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**OUR MISSION**  
is to educate members and all South Carolinians about state and local public policy based on the traditional South Carolina values of individual liberty and responsibility, free enterprise and limited government.

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## 2009 GENERAL ASSEMBLY VOTED ANONYMOUSLY 75 PERCENT OF TIME

The South Carolina General Assembly recorded its votes on 532 out of 2116 bills considered during the 2009 legislative session, according to the final vote count tracked by the Policy Council. This total excludes votes on congratulatory resolutions that did not impact actual legislation.

74.9 percent of votes held by the General Assembly were taken via anonymous voice votes despite new rules adopted by the legislature in January requiring more accountability. The House recorded votes 31.2 percent of the time in 2009. The Senate recorded votes 15.6 percent of the time.

Both legislative bodies held more votes on the record this year than in 2008, but even with this improvement the South Carolina legislature remains among the nation's worst with just 1 out of every 4 votes being recorded.

Recorded Votes: South Carolina General Assembly 2009			
<b>S.C. Senate</b>	Votes Taken	Votes Recorded	Percentage Recorded
	825	129	15.6 %
<b>S.C. House</b>	Votes Taken	Votes Recorded	Percentage Recorded
	1291	403	31.2 %
<b>Legislative Total</b>	Votes Taken	Votes Recorded	Percentage Recorded
	2116	532	25.1 %

For comparison, a 2008 Policy Council study of the Constitutional and legislative procedural rules in all other states found 41 of 50 states require at least one legislative chamber to record its vote on every single bill passed into law. Four other states mandate recorded votes on all revenue bills.

The rules adopted by the S.C. General Assembly in January do not require a recorded vote on:

- Each state budget section - only if one Representative requests, no Senate requirement
- Uncontested legislation - five Representatives or one Senator required to contest

The General Assembly considers legislation on two separate calendars - the contested and uncontested calendar. Bills are considered uncontested unless lawmakers object and request to move the bill to the contested calendar, where it is debated and voted on publicly. One Senator or five Representatives is required to move a bill to the contested calendar.

Only legislation on the contested calendar is required to get a vote on the record under the January rules change. This means lawmakers can avoid a recorded vote by agreeing to keep a bill on the uncontested calendar. This leaves citizens with no power and gives lawmakers complete freedom to decide if and when a matter will receive a recorded vote.

For example, House Bill 3635 became law this session and imposes a \$10 annual fishing license fee for recreational saltwater angling, along with several other fees, including a \$150-\$300 fee to operate a saltwater public fishing pier or a saltwater charter fishing vessel. Defenders of the legislation claim the fee increase is necessary to avoid an even larger federal licensing fee. That defense may be entirely valid, but state lawmakers approved a de-facto tax increase. Citizens deserve to know how their legislators voted. The Senate approved the bill on a 29-15 recorded vote, while the House approved it via an anonymous voice vote.

This example illustrates there is no clear reason why the Senate recorded this vote and the House did not. When lawmakers control which votes are recorded there is no consistency or predictability in the process. Citizens cannot know with any certainty whether legislation will receive a recorded vote nor can they hold their elected officials accountable.

For more information, view the Policy Council's 2009 Legislative Vote Tracker Online: <http://scpolicycouncil.com/research-and-publications-/budget/347-recorded-votes>

#### **Key Bills Passed by General Assembly on Voice Votes:**

##### **S 700: USC Innovista Construction**

This joint resolution authorizes the University of South Carolina to build a new business school building in the Innovista district. Current buildings are only partially full, and there is virtually no private business interest, despite tens of millions of taxpayer dollars invested in the project.

##### **S 390: Mental Health Parity Coverage Mandate**

In response to federal legislation requiring mental health parity for large employer group plans, this law requires insurance plans that offer mental health or substance abuse benefits to provide those benefits at levels equivalent to medical and surgical benefits. The law caps increased costs arising from such coverage at 2 percent the first year and 1 percent thereafter. This legislation unintentionally provides an incentive for group health plans to drop mental health coverage.

##### **S 630: Motor Vehicle Manufacturer/Franchise Regulations**

This legislation regulates dealings between motor vehicle manufacturers and their dealers. The bill seems to have been passed in response to the recent announcement that several GM and Chrysler dealerships are being closed in South Carolina. Among other things, the law makes it illegal to require a franchise to change location without demonstrating the change is "reasonable"; the bill also makes it illegal to force dealers to refrain from selling other makes or lines of motor vehicles and sets terms for compensation upon termination of a franchise.

##### **H 3299: Telecommunication Rate Increases**

"The Customer Choice and Technology Investment Act of 2009" implements price controls for phone service at the same time it claims to encourage consumer choice and free market competition. In particular, the law limits rate increases for stand-alone residential lines to a formula tied to the Gross Domestic Product Price Index. Current law limited such rate increases to a formula tied to the statewide average local service rate. The bill also altered the terms for withdrawals from the state Interim LEC (Local Exchange Carrier) Fund. This legislation did not receive a recorded vote in either the House or the Senate; however, the House did a roll call vote on the amended Senate version.

## **No Recorded Vote in the Senate**

### **H 3087: Sex Offender Restrictions**

This measure prohibits local governments from passing any ordinance that expands or contracts the boundaries of an area where a convicted sex offender may reside.

### **H 3452: Regulation of Micro-Distilleries**

This law enacts additional regulations on the manufacture of alcoholic liquors, including micro-distilleries. In particular, the law increases biennial license fees for manufacturers from \$1,000 to \$50,000; and also introduces a new biennial license fee of \$5,000 for micro-distilleries. The bill increases taxes on South Carolina businesses without a recorded vote in the Senate.

## **No Recorded Vote in the House**

### **H 3635: Increased Fees on Fishing Licenses**

This legislation instituted an annual \$10 fishing license fee for recreational saltwater angling, along with several other fees, including a \$150-\$300 fee to operate a saltwater public fishing pier or a saltwater charter fishing vessel. Defenders of the legislation claim the fee increase is necessary to avoid an even larger federal licensing fee.

