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South Carolina House of Representatives

# Legislative Update

Robert J. Sheheen, Speaker of the House

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Vol. 9

May 19, 1992

No. 18

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House Week in Review

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Last week was the week of the recalled bill in the House of Representatives. Five bills were recalled from standing committees and placed on the House calendar.

Those bills recalled from committee last week include:

- H.1327, legislation to extend the closing of the Barnwell low level nuclear waste facility, by a 62-46 vote;
- H.3594, a bill to limit the terms of office of members of the General Assembly and constitutional officers, by a 55-49 vote;
- S.1273, the Energy Conservation and Efficiency Act, by a 64-26 vote;
- H.4721, the Local Government Development Agreement Act, and
- H.4687, legislation to establish an underwriting association for automobile insurance.

The House also made a significant change to its rule in response to the controversy over the votes that were cast for House members who were absent from the chamber.

First, the House requested the House Ethics Committee to investigate who cast the votes for the three absent members and to report its findings to the Speaker and the full House. This joint resolution, H.4833, was approved last Tuesday.

On Thursday, by a vote of 105-0, the House changed its rules to allow the Speaker to adjust the vote total on a bill when a legislator reports to him that his vote was cast when the legislator was absent from the chamber. The affidavit from the absent House member must be presented to the Speaker within 48 hours of the vote on the bill in order for the vote tally to be changed.

The resolution, H.4834, was amended by the House Rules Committee to allow any member of the House, in addition to the House member whose vote was cast in his absent, to report to the presiding officer the name of the person casting the absentee vote. This information would then be turned over to the House Ethics Committee for action.

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Further amendments from the floor established that the minimum punishment the House Ethics Committee could hand down in connection with a legislator casting the vote of another in his absence is a public reprimand. With these amendments to the joint resolution, the House approved these changes to its rules.

In other legislative action, H.3777, the Dangerous Animal legislation, was ratified as an act.

The General Assembly also met in joint session Wednesday to elect college and university trustee board members. Those board members elected last Wednesday include:

### Lander College

Nancy J. Cash  
Tyrone Gilmore  
Walter D. Smith  
Mary D. Moore

George R. Starnes  
S. Anne Walker  
Jean T. McFerrin

### Citadel Board of Visitors

W.E. Jenkinson III

### College of Charleston

Cheryl D. Whipper  
William J. Day  
John V. Price  
Timothy N. Dangerfield

Joel H. Smith  
Merl F. Code  
Marie M. Land

### Medical University of South Carolina

Melvyn Berlinsky  
Dr. Charles B. Hanna  
Dr. E. Conyers O'Byran

Patricia T. Smith  
Dr. Cotesworth P. Fishburne  
Milford J. Cooper

### Wil Lou Gray Opportunity School

Wilhelmina McBride  
Olive F. Wilson  
Elizabeth Moorehead

Dr. Marvin Efron  
Russell S. Bedenbaugh

### Francis Marion College

J. Michael Murphree  
H. Randall Dozier  
Tracy L. Eggleston  
M. Russell Holliday Jr.

Lorraine H. Knight  
Robert E. Lanford Jr.  
William W. Coleman Jr.  
William A. Collins

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Winthrop College

Robert Gahagan  
Sanita L. Savage

South Carolina State College

Leroy Mosely Jr.  
Charles H. Williams



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### Average Teacher Salaries in the SREB States

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The following information on average teacher salaries is reprinted from the May 1992 report "SREB Teacher Salaries: 1991-92 Update and Estimated Increases, 1993" by the Southern Regional Education Board (SREB). In addition to South Carolina, the 15 SREB states include Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

#### Estimated Average Teacher Salaries in the SREB States 1991-1992

<u>State</u>	<u>Est. Average Teacher Salary 1991-1992</u>	<u>Est. Percent Change 1982 to 1992</u>
Alabama	\$26,954	72.8%
Arkansas	26,569	83.2%
Florida	31,119	85.5%
Georgia	29,680	81.4%
Kentucky	30,880	78.6%
Louisiana	27,037	46.1%
Maryland	38,834	83.9%
Mississippi	24,428	72.8%
North Carolina	29,334	73.1%
Oklahoma	25,721	58.7%
<b>SOUTH CAROLINA</b>	<b>28,209</b>	<b>86.0%</b>
Tennessee	28,726	76.4%
Texas	29,041	65.2%
Virginia	31,921	87.7%
West Virginia	27,298	59.4%

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<u>State</u>	<u>Est. Average Teacher Salary 1991-1992</u>	<u>Est. Percent Change 1982 to 1992</u>
United States	\$34,413	79.6%
SREB States	29,504	73.9%
SREB States as a Percent of U.S. Average		85.7%

### Cost of Living and Salary Rankings

The SREB report notes that "most commonly cited national reports do not weigh in cost-of-living in calculating teacher salary averages. But a recent national study indicates that cost-of-living adjustments 'among states make... sense when states serve as the basis of comparing earnings' (AFT, 1990)."

When a state's cost-of-living is computed into the salary ranking, most of the top ten states with the highest average salaries drop in the rankings, while the SREB states rise. The SREB report notes that when average salary alone are compared, only Maryland and Virginia rank among the top half of the states. However, when a state's cost-of-living is added to the equation, five additional states -- Florida, Georgia, Kentucky, North Carolina and Tennessee -- move into the top 25 states.

### National Average Teacher Salary Rankings of SREB States Adjusted for Cost-of-Living 1990-91

<u>State</u>	<u>Original National Rank</u>	<u>Adjusted National Rank</u>
Maryland	7	10
Virginia	20	13
Florida	26	20
North Carolina	28	19
Kentucky	29	18
Georgia	31	22
Tennessee	33	25
SOUTH CAROLINA	35	31
Texas	36	26
Alabama	39	36

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<u>State</u>	<u>Original</u> <u>National Rank</u>	<u>Adjusted</u> <u>National Rank</u>
Louisiana	42	42
West Virginia	43	40
Mississippi	47	44
Oklahoma	48	47
Arkansas	49	48

Source: American Federation of Teachers *Survey and Analysis of Salary Trends 1991*

Source: SREB, *SREB Teacher Salaries: 1991-92 Update and Estimated Increases, 1993, May 1992*

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### Legislation Enacted This Session

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The following legislation has been enacted by the General Assembly during the 1992 session.

Consolidated Governments (H.3681, Rep. Waites). The intent of this act is to provide a method of creating consolidated governments to fulfill the unique needs and demands of various county areas. This act provides the enabling legislation setting out the procedure for counties, municipalities and other political subdivision to provide for the joint administration of any function. This act specifically prohibits the abolishment of any constitutional office by consolidation.

Under this legislation, the county governing body would create a 18-member consolidated government charter commission to draw up the provisions of the consolidation. This commission could be created only upon the request of the county government or the petition of at least 10 percent of the county's registered voters.

Six of the 12-member commission will be appointed by the county. Four of these county representatives will have to live outside the limits of the county's largest municipality, and no more than two can be an elected official. Each special purpose districts (SPD) may have a representative on the commission according to an appointive index; however, no SPD may have more than four representatives on the commission. No more than two SPD officers may sit on the commission. The act also says that every charter commission must have at least one SPD representative if there is a special purpose district within the county.

The remaining six commission members will be municipal residents, appointed according to the appointive index outlined in the act. However, no single municipality could appoint more than four members to the commission, and only two elected municipal official will sit on the commission.

If a municipality or SPD refuses to appoint their proportionate number of representatives, the county governing board may fill those positions.

The commission will draft a proposed charter to provide for the abolishment of specified governments within the county and for the creation of a new single countywide government and the transfer of all powers and obligation of the governments to be consolidated. The charter also would call for all old public offices and government positions to be abolished, except constitutional officers, judges and school board members or school district employees.



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The act establishes the membership of the consolidated governing board, the employee positions and offices to be set up under the new government, and the assumption of all obligations and indebtedness. Special purpose districts could be authorized to continue to perform their functions.

The charter speaks to tax levying and tax districts, and the method by which the charter could be amended or dissolved. However, once a consolidated political subdivision is formed it cannot be dissolved for four years.

The commission must complete its draft charter within a 12 month period. It then will be required to hold three public hearings and a county-wide referendum on the issue. The charter commission would have to decide how the consolidation question would be approved by voters: either by majority approval of the voters, or if the referendum is approved county-wide, but rejected by the voters in a municipality or special purpose district, then charter would have no effect on that municipality or special purpose district.

If the consolidated vote is not successful, it cannot be presented to the voters again for four years. The county must bear the expense of the referendum.

The consolidated government goes into effect when the members of the new consolidated government board are elected.

**Signed into law 4-8-92.**

State-Run Primary Elections (S.362, Sen. Holland). This legislation authorizes the State Election Commission and the respective county election commissions to conduct primary elections instead of the political parties. The exception is municipal elections. The primary election date remains the second Tuesday in June, under this legislation. Political parties certify the names of all candidates for the primary with the State Election Commission or county election commissions not later than May 1 for the June primary. Filing fees, which go for paying for the primary election, are set at one percent of the total salary for the term of that office or \$100, whichever is greater.

The State Election Commission and the respective county election commissions are responsible for preparing the primary election ballots. The legislation also stipulates how precinct managers will be chosen and challenges handled. This legislation still allows political parties to hold presidential preference primaries.

**Signed into law 2-19-92.**

State Grand Jury Revisions (S.555, Sen. Pope). This legislation will broaden the scope of the statewide grand jury to investigate criminal activity relating to public corruption and election law violations. The state grand jury currently has the authority to investigate crimes involving multi-county drug trafficking and obscenity offenses.

**Signed into law 5-4-92.**

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DSS Board Resolution (H.4321, Rep. McAbee). This joint resolution dissolved the South Carolina Board of Social Services and directed the General Assembly to elect new members to the DSS board. Further, all powers and duties of the DSS board were temporarily transferred to the State Budget and Control Board. The Budget and Control Board also appointed an interim director who reported directly to the Budget and Control Board. Former DSS Commissioner James Solomon could remain at his salary as a consultant until his resignation.

The resolution also placed the county DSS directors directly under the authority of the DSS commissioner until the General Assembly takes other action on this issue. The county DSS boards serve the county directors purely in an advisory capacity.

When the joint resolution was approved by the General Assembly, DSS was running a deficit in excess of \$15 million. The resolution states that the General Assembly is "gravely concerned with the refusal of the current South Carolina Board of Social Services to fulfill even its most basic statutory duties and its refusal to work effectively with the agency's own employees, to cooperate with other agencies and branches of state government, and importantly, to cooperate with and assist the General Assembly and the Executive Branch in efforts to help resolve the many financial and organizational problems of the State Department of Social Services."

The resolution further states that the "continual lack of leadership and poor judgment" demonstrated by the DSS board and its "shocking misuse of public resources" has created "a crisis for state government."

DSS recently announced that under the direction of the new commissioner, the department's deficit had been eliminated.

Signed into law 3-5-92.

Additional Requirements for Home Schooling (H.4114, Rep. Wright). This legislation proposes that home instruction taught by parents under the auspices of the S.C. Association of Independent Home Schools be allowed under the current Home Schooling statutes.

The act requires that parents be bona fide members of the association and comply with the association's academic standards to be exempted from meeting further state-mandated requirements under the Home School statutes. The State Department of Education will annually review the standards of the association to ensure they meet certain requirements, including that the parent instructing children at home hold a high school diploma or a GED certificate, that instruction be conducted for a minimum of 180 days each year, and that the association standards comply with basic instructional areas.

Signed into law 4-8-92.



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Encouraging Post-Secondary Education (S.361, Sen. Setzler). The purpose of this legislation is to encourage more high school students in South Carolina to go on to college by making sure parents and students receive information on the courses required for college entrance and the financial aid available. Under the provisions of this act, which would be added as part of the Education Improvement Act, the state Commission on Higher Education will work with state and private higher education institutions to develop an information package on college opportunities in South Carolina, the course requirements for college admission and the financial aid available. The information will be for distribution to 8th grade students and their parents. The information packages will be pilot tested during the 1991-92 school year in a number of school districts, with the Higher Education Commission reporting back the results to the House and Senate Education committees.

In addition, the commission will work with the public and private higher education institutions to provide yearly small group and one-to-one counseling sessions to explain to 8th grade students and their parents the educational opportunities open to them at the post secondary level. These will be held at each public school that has an 8th grade. These counseling sessions will be available during a time promoted as "Education Options Week."

Public schools and public school districts will work with the commission on coordinating the information packages and sessions for their 8th graders and parents. And businesses will be encouraged to allow their employees to participate in these session with their 8th grade children.

Signed into law 2-26-92.

School Breakfast Program (H.4005, Rep. Jimmy Bailey). This joint resolution requires all school districts in the state to implement in each school a school breakfast program beginning with the 1993-94 school year. The State Department of Education may grant a school district a waiver if the breakfast program would cause severe scheduling hardships or require the purchase of equipment that would cause severe hardship. The joint resolution notes of the 701 "severe need" schools in the state -- those in which at least 40 percent of the students qualify for free or discounted lunches -- 112 do not have a school breakfast program. Another 108 schools, which have between 25 and 40 percent of their students eligible for free or discounted meals, also do not have a breakfast program. The legislation points out that studies have shown hungry children have lower achievement test scores, are tardy more often and have more health problems. The joint resolution also notes that the USDA reimburses schools 90 cents for free breakfasts and 60 cents for discounted breakfasts. Through federal reimbursements for these meals, the state will receive an estimated \$9.3 million in additional revenue, according to the legislation.

Signed into law 3-26-92.

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The following bills were passed by the General Assembly but vetoed by the Governor.

House Reapportionment Bill (H.3834, Rep. Wilkins). This legislation reapportions the S.C. House of Representatives in accordance with the 1990 U.S. Census figures. According to the Census figures, each House district should have a population of 28,118 in order to comply with the federal court "one man, one vote" rulings. Although the total number of House districts stays at 124, this legislation created two new districts -- one in Dorchester and other mostly in Horry County.

Due to the gubernatorial veto of this bill, the U.S. District Court reapportioned the S.C. House. The court's reapportionment plan was released this month.

**Ratified 1-23-92; vetoed 1-29-92.**

Senate Reapportionment (S.1003, Senate Judiciary Committee). This legislation reapportioned the state Senate according to the 1990 U.S. Census figures. The bill, too, was vetoed by the governor. The Senate also recently received the federal court plans reapportioning its 46 seats.

**Ratified 1-23-92; vetoed 1-29-92.**