresents or falsifies facts or exploits doubts about the opponent's loyalty or patriotism;
- Not to use or permit the use of any appeal to negative prejudice based on race, sex, religion, national origin or physical disability;
- Not to use or permit the use of anonymous mailings;
- Not to coerce election help or campaign contributions from employees;
- Not employ or condone acts of political espionage or the undermining of political parties or the nominating or election event;
- Not to misrepresent the contents or outcome of polls.
- If defeated, not to run as a write-in.

This pledge would be signed by the candidate or the chairman or treasurer of the campaign. The State Ethics Commission would be authorized to investigate any complaints of violations of these provisions and the investigative process is outlined in the bill.

It would be a misdemeanor to maliciously file a false complaint or to publicly reveal that a complaint had been filed.

Upon the completion of its investigation or any hearing (of necessary), the commission could issue a cease and desist order or impose a civil penalty not to exceed \$1,000 for each violation. Failure to comply with cease and desist orders would result in a contempt or court proceeding. All actions taken by the commission, except on alleged violations found to be groundless, would be a matter of public record.

More Lobbying Regulations (H.3295, Rep. George Bailey). This legislation would require lobbyists to register with the State Ethics Commission, with professional lobbyists paying a \$200 fee and non-paid

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lobbyists, a \$50 fee. No fee would be required of full-time state employees lobbying on behalf of their state agency.

Annual reports would require lobbyists to identify, among other things, the total of expenditures made by the lobbyist, segregated according to financial category, for instance, food and refreshments, entertainment, living accommodations, printing, etc. Also included in the report would be the total number of individual officials or employees on whom more than \$50 was spent in a 24 hour period. Contributions of political action committees, if already disclosed on other public statements, would not have to be included in a lobbyist's report.

The bill outlines what powers the State Ethics Commission would have, including requesting the Attorney General to enforce the provisions on behalf of the commission. The Ethics Commission would develop forms, issue identification cards to lobbyists, prepare a manual showing recommended bookkeeping and reporting practices, provide notices of registration, to receive and investigate complaints with alleged failure to have filed the required reports, among other provisions. The bill also would limit the ~~regulations promulgated by the Ethics Commission~~ to include only the forms necessary to accomplish the provisions of the act.

Lobbyists would be prohibited from inviting, and legislators from accepting, any invitation unless the entire membership of the General Assembly, one of its chambers, standing committees, standing subcommittees, caucuses or entire county legislative delegation is invited. The bill would also outlaw cash contributions of \$50 for a given campaign, contributions of \$250 from a registered lobbyist or lobbyist's employer, or any contribution from a corporation, bank or labor union. Further public officials would be prohibited from accepting campaign contributions on the Statehouse complex, the Statehouse, Blatt or Gressette buildings or other state-owned property. It would prohibit candidates from using campaign funds for personal use.

Only actual expenses, no cash honorarium, could be accepted by any public official or public employee. Except for campaign contributions, public officials and employees would be prohibited from taking anything of value from a lobbyist except food or a memento of the occasion. A record of all contributors to a campaign and the amount they contributed must be maintained by a candidate and available to the public upon request. When a final list is submitted to the commission, the campaign must file a certified report stating the amounts expended, the purpose, the amount retained and its ultimate distribution.

Check Service Charge (H.3304, Rep. Jean Harris). This legislation would raise the service charge on bounced checks from \$15 to \$20.

FOI Change (H.3305, Rep. McElveen). Under this legislation, the home addresses and telephone numbers of public employees and officials would not be public record and subject to disclosure.

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Abolishment of Legislative Ethics Committees (H.3306, Rep. Rama). This legislation would bring the General Assembly under the jurisdiction of the State Ethics Commission in connection with all record filings including statements of economic interest and other reports and the investigation of violations. In addition, the legislation would abolish the House and Senate Ethics Committees.

Check Cashing and Credit Cards (H.3308, Rep. Rama). Under this legislation, it would be prohibited for anyone to write down a credit card number presented as identification when writing a check.

Obscene Music (H.3311, Rep. Rama). Under the legislation it would be illegal to sell, rent or distribute to a teen-ager under 18-years-old any record, audiotape, music videotape, compact disc or other recording which contains lyrics that are obscene, as defined by law, harmful to minors as defined by law, that advocate violence or other criminal conduct, or that contain swear or curse words. This would be a misdemeanor punishable by not more than a year in jail and/or up to a \$500 fine.

Racing a Motor Vehicle (H.3331, Rep. Altman). Under this legislation, the fines for violating racing a motor vehicle would be raised. In addition to the increased fines, those convicted of this violation would have their driver's license suspended for 18 months and the vehicle confiscated and sold. The legislation also raises the fines for those who permit their vehicle to be used for racing. In addition, the vehicle owner's driver's license and registration of the vehicle would be suspended for six months.

Decorative Government Offices (S.91, Sen. McConnell). This legislation would add an employee with similar duties to an agency director or assistant director to those who must report the purchases of furniture, floor or wall coverings. Also added to the law would be the reporting of the method of purchase and the purchase or equipment, in addition to furniture, floor or wall coverings or other decorative or ornamental items.

Both Architect and Contractor (S.187, Sen. McConnell). Under this legislation, any architect or engineer performing design work on a contract awarded under the state procurement code may also serve as a contractor or subcontractor either directly or indirectly through a firm with which the architect or engineer is associated.

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### **Medical, Military. Public or Municipal Affairs**

Investigating Adult Abuse (H.3303, Rep. Pat Harris). This legislation would direct the Long Term Care Council to study and develop an effective system for reporting, investigating and prosecuting adult abuse and neglect. This study would include clarifying the roles of the state agencies which oversee this system. The Long Term Care Council would set up an advisory committee to collaborate on the development and study of this proposed system. The members of the advisory committee are specified in the bill. The council's would report back to the governor and the Joint Legislative Committee on Aging no later than Dec. 1, 1991.

### **Ways and Means**

Licensing Coin-Operated Machines (H.3276, Rep. Kirsh). Those who have coin-operated machines on their premises would be required to display proof of current licensing in a conspicuous place where the machine is being operated, if this legislation is enacted. The bill also adds failure to conspicuously display the license to the list of violations in connection with coin-operated devices.

Admissions Tax Increase (H.3279, Rep. McAbee). Under this legislation, the admission tax would be raised from the current 4 percent to 5 percent, including movie theaters. The bill also designates that the license tax may be listed separately on the cost of admission on the admission ticket.

Accommodations Tax Oversight and Allocations (H.3280, Rep. McAbee). This legislation would allow counties or municipalities, which have high concentrations of tourism activities, to use part of the accommodations tax for additional county or municipal services, such as law enforcement, traffic control, public facilities, highway and street maintenance or additional tourism promotion. These funds could not be used as an additional source of revenue to provide services normally provided by the local government. Rather the funds would have to be used in a way to enhance tourism and attract and provide for tourists. These funds would be the remaining balance, plus earned interest, after the local government has deducted the first \$25,000 for its general fund and set aside 25 percent of the balance for tourism advertising and promotion, as required by law. Allocations to this special fund would have to be used by the local government within two years of receipt. The time limit could be

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extended upon the recommendation of the county or municipality and approval of the S.C. Accommodations Tax Oversight Committee, which is created by this legislation. Complaints about the use of these funds would have to be brought before the oversight committee for relief before a complainant could turn to the courts.

The oversight committee would be made up of the members of the Joint Legislative Committee on Tourism and Trade and the chairman of the Joint Legislative Committee on Cultural Affairs. The committee would assist local advisory committees and handle complaints, among other duties.

Under this bill, each municipality or county receiving more than \$25,000 from the accommodations tax would be required to establish an advisory committee to make recommendations as to the expenditure of the accommodations tax revenue. Local governments also would have to submit annual reports to the Accommodations Tax Oversight Committee relating how the revenues from the tax were spent and what the local advisory committees recommended.

Operation Desert Storm Deduction (H.3283, Rep. Cromer). This legislation, sponsored by most of the members of the House, would allow those service men and women, servicing in Saudi Arabia as part of the Operation Desert Storm, to deduct from their state income tax all compensation received as a result of their active duty. The legislation notes that the State Tax Commission may require some proof to establish the fact that the active duty compensation was a result of service in Operation Desert Storm.

Bingo License Tax Increase (H.3290, Rep. Pat Harris). This joint resolution proposes temporarily increasing the bingo tax with the proceeds of the increase going to the "Commission on Aging Senior Citizen Centers Permanent Improvement Fund." The tax increase would vary according to each classification of the game. This fund could be used only for projects identified in the Senior Citizens Center Survey, last updated in August 1990. Projects would be established in the priority ordered in the Commission on Aging's 1990 Overall Permanent Improvement Plan Submission. The fund could pay for up to 70 percent of the cost of the project, the other 30 percent must be paid from matching funds from local project sponsors. The tax increase to generate this revenue would be repealed when the fund reaches \$8,757,125.

Prepaid Postsecondary Education Expense Program (H.3309, Rep. Rama). The aim of this legislation is to set up a system to allow the advance payment of registration fees and dormitory residence costs at state higher education institutions in order to obtain a lower rate than the projected cost at the actual time of enrollment. Registration fees are defined as the semester charges imposed to attend a state postsecondary institution

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and all mandatory fees required as a condition for enrollment. The legislation stipulates that students who enter into the contracts must not pay any more for these services than what was paid for by the contract. The contract, however, must generate enough interest into order to pay for the projected cost of the registration and residency costs.

The program would be directed by a 9-member S.C. Prepaid Postsecondary Education Program Board. It will be the duty of the board to run the program in an actuarially sound manner and establish a comprehensive investment plan. It would also be up to the board to solicit from the IRS answers to questions regarding the program's tax status and from the Securities and Exchange Commission regarding the application of federal securities to the fund.

The advance payment contracts can be for registration and or for dormitory residence. The board would seek help from the Attorney General's Office in establishing these contracts, to include provisions outlined in the bill. Three plans would be set up -- for community colleges, universities and dormitory residences. Under the university plan, the student could prepay for ~~undergraduate courses only~~. The contract amounts could be applied toward the costs of independent private colleges in South Carolina under circumstances stated in the bill.

Under this bill, the state would be responsible for paying projected amounts contracted for if the fund does not produce the revenue as originally anticipated. However, if the state determines the program to be fiscally infeasible, the state could discontinue the program. Payments toward the prepayment plans could be made by payroll deduction for state and local government workers. Nothing in the bill would guarantee a student admission into the college with which he or she has entered into a prepayment contract.

Preschool Handicapped Programs (H.3328, Rep. Beasley). The purpose of this bill is to provide the mandatory establishment of special education and related services for preschool handicapped children at age 3 and up. The State Department of Education would hold the responsibility for setting up this preschool program, offering consultants and determining certification requirements for teachers in this program. Local school boards would be directed to establish a preschool handicapped program for all handicapped preschoolers residing in the district. The district would provide transportation for the children. The bill also contains the weightings in state funding per child that this program would receive. The bill states that the program would be implemented with the beginning of the 1991-92 school year.

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**Other House Standing Committee Officers**

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Here are two additional House standing committees and their officers.

**Operations and Management Committee**

Chairman	Rep. James G. Mattos
1st Vice Chairman	Rep. Henry E. Brown Jr.
2nd Vice Chairman	Rep. Jean L. Harris
Secretary/Treasurer	Rep. George H. Bailey

**Facilities, Furnishings and Space Allocation Subcommittee**

Rep. Robert Barber, chairman  
Rep. George Bailey  
Rep. Jean Harris  
Rep. Juanita White

**Personnel Administration Subcommittee**

Rep. Ronald Townsend, chairman  
Rep. George Bailey  
Rep. Henry Brown  
Rep. Jean Harris

**Operations, Security and Services Subcommittee**

Rep. Juanita White, chairman  
Rep. Robert Barber  
Rep. George Bailey  
Rep. Ronald Townsend

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**Executive Subcommittee**

Rep. James Mattos  
Rep. Henry Brown  
Rep. Jean Harris

**Invitations and Memorial Resolutions**

Chairman	Rep. Samuel R. Foster
Vice Chairman	Rep. E. LeRoy Nettles Jr.
Secretary	Rep. Dewitt Williams