



South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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Legislative Update

Bills Introduced in the House

Environment

Hazardous Waste Management (H.3549). This bill would require that operators of hazardous waste sites take proper care of them after they are closed—for at least 100 years after they are closed. The legislation provides that the operators of such sites have "post-closure responsibility" for a century. DHEC would supply the regulations governing this responsibility.

Government Operations

Graves and Burial Grounds (H.3553, H.3554). These two bills propose to regulate certain grave yards and burial grounds in the state, and exempt archaeologists from certain penalties.

Currently, molesting or disturbing a grave is a crime under the South Carolina Code. H.3553 would specifically exempt professional archaeologists who were investigating grave sites, so long as they operated within the regulations promulgated by the Institute of Archaeology and Anthropology at the University of South Carolina.

The second measure, H.3554, would provide for the care of "ancient, abandoned, or neglected burial grounds." An "ancient" burial ground is a site that has been used as a grave yard for one hundred years. An "abandoned" burial ground is one which has gone fifteen years without use, is overgrown and in disrepair, and whose ownership is unknown or confused.

The governing body of each county would have to compile a list of ancient, abandoned and neglected burial grounds, and file this list with either the register of mesne conveyances or the clerk of court in the county, and with the S.C. Department of Archives and History. The Department would develop standards for the care, preservation and conservation of the graveyards. It would be up to the counties to take possession of the sites and provide the care. Individuals who wished to make contributions for the upkeep of the burial grounds could receive tax breaks in accordance with federal and state laws.

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Alcohol Sales (H.3555, H.3556, H.3557, H.3558, H.3559). A series of bills which would make adjustments in various facets of the state's laws governing alcohol sales.

Retail sales to minors are prohibited; H.3555 would replace the word "minor" with the more precise term "under twenty one years of age."

Raising the beer drinking age is the subject of H.3556. Upon adoption of this bill, the age would go up to 20 years; on September 14, 1986, it would rise to 21 years. H.3556 affects retail sales of beer and wine in stores, etc.; H.3557 would have the same effect on bar and restaurant sales. H.3558 would require signs in these establishments to be changed to reflect the change in legal purchase and drinking ages.

Finally, H.3559 would repeal 61-9-345 of the Code. This section requires that route salesmen and warehouse salesmen of alcoholic beverages have an annual permit from the state.

Increase Coverage of Homestead Exemption (H.3560). At the present time, the homestead exemption allows the first \$20,000 of the fair market value of a residence to be exempted from taxes, if the owner is over sixty-five, totally and permanently disabled, or legally blind. This bill would add the deaf mute owners to that list.

County Procurement Codes (H.3563). Under provisions of this bill, all counties in the state would have to adopt procurement codes fashioned after one of two models: the S.C. Consolidated Procurement Code, or the model provided in the Report of the Local Government Task Force on Procurement. In either choice, the county codes would have to include reimbursement provisions, such as those found in the state code. These provisions provide for bidders to go before a review board if they feel a contract has been let unfairly; if the board agrees, the bidder can recover at least part of the cost incurred in submitting the bid.

The counties would have to adopt their new codes and file them with the state Budget and Control Board. If the Board did not have the code by June 30, 1987, the county would lose its share of state funds. Special Purpose Districts would also be required to submit revised codes based on the same models; if they failed to do so, they would lose their authority to levy taxes or impose fees for their services after the June 30 date.

Oil Overcharge Refunds (H.3567). South Carolina will be receiving more than \$23 million through the Department of Energy. The money comes from a court decision levied against the giant Exxon Corporation, which was found guilty of overpricing its oil during the 1970's. This bill would insure that the state followed the guidelines set by the Department of Energy in spending these funds—they are to be placed in a special, interest-bearing account—and that the Joint Legislative Committee on Energy reviews and make recommendations on the State's Energy Policy before any oil overcharge refund monies are expended.

How did it come about that Exxon owes so much money? In the early 1970's the Nixon Administration wrote up oil industry regulations which were supposed to encourage the production of more domestic product. Oil pumped after 1972 (or in excess of 1972 levels) could be priced higher than oil pumped before that date. The difference could be considerable: \$5 to \$8 a barrel for "old oil," but \$11 to \$16 per barrel for "new oil."

According to the Department of Energy, Exxon took "old oil" from its fields in east Texas and sold it at the higher price of "new oil." The Department alleged that Exxon continued this practice from 1975 through 1981, when President Reagan dropped the oil pricing policy.

Exxon was taken to court, and in 1983 Judge Thomas Flannery of U.S. District Court ordered Exxon to pay the overcharge plus accrued interest. In the summer of 1985 an appeals court upheld the earlier ruling that the Exxon Corporation had violated price controls during the 1970's, overcharging its customers by some \$900 million in oil prices. In addition, the court decided that Exxon owed the government the \$1 billion in accumulated interest.

The overcharged prices should, theoretically, be returned to the persons who suffered. Since it would be impossible to track down all those persons, the Department of Energy has apportioned off the funds to the states. South Carolina stands to receive, as noted, over \$23 million.

Marriage License Fees (H.3569). This bill would allow each county to determine how much it will charge to issue a marriage license. Currently there is a state-wide amount of \$1.00 set for the licenses.

According to the latest figures that brought in \$53,691 in 1983. More interesting than how many marriages there are in South Carolina is where the bride and groom come from—see page 6 of this issue of the *Update* for some more information.

The Childrens' Bureau and DSS (H.3570). A bill was introduced earlier this session to phase the powers of the Childrens' Bureau into the operations of the state Department of Social Services (H.3345). Currently, both the Bureau and DSS have responsibilities governing adoptions.

This bill is in complete contrast to the earlier legislation: it would transfer the DSS powers to the Childrens' Bureau. All DSS authority over protective services, foster care and adoption would be ceded to the Bureau by July 1, 1987. This would include "appropriated funds, personnel, equipment, and records."

Louisiana Governor Nixes Gambling Plan

In issue 4 of this session's *Update* there was a report on Governor Edwards of Louisiana and his plan to call a special session of the state legislature to consider a lottery and casino gambling. Since then, Governor Edwards has decided against the session, conceding that opposition to the plan was just too strong.

The idea was to have legalized gambling help make up the expected revenue shortfall of \$300 million, provide money for teachers and the elderly, and bring in thousands of new jobs. The governor said the casinos would bring in around \$350 million a year, while the lottery would start at \$150 million the first year and rise to \$250 million thereafter.

But Edwards had not counted on the extent of lottery and gambling opponents. Since local governments would not receive a share of the take, they were not behind the plan. Civic, business and religious groups lined up against the proposals; included were such powerful groups as the Louisiana Association of Business and Industry, the Greater New Orleans Federation of Churches, and the state's six Catholic bishops. The Commander of the State Police said casino gambling would increase crime, and would require doubling the State Police Budget.

With such strong opposition developing so quickly, Edwards preferred not to call a special session of the legislature. Whether the gambling proposals will be reconsidered at another time is unknown.

Sources: *From the State Capitals*, news reports.

Some Marriage Statistics for
South Carolina

As noted above, H.3569 would allow counties to set their own fees for marriage licenses; the state-wide rate is currently \$1.00 per license. This raises some questions: how many marriage licenses are involved, what counties have the most (and least) licenses being issued, and what kind of people are getting married?

Once again, the *South Carolina Statistical Abstract* published by the Division of Research and Statistics of the Budget and Control Board has the answers. According to the latest edition of the *Abstract*, we find some salient facts.

The total number of marriages in South Carolina remained relatively stable over the ten year period from 1972 to 1983, but the rain fell by almost a third. In 1972 there were 59,983 marriages in the state, a rate of 22.1 for every 1,000 population. By 1983 the number had fallen slightly to 53,691, but the rate had dropped to 14.8 per 1,000.

Of the 53,691 marriages in 1983, the fewest marriages that year took place in McCormick, which registered a mere 95; the largest number took place in Dillon County: 6,432. An astounding 92.5% of the brides and 92.8% of the grooms getting married in Dillon were from out of state.

No other county in South Carolina came close to matching these statistics. In fact, the state-wide averages show that 60.7% of the brides and 58.8% of the grooms were residents of South Carolina during 1983. Countywise, the highest percentage of resident brides was in Fairfield County: 98.7%; the highest percentage of resident grooms was in Williamsburg County, with 94.5%.

Only a few counties beside Dillon had large numbers of non-residents getting married; understandably enough, these were border counties:

County	Percentage of Non-Residents	
	Bride	Groom
Jasper	84.7	84.8
Marlboro	77.0	78.1
Oconee	66.9	67.8
York	76.5	77.1

Research Report:

Women's History Week and South Carolina

Background

Women's History Week is March 3 through March 8. In commemoration of this important event, and to assist House Members who might be called upon to address school or civic groups on the topic, or answer questions from their constituent's, *Legislative Update* is pleased to present several notable South Carolina women and their accomplishments.

A Cultural Pioneer

Septima Sexta Middleton was born on October 15, 1783 to *Arthur Middleton* and *Mary IZARD Middleton* at Middleton Place on the Ashley river. She was the seventh child, sixth daughter of her parents, hence her Latin derived name. Her family placed great emphasis on classical education for girls which would allow them to best fulfill their positions as mistresses of great plantations. *Septima* married her cousin *Henry Middleton Rutledge* in 1799. Their fathers, *Arthur Middleton* and *Edward Rutledge*, had signed the Declaration of Independence.

The young couple lived for a time in Charleston and on a plantation of family land near Cedar Grove on the Ashley. Before much time had, passed, however, they moved to what was then the wild frontier of the new nation: Tennessee.

Henry's father had purchased Revolutionary war grants that included 73,000 acres of land in the new state of Tennessee; this was all that remained of his estate following the War for Independence. In 1807, Henry journeyed to examine the Tennessee property. *Septima* supported her husband's idea of a move to Tennessee, despite her own love for her birthplace. Over the next several years, Henry visited and cleared the Tennessee land to ready it for his family, while *Septima* remained with and cared for the family in Charleston.

The name Chilhowee was chosen for their Tennessee plantation on the Elk River. Much of the land was still wild. In 1816, the family moved to Chilhowee, taking the best of low country culture as pioneers of the Tennessee wilderness. The arduous journey took six weeks.

Several years after their arrival, the plantation had developed into a profitable business, with a life the family could enjoy. Other business ventures offered greater expansion. The family grew to be prominent in Tennessee society through their relationship with *Andrew Jackson* and the success they enjoyed in the development of Franklin County. Septima never forgot her beloved lowcountry, but did not mind leaving it for the future growth and expansion of her family.

Septima bore eight children, only three of which, outlived their mother. She still managed to retain the culture and good that she learned throughout her long, difficult life.

Septima's life spans a great period of American history, from the close of the Revolution to the end of the War between the States. Septima died on June 12, 1865. Septima's descendants continued to build and maintain the country for which her forebearers had fought.

Septima Sexta Middleton Rutledge is a figure to admire from one of the most difficult periods of United States History, indeed, her life depicts the movements and struggles of this period.

The Civil War Diarists

For many women, the cause of the Confederacy became their cause—as observers on and off the battlefield, and as witnesses to a changing society. Diaries have contributed a great deal to our knowledge of the happenings away from the battle front, the thoughts and feelings of regular citizens during this great upheaval.

Mary Boykin Chestnut, probably the most famous civil war diarist, was born Mary Boykin Miller on March 31, 1823. Born into politics—her father was a congressman, governor and senator of South Carolina, she married *James Chestnut, Jr.* The Chestnut home was outside of Camden, South Carolina, at Mulberry Plantation.

James Chestnut became the first Southern senator to resign his position, even before secession, and later served on the staff of Confederate president Jefferson Davis. During these years, the Chestnuts traveled often between Richmond and their home, and Mary's famous diary was composed. At war's end, the diary contained forty-eight volumes, parts of which became the well-known *Diary from Dixie*.

Mary and James had no children. Mary Boykin Chestnut died November 22, 1886 and was buried next to her husband in the family cemetery at Knight's Hill. The diary bearing the name of *Mary Boykin Chestnut* continues to be an excellent source about the battle for a doomed way of life.

Two other Civil-war diarists, both named Emma, also left helpful insight of a turbulent period. *Emma Florence Leconte* was the daughter of distinguished Professor *Joseph LeConte* at South Carolina College when South Carolina seceded from the Union in 1861. She was thirteen. Her diary lasted through Sherman's invasion and offers lasting historical evidence of that time.

At war's end, Emma married *Farish Carter Furman*. The couple moved to the Furman plantation near Scotsbow, Georgia. They had two daughters before Farish died prematurely. Emma continued to run the plantation in much the same way her husband had while she raised their daughters. *Emma Leconte Furman's* diary is a part of the Southern Historical Collection at the University of North Carolina.

Emma Edwards Holmes's diary has been compared with *Mary Boykin Chestnut's* account of events. Emma Holmes was born on December 17, 1830 to *Dr. Henry McCall* and *Eliza Ford Gibbes Holmes*. Prominent relations included the *DeSaussure*, *Gibbes*, and *Holmes* families of South Carolina.

Emma Holmes was lame, and began her diary to release her frustrations because of her inability to participate in the Charleston celebrations. Emma knew many of the leading war figures and discusses them in her diary. From 1861-1865, Emma's diary details the impact of the war on Charleston and the lives of its people.

Vice-Presidential Nominee

The first woman to receive a nomination for Vice-President of the United States was *Grace White Springs* of Lancaster, South Carolina. Mrs. Springs attended the 1924 Democratic Convention in New York City. She was the first woman to hold the chairmanship of one of the major committees of the convention, that of the Credentials Committee.

As the wife of *Colonel Leroy Springs*, founder of Springs Mills, Mrs. Springs had been very active in Lancaster society. She was one of a very few Lancaster women prominent outside of the traditional spheres of the time. Mrs. Springs served as the first president of the Lancaster Women's Club. She was president of the State Federation of Women's Clubs and chairman of the board of trustees of Lancaster High School. Mrs. Springs was also a leader and great advocate of women's suffrage.

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Grace White Springs' political interests and activities culminated in her nomination for the vice-presidency by Governor *McLeod* of South Carolina. This was a very great honor, even though female involvement in national politics was not taken very seriously at that time; nor did Mrs. Springs win the nomination.

Charles Bryan won the vice-presidential nomination to form the Democratic ticket with *John Davis*. Republican *Calvin Coolidge* won the 1924 election.

This research report was written by Lynn Potts, a senior in International Studies and History at the University of South Carolina. Ms. Potts is a legislative intern with the Office of Research.

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Associated Press 799-5510

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Augusta Chronicle & Herald 648-1394

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Columbia Record 771-8440

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Florence Morning News 669-1771

Carpenter King

The Greenville News 256-7367

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