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CONTENTS

STATE DOCUMENTS

Constitutional Amendments on the November Ballot.....	2
Possible Issues for the 1989 Session.....	7
South Carolina's Place in the Global Economy.....	11

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Constitutional Ballot Questions

On Nov. 8, South Carolina voters who go to the polls will find more than candidates on the ballot. They also will be faced with eight proposed changes in the state Constitution.

A detailed, one page summary of the ballot questions will be handed out to voters on election day. (The handout instructions ask the voter to read the questions and explanations while waiting in line to vote, which will be quite a feat unless the line is exceptionally long or the voter is a speed reader.)

To assist House members and their constituents, here is a short explanation of the constitutional questions appearing on the Nov. 8 ballot. This brief explanation can supplement the excellent ballot question summary sent to all House members earlier this fall by the House Judiciary Committee.

Question 1: The Statewide Grand Jury

This is a two part question, which if passed, will allow the establishment of a statewide grand jury. Under this amendment, the state Attorney General could set up a statewide grand jury to address crimes involving pornography or drugs -- illegal operations which usually cross county lines.

The new amendment also would allow the statewide and county grand juries to operate similarly to a federal grand jury: testimony of fact witnesses would be recorded and transcribed, broad subpoena powers would be provided, and transcripts would be available for later impeachment of witnesses for perjury prosecutions.

Question 1A asks if the statewide grand jury should be established by the General assembly. Section B asks if it should be granted statewide indictment powers. The General Assembly approved this constitutional amendment in June 1987 as S.577.

Question 2: Dual Office Holding for Constables and Firefighters

This is a three part question all aimed at the same end: to exempt constables and volunteer or salaried firemen from the constitutional prohibition of dual office holding. In order to accomplish this end, three different sections of the State Constitution must be amended, thence the three part question.

Over the years, questions have been raised whether constables or firemen are occupying two political offices if they decide to seek an elected position. If this constitutional amendment is approved, it would put to rest these questions by allowing firefighters and constables to serve in elected positions in addition to their regular duties.

Question 2A asks if these positions should be added to the list of positions exempted from holding two offices. Sections B and C ask if the prohibition against dual office holding should not apply to firefighters and constables.

These ballot questions were approved by the General Assembly in June 1987 as part of H.2497.

Question 3: Sheriff Qualifications

This one sentence ballot question asks the voters to amend the State Constitution to allow the General Assembly to set minimum requirements for sheriffs. If this constitutional change is approved by the voters Nov 8, then a new statute passed in June will require sheriffs to be residents of the county they seek to serve, registered voters and 21 years old. In addition, sheriffs would have to have a high school diploma, its equivalent or at least five years of criminal justice experience. No sheriff could have a felony, DUI or DUS conviction on his record.

Much was written last session on the issue of sheriff qualifications. The changes approved by the Legislature received the wholehearted endorsement of the South Carolina Sheriffs Association. If the constitutional change is approved, South Carolina will join just a few other states in establishing minimum qualifications for sheriffs. (See *Legislative Update* No. 15, April 19, 1988 for a detailed report.)

The joint resolution proposing this constitutional amendment was passed by the General Assembly last March as H.2862. The statutory provision actually establishing the qualifications received legislative approval in June as H.3175.

Question 4: General and Capital Reserve Funds

This is longest and, arguably, the most complicated constitutional question on the ballot. If approved, this amendment would allow changes in the General Fund Reserve and allow the creation of a constitutional Capital Reserve Fund.

These changes would restructure the old General Fund Reserve and the Capital Expenditure Fund. Aside from changing the names of each to the General Reserve Fund and the Capital Reserve Fund, the amendment would reduce the General Reserve Fund from 4 to 3 percent and requires this money to be used for year-end operating deficits.

In addition, the Capital Reserve Fund would be capped at 2 percent of general fund revenue. Before March 1, this fund could be used for mid-year budget reductions only. After March 1, the Capital Reserve Fund could be used to pay for previously authorized capital improvement bonds, to retire the interest of bonds already issued, or to finance capital improvements or other non-recurring expenses. These projects would be ranked in priority order, and use of the Capital Reserve Fund money must be approved in separate legislation.

This amendment was ratified last March by the General Assembly as H.3823.

Question 5: Juror Qualifications

Although the election day handout says this ballot question requires no explanation, the wording of the constitutional change on juror qualifications may cause some voters to look twice.

The ballot question asks whether the Constitution should be amended by deleting the requirements that jurors must be electors of the state and *of good moral character*. The question goes on to ask if jurors should be state residents and have other qualifications as prescribed by the Legislature.

What the question does not tell the voters is what the new juror qualifications will be, other than the person would have to be a state resident. In addition to the joint resolution proposing the constitutional change (S.1140), the General Assembly also approved in April S.1139, which spells out the statutory qualifications of jurors if the Constitution is changed. This law would broaden the juror lists to include all licensed drivers, instead of just registered voters.

Question 6: Magistrate Jurisdiction

Although the language in this question may confuse the average voter, what this constitutional amendment will do, if approved, is allow the General Assembly to set the jurisdiction of magistrate's court by statute.

Now any change in the magistrate court jurisdiction must be made by constitutional amendment. Voters may be thrown off by the ballot language which states that the amendment will "require presentment or indictment by a grand jury for any crime the jurisdiction over which is not within the magistrate's court." The simple explanation of this change is that it will allow the jurisdiction of magistrate's court to be expanded by statute. This question was placed on the ballot with the ratification of S.380 last May.

Question 7: Multi-County Industrial Parks

This constitutional amendment is aimed at helping rural counties with economic development. If approved by voters, the amendment would allow counties to come together to jointly develop industrial parks to attract new industry -- a development effort that singly each county could not afford to do. A constitutional amendment is needed because counties currently are prohibited by the Constitution from collecting taxes for the benefit of another county.

This amendment would allow industries locating in these joint industrial parks to pay a fee in lieu of property taxes in an amount equal to the property taxes they would have paid. This fee would then be divided among the counties in a procedure outlined in the amendment.

This ballot question was prompted by several Lowcountry counties, which are interested in developing a joint industrial park. S.1534, ratified last June, placed this amendment question on the ballot.

Question 8: Future Constitutional Changes

Approval of this constitutional change would allow proposed revisions of entire constitutional articles or additions of new constitutional articles to be proposed as a single amendment and as a single ballot question during the 1990 election. More simply, it extends the deadline for submitting or revising entire constitutional articles from 1988 to the 1990 election.

Without this amendment, each change in constitutional language would have to be submitted to the voters as separate ballot questions, which would make for a mighty long time in the voting booth.

As an example, the House completed work last session on an updating of the Legislative Article of the Constitution -- work which was not completed by the Senate before adjournment. (See the February 26, 1988 *Legislative Update* for a report on proposed revision of Article III). Without approval of Question 8 next month, each change within that article would have to be submitted to voters as separate ballot questions, if the revision is reintroduced and receives Legislative approval within the next two years.

Possible Issues in 1989

During recent weeks, the Research Office has received a number of inquiries from House members concerning potential issues for the upcoming legislative session. In order to accommodate members until representatives are polled next month as part of the Legislative Update's annual issues survey, here is a list of possible issues which may prompt discussion next session.

Since no legislation can be prefiled now, this list represents only the "best guesses" based on comments made to the of House staff. Inclusion on this list does not ensure the issue will surface during the new session.

The annual issues survey will be mailed to all House members in mid-November. The results of the survey will appear in the Legislative Update to be distributed during the organizational session in early December.

Here are some possible issues for the new session. They are listed in no particular order.

Automobile Insurance

With most of the provisions of Act 166 going into effect this summer, further ways of reducing automobile insurance premiums are expected to be placed before the General Assembly for consideration during the new session. The Governor's Office already has announced it will again proposed its Automobile Insurance Affordability bill, first introduced last March. Legislators also are working on legislative proposals dealing with auto insurance.

Beachfront Renourishment Guidelines

Last session, the General Assembly approved the expenditure of \$10 million for beach renourishment. Before any money can be allocated, guidelines in the form of legislation must be adopted by the General Assembly.

Infectious Waste Disposal

This issue would examine the regulation of the treatment and disposal of biomedical infectious waste. This issue grabbed public attention again this summer when medical waste washed up on a number of South Carolina beaches. An infectious waste bill was sponsored by the House Agriculture and Natural Resources last session; however, the legislation died on the contested calendar.

Hazardous Waste Disposal

This issue would include consideration of the recommendations of the Hazardous Waste Task Force as adopted by the board of the Department of Health and Environmental Control. These recommendations include increasing the tax on out-of-state waste and some prohibitions on the acceptance of out-of-state waste. DHEC is expected to present specific recommendations in January.

Solid Waste Management

A Solid Waste Task Force was recently formed in an effort to address the growing problem of solid waste disposal and our burgeoning landfills. The task force will report back to the General Assembly in March.

Wetlands

Of great concern to conservationists is the protection of the state's freshwater wetlands. Several versions of a wetlands management program may be forthcoming during the 1989 session.

Teacher Salaries

Preliminary projections indicate that the amount of new funds necessary to maintain the average teacher salary in South Carolina at the Southeastern average exceeds the amount of growth in the Education Improvement Act fund. This situation may prompt a number of issues, including how we fund teacher salaries, how we computer the average, and how we distribute EIA funds, among others.

Teacher Retirement

Public school teachers may retire after 30 years of service. There is an effort underway to reduce this to retirement after 25 years of service.

School Buildings

A 1987 survey by the state Department of Education found that over the next five years, funding sources available to school districts for school facilities would be short by more than \$929 million. This may lead to an effort to provide additional state support for school building needs and to develop or expand methods of funding school construction.

Dropouts

Almost one-third of South Carolina's 9th graders fail to graduate four years later. This issue would address methods to prevent dropouts and possible changes in the compulsory attendance laws, among other approaches.

Adult Education

According to the 1980 census, almost 20 percent of South Carolina's population aged 25 and older completed less than the 8th grade. This issue may lead to efforts to initiate, expand and coordinate adult education services.

Worker's Compensation

The Joint Worker's Compensation Study Committee, along with a number of business groups, have been reviewing possible legislative proposals in connection with Worker's Compensation. Business groups are expected to back proposals to reduce the premium tax on worker's compensation, among other plans.

Local Government Finance

Several legislative leaders have indicated that finding alternate sources of funding for local governments to loosen their dependence on ad valorem taxes will again come up for discussion in the General Assembly. No formal proposal has yet surfaced.

Judicial Selection

South Carolina is one of three states in which the Legislature elects judges. Other states select judges by gubernatorial appointment, partisan and non-partisan elections, or from nominations by a merit selection panel from which the Legislature chooses or the governor appoints. Plans have already arisen from a number of quarters proposing changes in the way South Carolina selects judges -- plans that may make their way before the General Assembly for consideration.

Lease Purchases

Lease purchases appear to be more expensive than general obligation bonds for financing real property acquisitions. Recent state experiences with lease purchases have raised the question of cost effectiveness of such arrangements. The General Assembly has asked the Budget and Control Board and the Joint Bond Committee to study and make recommendations on this issue. In addition, the governor has organized a task force from the private sector to examine the practice. These discussions have the potential of yielding both budget discussions and possible legislation.

Rural Health

The availability of rural health care is an issue that is growing on a number of fronts: The financial crisis confronting rural hospitals, the recruitment of doctors and other health professionals to serve rural communities, and the availability of emergency medical services in isolated, rural areas. Recommendations are anticipated before the end of the year from the Joint Legislative Health Care Planning and Oversight Committee.

Children's Services

A joint legislative task force currently is looking into the possibility of changing the structure of the various agencies that serve children in South Carolina. A report is expected in mid-March.

Adult School Bus Drivers

With the federal mandate that South Carolina convert to an all adult school bus driver system, the state is now confronted with the problems associated with finding and retaining adult drivers. Issues for consideration include salary levels, numbers of hours worked each week, and eligibility for employee benefits.

Programmatic Budgeting

Beginning with the 1989-90 state budget, 28 state agencies will submit program budgets in addition to the traditional line item budgets in the Appropriations Bill. Under this new system, the program of an agency will be displayed along with its mission statement and statutory authority. Program objectives also will be identified so that assessments can more easily be made of program costs and effectiveness. This format is designed to provide legislators with the information to debate policy issues of state programs and services rather than line item expenditures.

South Carolina's Place in the Global Economy

In the competition for economic development, some states have begun pointing out their economic productivity is as great, or greater, than some countries. Although it is unusual to see a list ranking countries and individual states together according to their gross products, such a ranking appeared recently in State Policy Reports.

That list combined both nations and individual states, ranking them according to their gross national products (if nations) or the U.S. Department of Commerce's gross state product. What the list shows is South Carolina's GSP is larger than the countries of Egypt, Israel and the Philippines, to name a few. In fact, there are 127 countries in the world that have smaller economies than than the state with the smallest GSP -- Vermont.

It must be noted, however, that most of the countries listed here are Free World countries. This list does not include the Soviet Union and some Eastern Bloc countries, which are controlled by government production allocations.

GROSS STATE AND NATIONAL PRODUCTS 1986

1.	United States	10.	India
2.	Japan		ILLINOIS (4)
3.	Fed. Rep. of Germany	11.	Australia
4.	France	12.	Spain
	CALIFORNIA (1)		PENNSYLVANIA (5)
5.	United Kingdom		FLORIDA (6)
6.	Italy		OHIO (7)
	NEW YORK (2)		NEW JERSEY (8)
7.	Canada		MICHIGAN (9)
8.	China	13.	Mexico
	TEXAS (3)	14.	Netherlands
9.	Brazil		MASSACHUSETTS (10)

Source: *State Policy Report*, Vol. 6, Issue 14, July 1988.

GROSS STATE AND NATIONAL PRODUCTS
1986

15.	Switzerland	38.	Pakistan
16.	Sweden		MISSISSIPPI (32)
	VIRGINIA (11)	39.	Philippines
	GEORGIA (12)		ARKANSAS (33)
	NORTH CAROLINA (13)	40.	Malaysia
17.	Republic of Korea	41.	Libya
18.	Belgium	42.	Israel
	INDIANA (14)		NEBRASKA (34)
	MISSOURI (15)	43.	Kuwait
19.	Saudi Arabia		WEST VIRGINIA (35)
20.	Indonesia		UTAH (36)
21.	Poland		NEW MEXICO (37)
	WASHINGTON (16)	44.	New Zealand
	WISCONSIN (17)	45.	Portugal
	MARYLAND (18)	46.	Peru
	MINNESOTA (19)	47.	Hungary
22.	Austria	48.	United Arab Emirates
	LOUISIANA (20)		ALASKA (38)
23.	Argentina		NEVADA (39)
	TENNESSEE (21)		HAWAII (40)
	CONNECTICUT (22)	49.	Singapore
24.	Nigeria		NEW HAMPSHIRE (41)
25.	Denmark	50.	Ireland
26.	Norway		Puerto Rico
27.	Finland		MAINE (42)
28.	South Africa	51.	Syrian Arab Republic
	COLORADO (23)	52.	Chile
29.	Algeria	53.	Bangladesh
30.	Turkey		RHODE ISLAND (43)
	ALABAMA (24)		IDAHO (44)
31.	Yugoslavia	54.	Morocco
	ARIZONA (25)		MONTANA (45)
	KENTUCKY (26)		DELAWARE (46)
32.	Venezuela		WYOMING (47)
	OKLAHOMA (27)	55.	Ecuador
	SOUTH CAROLINA (28)		NORTH DAKOTA (48)
	IOWA (29)		SOUTH DAKOTA (49)
	KANSAS (30)	56.	Cameroon
33.	Thailand		VERMONT (50)
	OREGON (31)	57.	Tunisia
34.	Egypt	58.	Guatemala
35.	Hong Kong	59.	Burma
36.	Greece	60.	Sudan
37.	Colombia	61.	Ivory Coast

Source: State Policy Reports, Vol. 6, Issue 14, July 1988.

GROSS STATE AND NATIONAL PRODUCTS
1986

62. Kenya
63. Sri Lanka
64. Oman
65. Trinidad/Tobago
66. Luxemburg
67. Uruguay
68. Zimbabwe
69. Ethiopia
70. Tanzania
71. Panama
72. Ghana
73. Zaire
74. Dominican Republic
75. Yemen

Setting aside economic productivity and ranking nations and states by population, *State Policy Report* notes that the states do not rank as high. California, the most populous state and ranking fifth worldwide in economic productivity, ranks behind the populations of 29 countries (listed alphabetically): Argentina, Bangladesh, Brazil, Burma, China, Colombia, Egypt, Ethiopia, France, West Germany, India, Indonesia, Iran, Italy, Japan, Korea, Mexico, Nigeria, Pakistan, the Philippines, Poland, South Africa, Spain, Thailand, Turkey, the United Kingdom, the USSR, Vietnam and Zaire.

A mid-population state, such as Arizona (25th), is ranked below those listed above and others, such as Austria, Belgium and Bolivia, and many lesser known countries, such as Benin, Burkina, Faso and Yemen.

Source: *State Policy Reports*, Vol. 6, Issue 14, July 1988.