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South Carolina House of Representatives

Legislative Update & Research Reports

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Robert J. Sheheen, Speaker of the House

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OFFICE OF RESEARCH

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House Week in Review

Last week, House members passed a bill requiring greater compliance with Legislative Audit Council recommendations, set for special order an important school health bill, and heard farewell words from a colleague of 13 years.

Compliance Review Act and Other Legislation

H.3497, the Compliance Review Act, was given third reading and sent to the Senate last week. The bill would put the State Reorganization Commission in charge of seeing that state agencies comply with LAC recommendations.

The House also gave final approval to H.3378, which would amend provisions of the Southeastern Radioactive Waste Compact. This bill stipulates that no host state would be required to operate a low level nuclear disposal facility for more than 20 years or after 32 million cubic feet have been disposed.

It also states that 30 days after a second host state operation goes into operation, a state wanting to drop out of the compact would have to receive the unanimous approval of the Southeastern Low-Level Radioactive Waste Management Commission. The Barnwell County operation is considered the first host state facility. This would make it harder for states to drop out if they think they will be selected as a disposal site. Other states in the compact are considering similar legislation.

Another important bill, S.732, which revises portions of the 1986 Governmental Tort Claims Act, was amended and received second reading.

Set for Special Order

S.546, the Comprehensive Health Education bill, was set for special order consideration this Wednesday. Rules Committee Chairman Thomas E. Huff said the committee recommended the bill be set for special order debate so that the House would have time to consider the bill before turning its attention to the State Budget next month.

A Fond Farewell

Tuesday, District 75 Rep. Jean Toal made her final remarks to the House before resigning from the chamber effective last Wednesday. Mrs. Toal will be sworn in as an associate justice of the South Carolina Supreme Court March 17.

Flag Ceremony and Medal Winners

House members concluded the legislative week on a patriotic note. The South Carolina Air National Guard performed its patriotic flag ceremony, "I Am the Guard" culminating with the Pledge of Allegiance.

The Senate joined the House in a joint assembly Thursday to salute the state's Congressional Medal of Honor winners and to hear an address by Col. Charles P. Murray of Columbia (USA-retired), president of the Congressional Medal of Honor Society.

Briefing on Proposed Revision of the Legislative Article

Not since the Constitution of 1895 was ratified has the language in Article III, which deals with powers of the legislative branch, been updated. On February 2, a joint resolution (H.3675, Rep. Sheheen) was introduced and referred to the House Judiciary Committee. This legislation would essentially update and modernize the language in this important constitutional article.

Background

In drafting the resolution, the language in the most up-to-date state constitutions was reviewed. Most of the amended sections in H.3675 do not change the meaning of the section, but simply modernize the language. Some sections in the Article are eliminated by H.3675 because they are obsolete.

The last time the General Assembly approved a substantive amendment to Article III was when Section 36, which created the General Reserve Fund, was added to the Constitution.

If approved this year by the General Assembly, this joint resolution would be submitted to the voters for their approval during the November general elections.

It is notable that under Article XVI, Section 1, this is the last year that an article by article revision to the Constitution can be done. If H.3675 does not receive legislative approval this session, any future efforts to update the language of Article III would have to appear on the ballot in the form of separate questions for each revision.

Here is a summary of the key provisions in this joint resolution. (The sections are described here by the new section numbers as amended by H.3675.)

Section 3: Would update this section to state that the House of Representatives must be composed of 124 members elected every two years from single member districts. The current language now refers to each county constituting one election district.

- Section 4: In a like manner, this section states that the Senate must be composed of 46 members elected every four years from single member districts.
- Section 5: This section would place in the Constitution the current practice of reapportioning the House and Senate every ten years following the official publication of the U.S. Census. In addition, this section states the reapportionment is effective at the next House and Senate general elections.
- Section 6: Under this section, House members and Senators would have to reach the constitutional minimum age requirements at the time they take office. It does not change the minimum age for legislators set out in the Constitution (21 for House members, 25 for Senators).
- Section 8: Under this section, the General Assembly may receive salary, mileage and subsistence as allowed under the law. It further states that additional salary and allowances may be provided if the General Assembly is called into special session. It also states that the General Assembly cannot raise the salaries for current members. This does not change current practice.
- Section 9: This section states that legislators must be elected during the November general election unless elected at a special election to fill an unexpired term. It also sets out two year terms for House members, four year terms for Senators. This does not change current practice.
- Section 10: This section adds language that legislators may judge the election results and qualifications of its own members, except those qualifications stipulated by the Constitution.
- Deletes: Current Section 14 which gives legislators immunity from civil process or criminal arrest during their attendance in the General Assembly, except in cases of "treason, felony or breach of the peace."
- Section 16: This section is amended to allow second reading of bills or joint resolutions to be made by voice vote or by distribution of printed copies to each member. It does not change the current constitutional provision that first and third readings may be made by title only.

- Section 17:** This section would require a roll call vote in all elections by the General Assembly or either house unless unanimous consent is given to dispense with the roll call. The current constitutional language states that the General Assembly shall vote by voice vote except by unanimous consent.
- Section 20:** Under this amended section, closed meetings of either chamber could be held only after a two-thirds vote by legislators present, otherwise all proceedings of the two chambers must be open to the public. Under House Rule 4.18, the House may not go into executive session except on a two-thirds vote of the members present. Senate Rule 33 does not require a two-thirds vote.
- Section 22:** This section, which deals with vacancies in any legislative district, is amended to state that "the filling of any vacancy where there is less than one year remaining in the term may be provided by law."
- Deletes:** Current Section 33 which prohibits the marriage of blacks and whites, which has been declared unconstitutional. It also deletes the provision regarding the legality of unmarried women under 14-years-old consenting to sexual intercourse.
- Section 30:** This section would make it a constitutional requirement that the General Assembly provide for the codification of the laws and for keeping the Code up-to-date. This does not change current practice.

Bills Introduced

Here is a sampling of bills introduced in the House during the previous week. Not all House bills introduced last week are featured here. The bills are organized by the standing committees to which they were referred.

Agricultural and Natural Resources Committee

Beachfront Management (H.3713, Rep. Pearce). This bill would provide for beach protection through a 40 year program to restore the beach/dune system to its natural dynamic equilibrium. This bill also would lay out the state's policy toward its beaches as invaluable environmental, recreational, economic and tourism resources. In part, the bill revises the definition of "critical area" as it pertains to coastal tidelands and wetlands, among other changes. A section-by-section explanation of this bill will be forthcoming in a future *Legislative Update*.

Alligator Shoes (H.3731, Rep. Bennett). Permits to sell alligator products, with part of the proceeds going to offset the cost of the state Alligator Control Management Program, would be required if this bill becomes law. H.3731 proposes a \$35 permit to sell alligator products, which would be issued by the state Wildlife and Marine Resources Department. The proceeds would not go to the General Fund but would be retained by the department, with a portion going to pay for the costs of alligator control and management.

Education and Public Works Committee

Point System (H.3739, Rep. Beasley). This bill would establish time periods for license suspension based on various accumulations of points under the point system. Under the bill, drivers who accumulate 12 to 15 points would face a three month suspension; drivers with 16-17 points, a four month suspension; and drivers with

18-19 points, a five month suspension. These drivers would have the privilege of having their records reviewed by the court. However, the driver, who has accumulated 20 or more points, would have a six month mandatory suspension and would not be entitled to a review of his record.

All-Terrain Vehicles (H.3743, Rep. Hearn). This bill would oversee the operation, registration and regulation of all-terrain vehicles, also know as ATVs. H.3743 would require that ATVs be registered and meet certain operating requirements. People under 18-year-old would be prohibited from registering an ATV and would have to meet certain specifications in order to ride one. These conditions include taking an ATV safety course, or being under the direct supervision of ATV safety instructor. For a child under 14 to ride an ATV, he also would have to be accompanied by a parent, guardian or an adult who has parental authorization to supervise him. The bill would require the state Highway Department to set standards for the establishment of ATV safety training programs.

School Bus Drivers (H.3757, Rep. Aydlette). Under this bill, 18-years-old would be the minimum age of school bus drivers. However, the bill would permit school bus drivers, who are under 18 when the bill is enacted, to continue working.

Snow Days (S.1035, Sen. Peeler). This snow day bill, passed by the Senate, would allow school boards to exempt three school days missed due to bad weather but only after the school district has made up five of the days lost because of weather conditions. The bill would allow the districts to use as instructional days those days previously designated as teacher in-service days. If days are exempted, the bill would prohibit any reduction in teacher pay.

Judiciary Committee

Nongovernmental Hospital Tort Claims Act (H.3709, Rep. H. Brown). This bill would create the Nongovernmental Hospital Tort Claims Act, setting out, in part, the total amounts that may be recovered from hospitals for liability, who would be liable and to what extent, and the payment of judgments.

The legislation is intended to "equalize more nearly the burden of hospital liability and the cost of liability insurance so that all patients are afforded and are subject to substantially the same rights and limitations, regardless of the type of hospital ownership." The bill states that the current status of hospital liability is "inconsistent" since the status of patients "varies

greatly" depending on whether it is a government, charitable or investor-owned hospital. Government hospitals are protected by the S.C. Tort Claims Act, while state law protects charitable hospitals. There is no protection for investor-owned hospitals.

This bill would establish as state policy that all licensed hospitals and their patients would "be protected by limitations and immunities from tort liability as are provided to governmental hospitals, except as modified by the General Assembly...." This way, the bill states, all hospital patients would have "substantially equal recourse" against a hospital or its agents, regardless of ownership.

Municipality Right of Condemnation (H.3723, Rep. J. Bradley). This bill would prohibit a municipality from using the power of eminent domain to condemn land outside the city limits for purposes of establishing a park, playground or recreational facility.

Victim's Compensation (H.3728, Rep. Wilkins). Among other amendments, this bill would raise the amount for burial expenses allowed under victim's of crime compensation from \$1,000 to \$2,000. In addition, the total award made to victims from the fund would be raised from \$3,000 to not more than \$10,000.

Ways and Means Committee

Corporate Headquarters Tax Abatement (H.3712, Rep. Edwards). New corporate headquarters, distribution centers and their expansions, worth \$50,000 or more and creating at least 75 new jobs, would qualify for a five year county property tax abatement under this bill. The legislation also would establish within the Governor's Office an Economic Development Incentive Fund. This fund could make payments of up to \$500,000 to qualifying corporations to offset the cost of establishing a headquarters in South Carolina. In addition, corporations establishing or expanding a headquarters or administrative operation may qualify for a corporate income tax credit amounting to 20 percent of certain development or construction costs if this bill is enacted.

Accommodations Tax Ad Hoc Committee (S.1143, Senate Finance Committee). This joint resolution would create an Accommodations Tax Ad Hoc Committee to determine if the accommodations tax advisory committees required by law have been appointed in each jurisdiction and are operating according to the law. The committee would be made up of the chairmen of the Joint Legislative Committees on Tourism and Trade and Cultural Affairs, the Tax Study Commission chairman, and the State Reorganization Commission chairman and vice chairman. Staff research would be provided by the Reorganization Commission.

Black History Month

February is Black History Month, and in keeping with this commemoration, the Legislative Update annually has published a feature on some aspect of black history in South Carolina. This year we are looking at the history of South Carolina's traditionally black colleges.

Traditionally black colleges have played an important role in the education and development of black South Carolinians since the early 1870's. Black History Month is a good time to recall how these institutions began and how they have contributed to the state during their years of operation. Many thanks to the colleges, which provided the Update with historical information.

Overview

Black colleges throughout the South had their beginnings in the years after Reconstruction. The efforts of philanthropic groups, some Northern churches and black communities helped set up an educational system for blacks. This system provided for private secondary as well as some college-level instruction. During the first decade of the twentieth century, public funding for secondary education of blacks began to increase. This allowed black institutions to concentrate more exclusively on college-level instruction.

Nationwide, enrollment in black colleges rose dramatically after World War II as a result of the GI Bill. Black student enrollment in traditionally white institutions increased as a result of desegregation, but black attendance at traditionally black institutions also continued to grow. The expansion of federal aid programs in the 1960's and early 1970's contributed to the growing attendance at black institutions. In fact, from 1954 to 1980, traditionally black colleges throughout the country exhibited continuous growth.

This article was researched and written by USC Legislative Intern Larry Slovensky.

Traditionally black colleges have made a significant contribution to the education of black citizens. The majority of black doctors, lawyers, dentists and teachers in the country were educated in traditionally black institutions. Moreover, black colleges have given opportunities to students who were at financial or educational disadvantage.

South Carolina presently has six traditionally black institutions of higher learning. The following is a description of the history and development of each.

Allen University

Allen University, a private 4-year institution, was founded in 1870 by the African Methodist Episcopal Church. The school was the culmination of the dream of Daniel Alexander Payne (1811-1883), an advocate of black education and AME bishop for 41 years, who saw the need for such a school.

On July 29, 1870, under the leadership of Bishop John M. Brown, the Columbia District Conference decided to purchase 150 acres of land in historic Cokesbury, S.C. There the school, originally named the Daniel Payne Institute in honor of the famous AME bishop and education advocate, was founded. For ten years the school prospered under the leadership of W.S. Croghan, B.F. Perter, W.S. Scarborough and J.W. Morris.

In 1880, the Annual Conference meeting in Spartanburg saw the need for a more centralized location for the institution and voted to transfer Payne Institute to Columbia. With the endorsement of AME Bishop William Fisher Dickerson, the institute was moved to its present Columbia location. In that same year, the name of the school was changed to Allen University in honor of Richard Allen, who founded the African Methodist Episcopal Church in Philadelphia in 1787.

Under the first two presidents, J.C. Walters and J.W. Morris, who had studied law at the University of South Carolina, Allen University made great progress. During this period, the Theological Department and the Law Department were formed within the institution. Between 1884 and 1890, 14 students received degrees in letters, and 54 graduated from the Normal Collegiate Department.

During the early years, Allen University had to satisfy the needs of its students at all educational levels. For many years, the curriculum included courses leading not only to degrees in law,

theology and the arts, but also courses of study at the elementary and high school levels. At one time, it was possible for a student to enter Allen as a child in the first grade and leave prepared to teach, preach or plead in the courts. The grammar school was discontinued in the mid-1920's. The high school was closed after the graduation of the class of 1933. For the 1929-1933 school terms, the university accepted only those applicants who had completed high school.

During the Depression, Allen was faced with many hardships but managed to keep its doors open. In 1930, a Department of Science was established, followed by a Department of Languages.

The decade of the 1940's saw many adjustments for the university in response to the circumstances of World War II. Following the war, an influx of veterans pursued college studies at Allen in 1945. The Department of Humanities, Philosophy, Psychology and Religion were added to the existing curriculum. During the 1940's and 1950's, the Allen campus underwent a major physical expansion with the construction and acquisition of a number of buildings.

In the mid-1970's, the effects of integration began to be felt as many black students began to enroll in predominantly white institutions. Although Allen experienced academic and financial problems during this time, these circumstances have been turned around under the leadership of Allen's current President Dr. Collie Coleman and AME Bishop Frederick C. James. Under their guidance, the university has embarked on successful fund raising ventures, as well as significant debt clearance, building renewal and capital improvements. The university has also undertaken a restructuring of its academic, fiscal and student affairs.

Benedict College

Benedict College, originally Benedict Institute, was founded in 1870 by Mrs. Bathsheba A. Benedict of Pawtucket, Rhode Island. With a small bequest from her husband, Mrs. Benedict purchased an eighty acre plantation near Columbia as site for a new school for black students.

The Institute's original objective was to train teachers and preachers, and its first curriculum included reading, writing, spelling, arithmetic and religion. Later, the curriculum was expanded to include the traditional college disciplines and an industrial department offering carpentry, shoemaking, printing and painting.

In 1890, the name Benedict Institute was changed to Benedict College. On November 2, 1894, the institution was chartered as a liberal arts institution by the General Assembly.

From its founding to 1930, Benedict College had been led by a succession of northern white Baptist ministers and educators. The election of Dr. J.J. Starks in 1930 signaled a succession of black presidents at the college.

With the election of Dr. J.A. Bacoats in 1944, Benedict entered a period of outstanding development in its instructional program as well as its physical facilities. In 1961, the college was fully accredited by the Southern Association. Dr. Benjamin F. Payton, elected president in 1967, initiated programs to upgrade the curriculum, strengthen the faculty, expand the physical plant and attract increased financial support. His master plan for the campus led to the construction of a twelve story dormitory, a library/learning resources center, and a gymnasium/human resources center.

During his eleven year tenure as president beginning in 1973, Dr. Henry Ponder succeeded in keeping Benedict financially solvent through sound planning and careful management of the college's resources. The annual operating budget more than doubled during his administration, and with major assistance from the Ford Foundation, the endowment increased from just over \$800,000 in 1973 to approximately \$11 million in 1984. Federal funding for special programs increased significantly during this era.

The college currently offers majors in twenty-five academic disciplines and is fully accredited by the regional accrediting agency as well as by several professional accrediting agencies. Benedict College serves 1,427 students, and is currently led by President Dr. Marshall C. Grigsby.

Claflin College

The origin of Claflin College can be traced to the founding of the Baker Biblical Institute in Charleston in 1866. It was within the confines of a building belonging to this institution that the South Carolina Mission Conference was organized on April 2, 1866. Leaders of the Mission Conference played crucial roles in the organization of the then-named Claflin University on December 18, 1869. Members of this group included Samuel Westion and Joseph Sasportas, along with a number of other prominent churchmen.

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Boston philanthropist Lee Claflin and his son, Massachusetts Gov. William Claflin, provided the initial financing for the purchase of the property of the Orangeburg Female Academy on which the new college was located. Dr. Alonzo Webster and the Rev. T. Williard Lewis played prominent roles in securing this site.

Dr. Webster was named the first president of Claflin University. During his administration, the Baker Biblical Institute was moved to Orangeburg in 1871 and merged with Claflin University.

On March 12, 1872, an act was approved by the General Assembly which named the South Carolina State Agricultural and Mechanical Institute a coordinate department of Claflin University. This arrangement lasted from 1875 to 1896. In that year, the General Assembly enacted an Act of Separation which severed the State Agricultural and Mechanical Institute from Claflin University, and established a separate entity which eventually became South Carolina State College.

From 1872 on, Claflin University offered instruction in the arts and sciences, literature, and crafts. The first class in the Normal Department was graduated in 1879, while the College Department granted its first diploma in 1882.

During the administration of Dr. Hubert Vernon Manning, beginning in 1956, the face of Claflin was radically altered and modernized through the construction of a steady stream of new physical facilities. The name of the institution was changed to Claflin College during this period. The college is presently led by Dr. Oscar Allen Rodgers, Jr. and serves 653 students.

Morris College

Dr. Stewart Oliver, moderator of the Rocky River Association of Anderson County, recommended in 1902 that his organization begin to raise funds and secure property for the establishment of a college. By 1907, \$7,000 had been raised and ten acres of land donated.

The college was to be named Morris College, in honor of the first moderator of the association, Rev. Frank S. Morris. The association merged with the Baptist Educational and Missionary Convention of South Carolina, and the school was opened in Sumter. Dr. E.C. Morris, president of the National Baptist Convention, was also important in the founding of the school.

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The first graduates of the college left Morris in 1915 with Bachelor of Arts degrees. In 1916, the college enrolled as an accredited college with the South Carolina State Department of Education.

The Great Depression caused financial stress to Morris College. All outside aid to the college was withdrawn in 1930. The elementary school program was discontinued, and the college became a junior college. After a meeting of the Baptist Educational and Missionary Convention of South Carolina, it was decided that Morris College and Benedict College in Columbia would enter into a compact to eliminate duplication of course work between the two schools so they could both remain open. This compact lasted from 1930 to 1932. In 1933, Morris College was returned to four-year status.

In 1945, the college discontinued its high school program, and concentrated on post-secondary instruction. The college suffered a setback in 1947 when it was denied accreditation by the South Carolina State Department of Education, but it regained accreditation in 1949.

In 1961, Morris College ended its official policy of educating only blacks as it opened its facilities to all ethnic groups. The late Sixties and the early Seventies may have been the most trying era for Morris College as unrest and turmoil disturbed the campus.

On December 13, 1978, Morris College received full accreditation with the Southern Association. The current enrollment is 640 students, and the president is Luns C. Richardson.

South Carolina State College

South Carolina State College is the state's only publicly supported traditionally black college. The Constitutional Convention of 1895 enacted provisions authorizing the legislature to create the college by a severance of the state's interest from Claflin University. The General Assembly in 1896 enacted statutes providing for the establishment of a normal, industrial, agricultural and mechanical college. The legislature also provided for the appointment of a Board of Trustees, an administration and a faculty, and for the adoption of rules and regulations to govern the college's operation.

A faculty composed of 13 South Carolinians was chosen by the college's first president, former congressman Thomas E. Miller. The doors of the institution were first opened in 1896. The college

plant consisted of 135 acres, eight small buildings, a small dairy herd, and a few farm animals. Because of the meager facilities, academic instruction was mostly given on logs hewn from the campus wilderness.

Under the leadership of Robert Shaw Wilkinson, beginning in 1911, the college's income was increased from both federal and state sources, and a federal appropriation for extension work was added. Miller F. Whitaker assumed the presidency of the college in 1932, and under his leadership a law school, Extension School units in 15 communities, and a Reserve Officers Training Corps Infantry Unit were established.

During the decade of the 1950s, there was tremendous growth in the academic programs and physical facilities of the college. Enrollment in undergraduate and graduate programs increased dramatically during this time. The administration of Dr. M. Maceo Nance, Jr. beginning in 1968, saw another period of growth in programs and facilities as the college established 20 new degree programs. Many academic programs received professional accreditation while scholarship programs and faculty chairs were enhanced.

South Carolina State College currently has approximately 4,000 students, and is lead by President Albert E. Smith.

Voorhees College

Voorhees College was founded in 1897 through the efforts of a young black woman named Elizabeth Evelyn Wright. The school that she founded was opened in makeshift quarters above a store in Sato, and was originally attended by 14 students. By 1898, enrollment had reached 270 students.

Miss Wright had been thwarted in her earlier efforts to start schools in Hampton and Govan, but she received the support of State Senator S.G. Mayfield, a lawyer in Denmark. Mayfield helped Ms. Wright secure the initial twenty acre tract of land for the school in Denmark, and in time, he paved the way for her to buy more land to accommodate the growing enrollment.

Ralph Voorhees, a blind philanthropist from Clinton, New Jersey, donated money for the purchase of 280 acres of land on the outskirts of Denmark in 1902. At this time, the name of the school was changed from Denmark Industrial School to Voorhees Industrial School.

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In 1904, the school was incorporated by an act of the State Legislature. In 1905, Ralph Voorhees provided for the purchase of an additional 100 acres of land in Denmark. The school continued to operate moderately well following the death of Elizabeth Evelyn Wright in 1906, but it was not until Joshua Blanton became principal of the school in 1922 and created an arrangement with the Episcopal Church that more real progress was made.

In 1929, Voorhees became a junior college, and it kept the name Voorhees Normal and Industrial School until its industrial department was discontinued in 1947. The high school program was accredited in 1932, and the junior college was accredited by the Southern Association of Colleges and Schools in 1949. The school dropped its high school program in 1965, and became a four year degree granting institution in 1967.

The current enrollment of Voorhees College is 585 students, and the president of the college is Leonard Dawson.

Conclusion

The traditionally black colleges of South Carolina have played a vital role in the history of the state. The foundings and continued operations of these institutions are a credit to the men and women who worked to create new educational opportunities for the black citizens of the state. Each institution is rightfully proud of the significant contribution it has made to educating and serving thousands of black students.