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South Carolina House of Representatives

# Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

Vol. 2

February 19, 1985

No. 7

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# Legislative Update

## Legislation Introduced

### Agriculture & Natural Resources

Forest Disasters (H.2399). During the fall and early winter of 1984-85 forest fires ravaged thousands of acres in South Carolina. The Lowcountry was particularly hard hit by these fires. This legislation would authorize the State Forester to declare a state of disaster because of forest fires and to take appropriate action. The Forestry Commission is to develop a Forest Disaster Plan for such emergencies.

Official State Dog (H.2403). If this bill is passed the Boykin Spaniel would become the official dog of South Carolina. The Boykin Spaniel is the only breed of dog to have originated in South Carolina, and "has developed into a breed of superb hunting instincts and mild temperament."

No Experimentation on Dogs and Cats (H.2406). This bill would prohibit any medical or scientific experiments being performed on any dog or cat while the animal is alive. Punishment for violation would be a fine of not more than five hundred dollars or imprisonment for not more than thirty days.

### Education & Public Works

Moment of Silence in School (H.2378, H.2379). The first of these bills would allow teachers to announce a minute of silent meditation at the start of each school day; the second would require the observation of a minute of silence.

Alcohol and Drug Education (H.2416). Students from the sixth grade up would be required to take a course each year in alcohol and drug abuse. Persons applying for their driver's permit or first driving license would have to show that had successfully completed the courses.

Hazing (H.2420). The practice of hazing, sometimes considered a mark of initiation into a society, fraternity or school, can be dangerous—even deadly. This bill would outlaw the practice, provide an opportunity for a hazed student to institute a civil suit, and provide for the expulsion of the guilty parties.

No More Vehicle Inspections (H.2424). If this bill passes you can forget that decal on the left side of your windshield, because vehicle inspections will be a thing of the past. See page 7 for a review of other states with vehicle inspection laws.

Judiciary & Government Operations

Congressional Blackmail (H.2372). Congress has a habit of requiring states to take certain actions or lose part of their federal funds. States were required to set their speed limits at 55 miles per hour or lose part of their federal highway funds; a similar punishment is now threatened if states refuse to raise the legal drinking age to 21. This bill asks the Congress to stop this sort of thing. See the special feature on page 6.

Probate Courts in Judicial System (H.2376). Under this bill the Probate Courts would be brought into the Unified Judicial System. County Probate Judges would be full time, and their salaries would be determined according to the size of their county. The counties would provide judicial salaries and court operating costs.

Community Work Centers (H.2380). Community based work therapeutic centers would be established in counties across the state. Prisoners sentenced to 2 years or less, or those with 2 years or less left on their sentence could be placed in these centers, where they would perform such work as cutting grass along the highways, cleaning highways and streets, and maintaining public buildings and facilities. The centers would be funded jointly by the state and county of location.

Bail Bondsmen and Runners (H.2383). This adds a new chapter to the Code to regulate bail bondsmen and their operations in the state. Comprehensive rules and regulations are outlined. The Chief Insurance Commissioner will have authority over issuing licenses for bondsmen. A professional bondsman would have to meet the following requirements:

- 1) Must be at least 18.
- 2) Is a resident of South Carolina.
- 3) Has not been convicted of a felony or any crime involving moral turpitude.
- 4) Has the knowledge, training or experience to fulfill the responsibilities of the position.

Biennial Legislative Sessions, Biennial Budgets (H.2385, H.2386). According to the provisions of the first bill, the General Assembly would meet only in odd-numbered years starting in 1987, except for emergency sessions called by 3/5s of the members. The second bill would require a two-year budget, also starting in 1987. See the feature on page 7 for other states with biennial legislative sessions.

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Videotaping Evidence (H.2400). Videotapped evidence would be permitted for sex and child abuse cases if the witness is under 16 years old or if the witness would be otherwise unavailable.

Uniform Magistrate Compensation (H.2405). All magistrates would be placed under a comprehensive pay system, with the minimum salary of a full-time magistrate being \$24,000 a year, to be paid by the county in which he or she serves. Counties would be permitted to have part time magistrates; these would be paid a porportionate percentage of the salary of a full-time magistrate. The bill requires that all magistrates be paid for overtime (more than forty hours each week) at the rate of \$17.50 an hour and be paid for all hours spent on call at the rate of \$4.00 an hour.

Money would come from an added court cost of twelve dollars to every fine levied or bond forfeited on a criminal or traffic violation in a magistrate's court. This money would be deposited with the State Treasurer and would provide fifty percent of the cost of operation of the magistrates' court in the counties; the counties would have to provide the other fifty percent of the funds needed.

Blue Laws (H.2427). The infamous Blue Laws would be suspended after one p.m. on Sundays--except for the sale of beer, wine and other alcoholic beverages.

Labor, Commerce & Industry

"Full Coverage" Auto Insurance (H.2381). "Full coverage" is defined as insurance that has the following at a minimum:

- (a) At least \$1,000 of personal injury protection.
- (b) Collision coverage.
- (c) Liability coverage for at least the minimum amount required by law.
- (d) Uninsured motorist coverage for at least the minimum amount required by law.

Finance

Homestead Exemption (H.2412). Persons who could claim only a partial homestead exemption would be allowed to claim the full exemption if they are the only person living in a house.

State Insects

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Last year it was a state fruit, beverage, shell and dance. Now that a movement is afoot to declare the Boykin Spaniel the state dog, can an official entomological designation be far behind? Before a bill is introduced naming a state insect, lawmakers may want to know what other states have chosen in the way of a state bug.

The most popular choice is the friendly, industrious *honeybee*, proudly claimed by eight states: Kansas, Maine, Nebraska, New Jersey, North Carolina, South Dakota, Vermont, and Wisconsin.

Next comes the *ladybug*, famed in song and story: Massachusetts, New Hampshire and Ohio all claim her as their own.

Pennsylvania has adopted the *firefly*; Tennessee has chosen the *firefly* and the *ladybug*.

Three states have selected a *butterfly*: Illinois, the Monarch; Oregon, the Swallowtail; and California, the Dog-Face Butterfly

Finally, Connecticut has chosen the *Praying Mantis* (*Manteodea Mantis*).

Education Budget Proposals in the Southeast

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According to the latest *Legislative Report* from the Southern Regional Education Board, the outlook for the 1985 legislative sessions in the Southeast is for "far-reaching educational reform plans...and significant salary and budget increases." Just what are other states in our area planning to do?

Arkansas increased its funding to higher education last year by 24.6 percent. The Legislative Joint Budget Committee wants to increase operating budgets for higher education by 17 percent in 85-86, and by 11.3 percent the following fiscal year. Faculty salaries, already increased by 10 percent, would continue at the same rate for the next two years. State employees, including school teachers, are in line for a performance evaluation/merit pay system that could give an average raise of 9.3 percent.

Georgia's Governor Harris has a comprehensive education reform package he wants funded at \$231 million for the first year. It includes a teacher pay raise averaging 11.5 percent, a career ladder program, full day kindergartens and a required "readiness assessment" test for entry into the first grade. Higher education would receive an 8.5 percent budget increase, and the governor recommends establishing endowed chairs in microelectronics and biotechnology at Georgia Tech and the University of Georgia.

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Maryland seems likely to raise teacher pay by about 8.5 percent and concentrate on developing "high tech" programs in the colleges and universities. Community colleges are likely to receive \$4 million more in funds.

Virginia, on the other hand, is probably going to cut funding for community colleges where enrollment is declining. The higher education budget is slated to receive a cut of \$6.7 million, with 80% of that absorbed by the community colleges. The overall Virginia budget proposed by Governor Robb increases by \$292 million, with \$87 million of that going to elementary and secondary education.

Mississippi has little money to work with and plans to add few increases to its education budget. Teachers may receive a raise of about \$2,000, if the legislature can agree on taxes to provide the funds needed--between \$75 to \$85 million. The state university system will most likely be "streamlined"--that is, schools will be closed.

Tennessee, like South Carolina, passed a one-cent sales tax increase last year for education. 95 percent of teachers have signed on the career ladder program, receiving a \$1,000 bonus as their first step. Pay raises of 5 percent for teachers and other state employees are expected this year--taking up half of the \$232 increase in the state budget (\$5.6 million total). The Centers of Excellence Program and the Chairs of Excellence Endowment are in line for \$15 million.

Texas is faced with serious financial woes: a short fall of \$1.1 billion, caused by J. R. Ewing's reckless manipulation of state oil lands. The Legislative Budget Board has recommended slashing the higher education budget by more than a quarter, \$540 million. Elementary and secondary education improvement programs would receive priority funding.

**NCSL "Education and Work" Conference in Charleston**

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The National Conference of State Legislatures (NCSL) will sponsor a conference on Education and Work in Charleston, March 23-24. "Education and Work: What Options for the States?" is the title of the conference, which will cover the various employment-related education/training strategies currently used across the country.

According to Rod Riffel, coordinator of the event, the conference will look at the various methods of preparing persons for work, including techniques used by the military, vocational educators, and the Jobs Training Partnership Act (JTPA). Riffel points out that this is an area where legislatures will be called upon to exercise their oversight functions.

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The conference will be held at the Mills House in downtown Charleston. Activities will include a tour of the City Venture Company, which operates a culinary institute under a JTPA grant. Participants will be given a lunch at City Venture. Later they will visit Control Data, which operates a completely computerized self-training program known as the "Plato System."

More information is on the way from Mr. Riffel and will be published in the *Update*.

### States Irked Over Federal "Blackmail"

"If the Congress cannot accomplish something, it blackmails the states into doing it." So says Georgia House Speaker Thomas B. Murphy, specifically regarding the recent federal mandate that states either raise their drinking ages to 21 or lose federal highway funds. Other state officials have expressed their concerns about the federal action.

Representative Roy Hausauer (North Dakota), Chairman of the Council of State Governments, wrote a strong letter to Congressional supporters of the mandate. Hausauer called the measure "a drastic pre-emption of state authority." Iowa House Speaker Don Avenson shares this view: "Personally, I am very upset. I am tired of federal mandates in areas I believe the constitution reserves to the states. These pre-emptions can only go on so long before there's a backlash."

The backlash has already begun. South Dakota has filed a lawsuit against Transportation Secretary Elizabeth Dole to prevent her from reducing the state's federal highway funds. Wyoming has refused to raise the drinking age, and Governor Hershler says his state will join South Dakota in the lawsuit. Wisconsin's Attorney General has gone on recording that his state is "supportive" of the effort. Other western states are considering joining the suit.

### Vehicle Inspection Laws

Most states have some kind of vehicle inspection law--only ten states are totally without such legislation. Among those states that do have inspection legislation, the provisions vary. The following survey gives a quick overview of how the states look under the hood and kick the tires of cars.

Straight out inspections are required in the following states: Arkansas, Connecticut, Delaware, Hawaii, Indiana, Louisiana, Maine, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, and West Virginia.

Spot inspections, either for reasonable cause or random roadside inspections to catch defective equipment on vehicles are held in these states: Alabama, Alaska, Michigan, Minnesota, North Dakota, Ohio, Oregon, Washington, and Wisconsin.

Emission inspections are required by some counties in Arizona and Colorado. Illinois inspects only trucks and buses. In Tennessee the cities set up inspection stations. In four states inspections are required only when a vehicle is sold or the title transferred: Iowa, Kansas, Maryland and Nevada; the last two states call for inspections only on the sale of used cars.

Finally, those states with no inspection laws: California, Colorado (aside from some counties), Florida, Georgia, Idaho, Kentucky, Montana, Nebraska, New Mexico, South Dakota, and Wyoming.

Source: Book of the States, 1984-85

#### Legislative Sessions--Which Are Biennial?

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For many persons the idea of having a state legislature meet every other year is an appealing one. Eight states have such biennial legislative sessions. Seven of these states meet during odd-numbered years: Arkansas, Montana, Nevada, New Hampshire, North Dakota, Oregon and Texas. One meets every even-numbered year: Kentucky.

Of course there are some legislatures which manage to meet somewhere between annually and biennially.

In California the legislature meets in December for an organizational session, recesses until the first Monday in January of the odd-number year and continues in session until November 30 of the next even-numbered year.

In a similar fashion Maine the session which begins in December of general election year runs into the following year (odd-numbered); the second session begins in the next even-numbered year. In addition, the second session in Maine is limited to bills on the budget.

Four states have a legal provision to meet during odd-numbered years: Minnesota, North Carolina, Tennessee, and Vermont. In actual practice, however, these legislatures can and have arranged to meet during even-numbered years.

Source: Book of the States, 1984-85

Van Lingle Mungo, 1911-1985

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Van Lingle Mungo, pitcher with the Brooklyn Dodgers and the New York Giants, died at his hometown of Pageland, South Carolina, on February 12.

Mungo's career spanned the years 1931 through 1945. The 6' 2" right hander compiled a career record of 120 wins and 115 losses, for a .511 percentage. Mungo pitched 20 shutout games during his tenure on the mound, and struck out 1,242 batters. His lifetime earned run average (ERA) is 3.47.

Mungo's best years were from 1932 through 1937; during that time he was consistently around .500 in wins and losses. In 1933 he reached his all-time low ERA of 2.72 with a 9-11 record. In 1939 Mungo suffered a broken leg; in 1940 he had arm problems. After that his career was lackluster until his final season, in 1945, when he rebounded to a 14 and 7 record with a 3.20 ERA.

Mungo was the leading pitcher in wins for Brooklyn in 1934 through 1936; in his final, brilliant season with the Giants he again led his club in victories.

Mungo played for Brooklyn from 1931 through 1939, and for the New York Giants from 1942 through 1943, and again with the Giants in 1945. He was with the Dodgers in 1941 when the team reached the World Series. Mungo did not play in the fall classic however--which the Dodgers lost 4 to 1 to the powerful New York Yankees.

Among Mungo's managers were the legendary Casey Stengel (Brooklyn, 1934-1936), Leo Durocher (Brooklyn, 1939-1941), and Mel Ott (player-manager, New York, 1942-1945). Mungo played with such noted teammates as Hack Wilson, Al Lopez, Cookie Lavagetto, and Pee Wee Reese, all now members of the Baseball Hall of Fame. As a pitcher he was in the company of such men as Dazzy Vance, Waite Hoyt and Carl Hubbell, also enshrined in Cooperstown. Mungo was inducted into the South Carolina Athletic Hall of Fame in 1974.

*Van Lingle Mungo - Career Statistics*

Teams: Brooklyn Dodgers (NL) 1931-1941  
New York Giants (NL) 1942-1943, 1945

W	L	PCT	SV	G	GS	CG	IP	H	BB	SO	ShO	ERA
120	115	.511	16	362	259	123	2111	1957	862	1242	20	3.47

# Drinking--How Old is Old Enough?

## Summary

Last year the General Assembly raised the legal drinking age. This year the issue has come up once more--prompted in large part by a federal mandate that threatens loss of highway funds. In addition there is the argument that raising the drinking age will lower the death toll on our highways.

This report reviews the issue of raising the drinking age, summarizes of the experience of other states, national recommendations, and arguments made for and against raising the age. It will help remind members of factors which were discussed during debate in the House last year, and help answer questions and concerns of constituents over this matter.

## Background

Since 1970, 26 states have reduced the drinking age limit. According to the *Journal of American Insurance*, the data from six states that lowered the drinking age show a significant upward trend in teenage alcohol-related accidents. Arizona, Illinois, Connecticut, New Jersey and Michigan all lowered the legal drinking age between 1971 and 1973. All experienced increases in either teenage fatalities, teenage accidents involving alcohol, or teenage arrests for driving while intoxicated.

Illinois, Iowa, Nebraska and Michigan have since reinstated the legal age back to 21. New York, Massachusetts and Rhode Island are considering raising their drinking age to 21. Alex Wagenaar of the Highway Safety Research Institute found that Michigan experienced between 17.7% and 30.7% fewer drink-related accidents since the state raised the age back to 21. In 1981, South Carolina drivers under 21 constituted 10.9% of all licensed drivers, but accounted for 20.1% of all drivers in alcohol-related accidents.

The Department of Transportation (DOT) reports that since 1970, there has been a 28% increase in the number of teenage alcohol-related accidents. The National Traffic Safety Administration and the DOT both attribute this increase to the national trend of lowering the legal drinking age since 1970. National Safety Council supports the Wagenaar premise that "with the drinking age raised, young people have difficulty in obtaining alcohol, and therefore consume less, drive less under the influence and are involved in fewer alcohol-related motor-vehicle accidents."

In August 1982, the National Transportation Safety Board recommended to the governors and legislators of 35 states, including South Carolina, "that all states adopt a 21 year minimum drinking age in effort to reduce the number of alcohol-related crashes."

Arguments For and Against Raising the Drinking Age

Opponents to raising the legal drinking age propose these arguments:

1) At age 18, a citizen is no longer a minor. If the citizen is mature enough to vote and serve in the armed forces, he or she is mature enough to enjoy the privilege of drinking alcohol.

2) Increasing the legal drinking age will incite rebellious behavior among the young and would increase irresponsible youthful drinking.

3) Traffic fatalities will increase as the result of young South Carolinians travelling to neighboring states with lower drinking ages. North Carolina allows beer and wine drinking at age 18 and liquor consumption at 21. Georgia allows all alcohol consumption at age 19.

4) This law will be unenforceable and have a negative social effect with respect for all laws.

5) The state should furnish alcohol and drug abuse education rather than curb behavior through legal controls.

6) This law will be detrimental to beer and liquor industries, and trade, bar, and restaurant associations, not to mention teenage employment in these businesses.

7) Research in this area is insufficient to support the premise that raised drinking ages deter teenage drinking and reduces alcohol-related crashes.

8) States should not give in to federal "blackmail"--i.e., the threat of denying federal highway funds if states refuse to raise the drinking age. This is a matter of states' rights versus federal usurpation of those rights.

Supporters of raising the legal drinking age counter with the following arguments:

1) Being old enough to vote and enter the armed services does not mean a person is mature enough to drink.

2) South Carolina should enact laws that are in the best interest of her citizens and shouldn't be influenced by the actions of other states.

3) It is the state's duty to regulate the welfare of the citizens.

4) A higher drinking age reduces the possibility of minors obtaining alcohol from their 18 year old friends who are still in high school.

5) Most liquor distributors and package dealers report little or no effect on sales when the legal age goes up or down.

6) Finally, and to many most important, raising the drinking age will save lives. Estimates are that at least 15 young people will not die next year if the drinking age is raised to 21.

### Conclusion

Setting the legal drinking age involves a number of different factors: the rights and responsibilities of the individual; the extent to which laws can be effectively enforced; the role of the state in protecting citizens from themselves and from others; the relationship between the federal government and the states.

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House Research Office, 2/85/5555