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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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Legislative Update

The Drought and S.C. Agriculture Losses

Background

"The worst drought since colonial days" is how news reports have categorized the present situation in the Southeast. For all practical purposes, that means the worst drought ever for the region.

The effects are visible across the state in parched fields, drying ponds and dying crops. But what economic effects can we anticipate from this natural disaster? There are a number of factors to consider: what impact will a water shortage have on industry? Will plants have to slow down or even close, thus laying off workers? Will municipalities and counties have to find new sources of water, and so incur additional expenses for drilling, pumping stations, and pipe lines? Such expenses could mean additional taxes, or cuts in other services, or both.

Perhaps most important, at least for our immediate future, is this question: What is the drought doing to South Carolina's primary income source, agriculture?

Agricultural losses to July, 1986

The Federal-State Crop and Livestock Reporting Service keeps tab of the various aspects of agriculture in the State, and during the drought the service has been monitoring the impact on our farmers. According to officials at the State Department of Agriculture, as of early August, South Carolina had suffered a total of \$378.7 million in drought-related agricultural losses.

The losses, broken down by category, are listed in the table below.

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Drought-Related Losses
As of July 20, 1986

Field crops (corn, wheat, oats, soybeans, etc.)	\$ 149.1 million
Horticultural crops (vegetables, small fruits, etc.)	75.4 million
Livestock	41.4 million
Forestry	112.8 million
TOTAL	378.7 million

Sources: S.C. Department of Agriculture, August, 1986

Agricultural losses in perspective

How do these July figures compare to last year's farm earnings? According to statistics from the latest *South Carolina Statistical Abstract*, our farmers have been seriously hurt in all major areas. The table below gives the value of cash receipts for farm products in 1984, the estimated drought-related losses for this year, and the percentage of lost revenues.

Estimate of Lost Farm Revenues
1984 compared to 1986

<u>Crop</u>	<u>1984 Receipts</u>	<u>1986 Loss</u>	<u>% of Loss</u>
Field crops	\$ 546.9 million	\$ 149.1 million	28%
Horticultural	110.3 million	75.4 million	68%
Livestock	427.7 million	41.4 million	10%
Forestry	n/a	112.8 million	

Source: S.C. Statistical Abstract, 1985

What do these figures mean?

By late July, over one quarter of the state's field crops have already been lost. More losses can be expected, since a number of these crops have yet to be harvested; yields will undoubtedly be far below normal. Estimates of August 1, 1986, conclude that at least half of most crops will be lost to South Carolina farmers. This is an agricultural and economic disaster that will have profound impact on this state not only for this year, but for years to come.

Some figures released by the S.C. Agricultural Statistics Service indicate the extent of the problem. Soybean production is down by 49% from last year; corn is down by 53%; hay production is 59% below last season's production. Tobacco is down by at least 15% from the previous year.

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To put these figures in perspective, recall that tobacco accounts for about 17% of the cash receipts for our state's farmers. Any decline in production and sales of this crop will automatically have an adverse impact on the state. As for soybeans, corn and wheat—those crops are the leading farm income producing commodities for the state's farmers.

A relatively few crops, such as tobacco, need relatively less water than others; still, tobacco crops towards the central portion of the state have suffered more than those nearer the coast.

Horticultural crops have been devastated. Since the picking period for many of these crops has already passed, much of the damage can be assessed. Fruits, vegetables and similar plants generally require a good deal of water, so the drought has obviously had a profound impact on this sector of the agricultural economy.

The loss percentage for livestock is deceptive, because the full impact had not reached those farmers when this survey was taken. Three effects of the drought will be most harmful to livestock: the heat itself, lack of water, and lack of feed and fodder.

High temperatures have already begun to kill poultry across the state, and in South Carolina August is traditionally our hottest month, with September often close behind. Little relief can be expected from the heat.

In many cases water can be transported to the livestock, although expense and availability must be considered. Should the drought continue and require allocation of water resources, farmers could experience real problems.

Finally, feeding the animals is the major concern. South Carolina supplies of fodder can be found only among the coastal counties, and there in limited amounts. Shipments from Indiana, Iowa and other midwestern states have helped, but the difficulty is managing the logistics of transporting the massive amounts of hay and other grains needed.

Without food, livestock farmers will be forced to sell their animals early, and at whatever prices they can find. Undoubtedly prices will drop, leaving the farmer with a loss. The only question seems to be: how much of a loss. Clearly, the 10% figure of July will be much higher before the fall.

Operating costs: where the farmer is most vulnerable

The losses suffered by South Carolina farmers take on special, and frightening, significance when you realize that gross farm income is only slightly above farm production expenses. In other words, even in the best of times, farmers are barely earning more than they spend to run their farm.

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The slight margin of profit realized by farmers makes them especially vulnerable to relatively minor downturns in their markets. A "minor" drop in prices can translate into a major catastrophe for thousands of farm families. The impact of this drought will clearly be devastating.

The table below gives a comparison for the total gross farm income for South Carolina farms, the farm production expenses, and the realized net farm income. To put it another way: this chart shows what farmers earned, what it cost them to run their farms, and what they had left over when the bills were paid.

Farm Income and Expenses
1974 through 1984
(Figures in Millions of Dollars)

<u>Year</u>	<u>Gross Income</u>	<u>Expenses</u>	<u>Net Income</u>
1974	948.3	666.6	281.7
1975	916.1	720.9	195.2
1976	940.1	748.0	192.1
1977	915.8	795.2	120.6
1978	1,092.0	909.7	182.3
1979	1,166.4	1,006.2	160.3
1980	1,248.5	1,124.8	123.7
1981	1,285.4	1,193.3	92.1
1982	1,318.5	1,126.5	192.0
1983	1,199.3	1,105.1	94.2
1984	1,312.3	1,154.5	157.8

Source: S.C. Statistical Abstract, 1985

The chart makes painful reading, because it so clearly demonstrates the thin margin farmers have lived on for the past decade. There have been a number of reasons for this, including national export policies, the stronger dollar which affects foreign trade, declines in farm prices, high mortgages and interest rates, the expenses of farm machinery and fuel, just to name a few. In addition to all of those, now comes the worst drought in history.

"Workfare" Programs Find Wider Acceptance

Background

This session the South Carolina General Assembly passed a "workfare" program, known as the "Employables Program Act," (S.1064). This measure requires that all recipients of public assistance register and accept appropriate employment--or face a loss of their assistance funds.

"Workfare" is a concept which has spread across the United States as a new method to break the poverty and public welfare dependence cycle. In the latest issue of *State Legislatures*, an article outlines the broad strategies used in workfare efforts.

How "workfare" fares today

According to author Janet Wiscombe, 25 states now require that healthy welfare recipients sign up for employment. Training, job-search counseling and classes, and child-care services are some of the components of the various state programs. All share a common goal: moving people off the welfare rolls permanently by helping them find real jobs.

In some states, the investment in workfare is considerable: California will spend up to \$300 million annually, while Massachusetts will funnel \$44 million into its Employment and Training Program. According to state officials, the return on these investments will be worth the cost: California is looking for savings of \$750 million per year when its program is fully operational; Massachusetts believes a savings of \$107 million will be realized this year alone.

There are philosophical and theoretical problems with the workfare concept, the article notes. Some see it as "a kind of poor people's punishment," which pushes slightly-trained or untrained persons into any available employment, whether it suits them or not, and despite any adverse impact it might have on their families. On the whole, however, most workfare programs has sought to balance individual and family needs (such as child care, a must for the would-be working mother) and the desire to hold down the cost of welfare payments for the states.

The California experience

The California workfare program is called Greater Avenues for Independence, or GAIN. It was passed in 1985 by the California State Assembly to reform the state's \$12 billion-a-year welfare system. According to a report from the California Legislature, the GAIN program has four major goals:

- 1) Giving welfare recipients access to all of the training, education, and public service opportunities needed to prepare for a private unsubsidized job;
- 2) Empowering welfare recipients by offering them choices and involving them in the decisions that affect them;
- 3) Developing a system where a recipient never comes to a dead end or is given up on;
- 4) Making fair work a central part of the welfare system so that recipients preserve their dignity by contributing to society.

GAIN is geared to work with the particular needs and strengths of an individual welfare recipient. Recipients decide with a social worker on the specific education and training services they need to realize their employment goal. A contract is signed between the two, setting out what services the state will provide, and what responsibilities the recipient will assume.

Assessments are provided, following by an appropriate program of vocational education, on-the-job training, supportive work, or other activities. Before fully committing to a particular training course, participants can choose a three-month work experience assignment called "pre-employment preparation," or PREP. PREP assignments are at non-profit organizations or state or local agencies.

The California report notes the emphasis placed on maintaining family ties: "Parents will only be required to participate if child care is available--no parent will find a job at the expense of their child's safety."

Finally, a number of steps have been written into the law to make certain the funds are spent in the best fashion:

- 1) Existing proven programs must be used in cooperation with GAIN whenever possible;
- 2) Job training contractors will be paid only if the recipients they train are successful in getting jobs lasting at least six months;
- 3) Recipients will have adequate support services such as child care so that they are able to complete their training program successfully.

Editorial reactions to South Carolina's "workfare" law

The *Columbia State* (June 8) announced that "welfare in South Carolina will soon have a prettier face," and applauded the effort as "a major step forward in both purging freeloaders from the welfare rolls and training people who really want to work."

The *Evening Herald* (June 2) in Rock Hill approved the "several necessary precautions" included by lawmakers in the bill, such as exemption of welfare recipients who are caring for children under six years old. The *Herald* concluded that "The work support program is a step in the right direction toward breaking the cycle of poverty."

The *Abbeville Press and Banner* (June 4) said that the bill "is probably on the right track," and hoped that it would soon become statewide. (The initial program will be pilot-tested in Bamberg, Calhoun and Orangeburg counties.)

On the other hand, the *Florence Morning News* (June 17) said that the program "is no cure-all," because: "No. 1, it assumes there are jobs out there--unskilled jobs in the main--just waiting for people to take them. The chronic unemployment figures refute that. No. 2, it implies that welfare will cost less because so many more welfare recipients will be out earning their way. Not to be overlooked, however, are the costs of providing daycare, transportation and the training and counseling programs ..."

The *Hilton Head Island Packet* (June 3) called the proposal "an apple pie idea," but advised readers to "turn back to your history textbooks and look up the chapter on the Great Society. You'll find reference to the Job Corps and other anti-poverty programs that either collapsed of their own weight or failed when new leadership came up with its own better idea of whipping poverty."

However, the editorial concluded on a more positive note: "The problem is that many welfare recipients can't work because of poor health, dependents that cannot be left alone or a lack of adequate training. If society will get them on their feet, take care of their dependents and provide them jobs they can handle, poverty can be defeated. It's a grand idea. Let's hope it works better this time around."

Sources

The article "Workfare Might Work," by Janet Wiscombe, can be found in the August, 1986 issue of *State Legislatures*, published by the National Conference of State Legislatures.

The report, "Greater Avenues for Independence," is published as part of the *Assembly Year in Review Series*, by the California State Assembly. Copies of this report are available from the House Research Office, Room 324 in the Blatt Building.

What Have You Done For Us Lately?

Accomplishments of the 1985-86 General Assembly Part One

Introduction: Public Memory and the Legislature

Two years is a short time. For the South Carolina General Assembly, two legislative years is an even shorter time: not quite six months each year, not quite a full week during the session. Yet, in spite of this, a considerable amount of work gets done by the General Assembly.

Some of the work makes the headlines, causes a stir for the moment, and is forgotten. Other issues linger, to be debated again months and even years later. Some of the work--and some of the most important work--is hardly noticed by the public at the time, and soon fades from memory.

It is then, after the session is over, that members of the House get asked that famous question all elected representatives dread: "Well, what have you done for us lately?" After all, the general public has other interests on its minds than politics and legislation. And what the public tends to remember are the items it dislikes: higher taxes, no matter how necessary; stricter laws, no matter how beneficial; airplane rides and postage stamps, no matter how comparatively small the cost.

This is more than unfortunate; it is unfair.

Helping Constituents Remember

Obviously this situation is unfair to the members, who put in the long and hard hours, who attend the committee meetings, who make up the quorums in the chambers, who study the issues and who vote for the best interest of their home district and the state. It is unfair when they do this work and find it unknown and little appreciated at home.

But this situation is also unfair to the voters of South Carolina. If the voters don't know what the legislature has done, then a vital part of the democratic process is missing. If the voters aren't reminded what the General Assembly has done in the past, then they don't know what to expect it to do in the future.

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There's a lot of talk about holding politicians accountable; if a relative few are to be held accountable for their misdeeds, then the vast majority of elected officials deserve to be held accountable for their good deeds. And that kind of accountability can only help the public, and the public good.

In this issue and the next of the *Legislative Update* we're going to review the accomplishments of the 1985-86 South Carolina General Assembly. We're going to take a look at the bills that were introduced, debated, and voted on. There will be an emphasis on those bills that became law, but because of the nature of the legislative process, a lot of good ideas didn't become law--at least, not this time around.

Finally, the main purpose of this series is to provide information to the House members, so you can provide it to your constituents. The idea is to help you answer that age-old question--"What have you done for us lately?" Well, these are some of the things the South Carolina General Assembly has done lately.

Major Legislation, 1985-86

There are literally thousands of pieces of legislation which passed through the General Assembly during its two-year term now ended. All of this was important to someone; much of it was important to everyone. Still, within the limited scope of this review, only the major items can be selected, and even they can be surveyed quickly and without detail. This review, then, represents the tip of the iceberg, and leaves untouched much valid and worthwhile work.

The issues discussed here will be grouped into seven large categories:

- Children and families
- Commerce, consumers and economics
- Education and public works
- Environment and agriculture
- Government operations and finance
- Health care
- Law and justice

This is not to say that these are the only categories, or that these categories capture every relevant issue and put it neatly away; these are convenient tags to help organize the vast amount of material we have to deal with.

In this issue, the first four categories will be discussed. Special attention will go to legislation passed relating to each category. In next month's *Legislative Update*, we'll finish the rest of the categories, and provide a general wrap-up of the two years of work in the General Assembly.

Children and Families

One of the truly national problems in this country is child support. Much of the money spent by states on children is money that delinquent parents--almost always fathers--should be paying, but don't. Although courts can order payments, tracking down the parent and actually getting the money can be a time-consuming, frustrating, and expensive effort.

In 1984 the federal congress unanimously adopted a law that required states to enact tough new child support legislation, or face loss of federal funds. South Carolina stood to lose some \$5 million if the model laws were not enacted. Supporters of the legislation pointed out that, in addition, the laws would increase the amount of child-support collected, thus reducing the public burden.

In 1985 the General Assembly considered and passed a bill that allows courts to order withholding of a parent's wages for child support payments. The withholding could go into effect when support payments are a month overdue, and the amount withheld would be equal to a month of support. The withholding can end if the parent begins to meet his or her commitment on a regular basis.

Adoptions were large on the minds of legislators during 1986. Two measures were passed that will substantially alter the method in which adoptions are handled in South Carolina.

The first concerns adoptions by non-residents. An act was passed which substantially revises adoption procedures. It also insists that the interests of the child come first. The act limits adoptions to South Carolina residents except in cases involving "exceptional or unusual circumstances." These include special needs children, public notoriety surrounding the child or family, adoptive parents who are related to the child by blood or marriage, or military service. In some cases, unusual or exceptional circumstances might make non-resident adoption best for the child--and it would be allowed in such instances.

The act also provides more specific requirements for parents who must give consent in adoptions. In most cases, the father of the child will have to give his consent to the adoption.

Home studies of the adopting family are required, except for step-parents and relatives. Medical and other background information of the child's biological family must be filed with the court. Finally, the adoptive parents must file with the court a financial disclosure of all disbursements and expenses relating to the adoption. This item is required in order to prevent "baby selling," that is, paying money to a parent or agent to be able to adopt a baby.

Adoption Agencies Merger

A second adoption-related issue that caused considerable attention during this session of the General Assembly was the merger of the Childrens' Bureau into the Department of Social Services.

Before this was done, South Carolina was the only state in the country that had two, separate public agencies concerned with adoptions. This act establishes the Department of Social Services as the single public adoption agency, and required its adoption program be a separate and distinct until with a central, state-wide administration and regional service delivery.

A transition committee is established to help the transfer of operations from the Childrens' Bureau to DSS. The committee must submit a plan to the General Assembly by October 1, 1986, and the plan must be approved by March 1, 1987. The plan will be implemented by the Budget and Control Board.

Any applications on file with the Childrens' Bureau and DSS must be combined so that the first application on the Bureau's list is the first applicant on the merged list, the first applicant on the DSS list is the second applicant on the merged list, and so alternating until both lists have been merged.

The merger is not complete, however. The General Assembly must review the activities and progress of DSS in adoptions, and make a final decision by June 30, 1989.

Spotlight: Emotions and Legislation

The merger of the Childrens' Bureau into the Department of Social Services raised emotions among the public and members of the legislature. Certain issues are sure to be controversial because of their subject--and children always affect our emotions.

The basic question of this debate was which situation would provide the best services for the children involved in adoptions? Would it be better to retain the Childrens' Bureau as a relatively small agency concerned only with adoptions? Or would it be more cost-effective for the agency and more helpful for the children to move the Bureau into DSS, which also handles adoptions?

Because of the emotions concerned, the debates were as much about subjective feelings as about cost-per-case comparisons or size of agency staffs. However, while it may not be possible to put these feelings down as columns of figures or comparisons on a page, they are real--and essential to the legislative process. It is interesting to note that it was only after both sides had expressed themselves on the matter that the bill was passed.

Divorce and Marital Property

What to do about marital property during a divorce has always been a problem. Which spouse gets the house? The car? Who wants the cat? (Some of the most bitter court cases have been waged over custody of pets.) In 1985, the South Carolina General Assembly began considering changes in the way our state divides up property when a marriage hits the skids. In 1986, the much-debated legislation was voted into law.

Before this law was passed, there were no state-wide guidelines for dividing marital property. A patch-work quilt of procedures covered the state, varying from judge to judge, county to county.

The act sets out fourteen specific factors that all South Carolina family courts must consider when apportioning marital property. Now all parties know what matters should be addressed, and what matters will be considered.

The court is directed to divide marital property by taking into account a number of factors. Among these are the length of the marriage, the value of the property, and the contribution made by each spouse. Also, the court must consider for each spouse his or her age, health, earning potential, and any additional training needed to earn a living. Finally, the court does take into account any "marital misconduct or fault" that affected the economic circumstances of the marriage or contributed to the marriage breakup.

Spotlight: The Importance of Technicalities

Many of the provisions in this law deal with legal technicalities--yet, those technicalities will directly affect all those persons filing for and receiving divorces. In 1984, 13,674 couples had their marriages ended by divorce or annulment; the property involved reached into the millions of dollars. Clearly, the distribution of marital property is an issue with considerable impact.

Sometimes complex legislation is labeled as a "lawyer's bill," meaning that it is so confusing for the average citizen that a lawyer must be hired to read the fine print and decipher the legal mumbo-jumbo. Laws regarding property tend to be technical and lengthy, since there is so much to consider, so many items to include. However, citizens have a right to expect their laws to be complete, comprehensive, and carefully crafted. Stylistic grace is less important in laws than their ability to apply fully to those situations they are supposed to govern. And that sometimes means technicalities.

A "Workfare" bill was passed into law by the General Assembly in 1986. The intent of this legislation is to help move people off public welfare into financial independence.

Officially known as the "Employables Program Act," the measure requires all recipients of public assistance to register for work with the Department of Social Services. Should an appropriate job come along, they must take it or lose their assistance--for 60 days the first time, for 90 days for a second refusal. However, in the case of a child receiving assistance, care will be taken that the child does not suffer because his or her guardian refuses work.

DSS must run a state-wide program to find work and place people in jobs. DSS can also provide vocational, educational and on-the-job training when necessary.

Commerce, Consumers and Economics

What does it take to create new jobs and keep old ones? What actions can the General Assembly take that will enhance economic development in the state, without "giving away the farm" in terms of unfair tax breaks and revenue loss? How can the interests of landlords and tenants be reconciled? Those are just a few of the difficult kinds of questions related to labor, commerce and industry.

During the 1985-86 session the legislature addressed such questions in two general ways. The first was to refine certain technical, but highly important, aspects of commercial law. The second thrust was to provide additional protection for consumers in South Carolina.

Interstate banking was forbidden by federal law for almost eighty years--since the disasters of the Great Depression in the early 1930's. When the federal government changed the law to allow interstate banking, "regional compacts" were created by groups of states. These compacts would permit the area banks to expand across state lines, but would protect the local financial institutions from capture by huge money machines such as Citicorp of New York.

In 1984 the Legislature passed a bill bringing South Carolina into a southeastern regional banking system. In 1985 the General Assembly moved up the effective date from July 1, 1986, to January 1, 1986.

Six months--but in the fast-paced world of modern finance and banking, six months can be an enormous amount of time. This is the sort of legislation that at first glance seems unimportant, even trivial. The more you consider the nature of modern finances, however, the more you realize that the General Assembly was actually undertaking a relatively important piece of fine-tuning recent legislation.

Consumer protection measures were passed in the 1985-86 General Assembly. One dealt with rental-purchase procedures, generally making it clearer to the renter just what is being rented, how much must be paid, and what his responsibilities are.

A similar bill governed spas--those sweat parlors that have sprung up across the land in tribute to our new-found quest for physical fitness. The law requires that contracts of more than one month or over \$50 must be in writing and the customer must receive a copy. The contract must have an address where services or refunds can be obtained, and no contract can be longer than 24 months (two years). In addition, the spas would have to establish their financial soundness through bonding, escrow accounts, etc.

Then, there was the most far-reaching of these packages, the landlord-tenant act which sets out the rights and duties of landlords and their tenants. It covers security deposits (landlords have to return them); maintenance of property and services (landlords have to provide adequate plumbing, water, heat, and a safe electrical system); cleanliness of the apartment (the tenant has to keep it clean and sanitary); and rents (must be paid on time).

The act generally puts the tenant on a more equal footing with the landlord; it does this by changes in the centuries-old English Common Law, which has been used in South Carolina.

Bringing It All Together

It seems logical: one of the best ways to encourage economic development in South Carolina is to coordinate the activities of the various state agencies involved. After all, it seems that everyone from the Governor's Office (and the Lt. Governor's office) to Parks, Recreation and Tourism is dedicated to bringing quality employment to South Carolina.

But sometimes it has seemed that, as the old saying has it, "nobody was singing from the same sheet of music."

The solution: creation of the South Carolina Coordinating Council for Economic Development. The purpose of this Council is to develop an annual state plan for economic development; review annually the economic development activities for the previous year; and coordinate economic development activities on a statewide and local level. The Council will also guide the use of federal funds, foundation grants and private funds to enhance state economic growth and development.

Membership of the Council consists of the following: Commissioner of Agriculture; Chairman of the S.C. Employment Security Commission; Chairman of the State Development Board; Chairman of the PRT Commission; Chairman of the State Board for Technical and Comprehensive Education; Chairman of the S.C. Ports

Authority; Chairman of the Public Service Authority; Chairman of the S.C. Research Authority; Chairman of the S.C. Jobs Economic Development Authority; and the Chairman of the Small and Minority Business Expansion Council. To serve as chairman of the entire Coordinating Council will be the Chairman of the State Development Board.

Actually, the Council has been doing business for about three years now--it was created by executive order of Governor Riley, and has been working steadily in the Governor's Office. This legislation makes the Council a permanent body, and sets forth its mission as part of the Code of Laws for the state of South Carolina.

Editorial Applause

The newspapers in South Carolina seem to take a jaundiced view of activities in the General Assembly. One reason for this might be a lack of information about what the Legislature is doing, and why it's doing it. That seemed to be the case with the Coordinating Council--at least for the *Columbia State*.

The *State* stated that it first had "misgivings" about making the Coordinating Council permanent. Then, in a June 28, 1986 editorial, it announced it had changed its mind about the Council:

On close examination, however, our misgivings were unwarranted. The council will not be just another layer of bureaucracy on top of the S.C. State Development Board, which has the industrial, business and economic development mission for the state. In fact, the council makes an awful lot of sense. It brings together a number of state agencies which have participated independently in a variety of aspects of "development."

The editorial went on to say:

While coordination is its mission, the council's first task will be to provide the state with a plan for economic development by the next Legislative session. It is significant that the planning process involves outstanding business and industry leaders whose participation in the state's economic development will be essential to its success.

Education and Public Works

The year 1984 was a major one for education in South Carolina. The passage of the "Education Improvement Act" (EIA) and the one cent increase in the sales tax to support the program was a central issue for the General Assembly. In comparison, 1985 and 1986 seemed a bit tame, but there was still important work being done.

Basically, the two years were ones of monitoring and adjustment of the EIA by the Legislature. The issue of teacher certification was addressed during the 1986 session. The EIA required teachers to demonstrate "minimum knowledge proficiency" to retain their jobs. One of the standards to demonstrate this was holding a valid license, which implies making a certain cut-off grade on the National Teachers Exam.

However, teachers who came into the system before 1976 used a different process to become certified, and they may not have reached the required score on the exam. The General Assembly provided a method by which teachers who did not meet the criteria could make up their deficiency. This adjustment was seen as being fair to the affected teachers, yet retaining the high standards required by modern education.

The Legislature also modified the EIA to keep the Division of Public Accountability in existence for another two years; this Division of the Education Department will be responsible for monitoring and review of the activities required under the EIA.

1986 saw passage of the Employment Revitalization Act, designed to consolidate and re-organize the state's training programs for employment. Before this legislation, training, re-training, technical and vocational education efforts in South Carolina were conducted by a number of different state agencies and organizations, including the Governor's Office. The Employment Revitalization Act places responsibility for adult basic and secondary education with the State Board of Education, and all other vocational/technical training and education with the State Board for Technical and Comprehensive Education.

Rural Transportation Authorities (RTAs) are organizations which local governments can set up to provide transportation on a county or multi-county basis. In many parts of the state RTAs are extremely important to persons who have no other transportation readily available. In 1985 the General Assembly substantially revised the law concerning these RTAs; the revisions concerned the methods local governments could use to create an RTA, and also provided a means for local funds to be raised to support operation of the RTA.

"Use of local funds--ah ha! More taxes!" some might say. Actually, the mechanism for local funding must go through a several-step process, including approval by the voters.

Cities and counties which are members of an RTA can raise local funds by levying a fee on the motor vehicles registered within the service area. A number of restrictions are placed on the use of the fee, to insure that the money is used strictly for its intended purpose. The voters in the area must approve the fee and the level of the fee--in other words, say "yes" or "no," and also "how much." Any increase in the fee level would have to be approved by a majority of the members of the General Assembly representing the RTA service area.

In a related area, in 1986 the General Assembly passed the Public Transportation Passenger's Bill of Rights. The law provides for the comfort and security of persons riding buses and other forms of public transportation. It specifically forbids the following:

- Throwing trash around the vehicle;
- Playing a radio, cassette, tape player or "similar device" unless it has an earphone that limits the sound to the user;
- Bringing weapons, explosives or animals on the bus--with the exception of seeing eye dogs, "small animals properly packaged" or animals/weapons used by law officers;
- Bothering the driver or interfere with operation of the vehicle;
- Boarding the vehicle from the rear exit door (unless directed by driver);
- Using profane or obscene language or acting in an obscene fashion;
- Boarding the vehicle drunk.

The driver of the vehicle has the right to refuse transportation to any person acting in one or more of the above fashions. Persons who violate this bill could be imprisoned up to thirty days or fined up to \$200 for the first offense.

Finally, a bill was introduced in 1985 and passed in 1986 to regulate mopeds. Basically, the legislation gradually raises the age of operation for mopeds, and requires a license to operate the machines. The age moves from 12 years old to 14 years old by 1987. This legislation seeks to reduce accidents and other problems associated with mopeds by establishing some basic safety requirements so that moped operators are prepared before they take to the highways.

Environment and Agriculture

Over the years, more and more attention has been paid to the environment. In South Carolina, environmental issues are especially acute for two reasons.

First is the obvious value of the environment to the state: tourism is one of our major income-producers, and it clearly depends upon the environment. Seafood production, obviously linked to the environment, is a substantial source of employment and revenue for many in our state. Finally, agriculture, like seafood, can exist only in a safe, secure environment.

A second reason for environmental concern: nuclear and hazardous wastes, the seemingly inevitable byproduct of our modern age. The Pinewood site in Sumter County, and the Barnwell site downstate are two key points to remember in considering the state of the state's environment. During the 1985-86 session, lawmakers did more than consider—they acted.

Hazardous waste was dealt with by the General Assembly in 1985 when it clapped a limit on the amount that could be buried in the state. A cap of 135,000 tons per year was imposed by law, and burial fees charged generators of the waste were increased. This additional money, along with state-appropriated funds, will be used for cleanup of uncontrolled hazardous waste sites or "dumps" scattered about the state.

Nuclear waste is a joint federal-state problem. The federal government enacted a law in 1985 which limits the amount of low level radioactive waste that can be buried at the Barnwell site, and closes the site completely after 1992. Other states would have to develop waste disposal sites and carry their share of the burden; this is known as the "interstate compact" on nuclear waste.

This federal legislation was the result of intense efforts by South Carolina officials, including many in the General Assembly. The state had to pass legislation putting this compact into effect. In 1986, the General Assembly did just that.

Water is one of South Carolina's most precious natural resources, and in 1985-86 the General Assembly took steps to protect our streams and rivers.

The drought relief measure passed in 1985 is designed to fight one of nature's cruelest events. The act allows the state to take action when a drought strikes. The actions range from a simple alert to local governments, to emergency powers for the Governor to limit non-essential water use in drought-stricken areas.

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The tragic drought which has hit the state this spring and summer has shown that the drought relief legislation is useful, indeed, essential, as far as state government action is concerned. While the state cannot prevent drought or eliminate its effects, it can help reduce the problems which occur. The drought response act passed in 1985 was an example of the legislature looking forward, anticipating potential problems, and taking action ahead of time.

A second bill dealt with interbasin transfer of water--that is, channeling water from one river system into another system. Before this bill was passed, such transfers were authorized by special acts of the General Assembly. The possible weakness was that no one and no agency had the responsibility of making sure these transfers did no harm.

Now, the Water Resources Commission of the state oversees the transfers. Any person, organization or business that wants to make a major interbasin transfer would first have to obtain a state permit. Any transfers would have to be evaluated carefully to make certain that both short-term and long-term needs of everybody involved are protected. The goal of the law: responsible stewardship of a public treasure, our water.

Forest disasters raged throughout the state in the spring and summer of 1985, destroying thousands of acres of valuable woodlands, and causing untold economic loss to our state. A bill was introduced into the House of Representatives to deal with such disasters; by spring of 1986 the bill had become law.

The act sets up procedures to follow when forest disaster strikes. The State Forester determines the extent of the crisis and brings out the resources of the Forestry Commission to help citizens and local governments affected. The Commission also is to develop a plan to provide for systematic salvage and use of all forest products damaged by the disaster--for example, to market trees burned but still usable. The Commission also helps re-establish forests in the stricken area.

Once again, this is an example of the General Assembly responding to a need of the state and its citizens, and working to meet that need through the legislative process.

Where Are we Now?

At this point we're about halfway through the answer to our question--"What have you done for us lately?" Already some answers are becoming clear.

Variety of Issues

First, there is the range and variety of topics which face the General Assembly. State government must deal with everything from forest fires to footpads.

People say that government should be run like a business. A business, however, can pick and chose its concerns. A boiler-maker can stick with boilers, a dress-maker with dresses; each is free to do what is best suited to the particular concern. Governments have no such freedom. The state cannot choose to deal with agriculture, for example, and ignore education; it cannot "specialize" in criminal justice and forget highway repair.

The point is not the efficiency of government—it can be more efficient, and many in the General Assembly are working to make it so. The point is that government while can be efficient, it must be flexible.

Complexity of Issues

Second, many issues facing the General Assembly have no easy "right" or "wrong" conclusions. Take the example of with-holding child support payments. On the one hand, this is a justified and long-needed step which will reduce public expense and improve childrens' lives. On the other hand, it is an expansion of the state into private lives and an increased burden on the employer who must do the with-holding. Which takes priority? How are the values weighed in the scale?

Most of the issues facing a modern legislature fall into this complex category. The problems are not simple; their nature is not easy to examine and explain. Take another example, that of hazardous and nuclear waste. In such a situation you have honest disagreement not only on what to do, but in what the facts are. In such a case the General Assembly is caught in the bind of having to take action while experts are still uncovering the evidence.

Number of Issues

Third, the sheer number of issues and problems and concerns (and therefore the number of bills introduced) is astounding. And it's growing each year. The South Carolina Code now extends to over four feet, not counting the index and regulations. Most of that Code was written before we knew about nuclear waste and ecosystems and interstate banking and international economies. Most of that Code dates before a time when courts ordered prisons and mental hospitals to make reforms and build new facilities. And certainly, most of the Code was written before South Carolina entered into a time when its population would practically explode, its economy would drastically shift, and its needs would greatly change.

Much of the Code remains valid--certain laws are as essential for modern day South Carolina as they were for Justinian, Solon, Moses or Hammurabi. But there will have to be new additions to the Code, and alteration of what is already there. As Francis Bacon observed, "He that will not apply new remedies must expect new evils; for time is the greatest innovator."

Even now, time is preparing more and more complex items for the avalanche of new issues and new concerns which face the members of the General Assembly.

Conclusion to Part One

Consider the following numbers.

According to Legislative Information Systems, during the two-year session, 1985-86, a total of 2,022 pieces of legislation were introduced into the South Carolina House of Representatives. During 1985 House members introduced 1,088 bills and resolutions; in 1986 they brought forth 934 more for consideration. During this same period, the Senate introduced 1,384 bits of legislation.

Some of these were concurrent resolutions, many of those congratulating persons, teams, high schools or towns. However, the vast majority of introductions dealt with actual laws--a total of 2,508 bills during 1985-86 fell into this category.

Of this 2,508, the vast majority did not pass into law: at the end of the two-year session, 625 bills had become acts; 1,883 had fallen by the wayside somewhere during the legislative process.

Part of the nature of the legislative process is to decide which bills should become law, which should be set aside--for the moment, for the session, forever. It should not be surprising that only about a third of the bills introduced during the 1985-86 session became laws. Nor should it be surprising that among those laws passed were acts of high quality and great importance to the people of South Carolina.

End of Part One

In the next issue of the LEGISLATIVE UPDATE, "What have you done for us lately?" looks at action in the areas of government operations and finance, health care, and law and justice.