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South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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STATE DOCUMENTS

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OFFICE OF RESEARCH

Room 324, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803)734-3230

Legislative Update

Legislation Introduced

Education

Potential teachers and criminal records (H.2343, Rep. McAbee). Persons wishing to become teachers in South Carolina would have an investigation done on any possible criminal records. No teacher could be hired until he or she submitted fingerprints which were forwarded to SLED. SLED would check in-state records and ask the FBI to check national records, for any criminal convictions. The local school district would reimburse SLED for the cost of getting a report from the FBI. This procedure would go into effect for the 1987-88 school year.

Transfer EIA money to building fund (H.2362, Rep. Thrailkill). This measure would transfer \$55 million from the general portion of the Education Improvement Act to the school building fund portion of that measure.

Sex education (H.2369, H.2370, Rep. Felder). The first measure would prohibit courses in sex education or human sexuality in public schools until laws regulating such courses had been passed by the General Assembly.

The second measure would forbid any participating by DHEC in sex education courses in public schools until legislation had been approved by the General Assembly regulating such activities and participating. Included in DHEC activities put on hold: distribution of books, pamphlets and visual aids.

Environment

Waste treatment sites--changes (H.2344, Rep. E.B. McLeod). Before a site could change its capacity for the treatment, storage or disposal of waste, any alterations would have to be approved by regulations issued by the Department of Health and Environmental

Control, and these regulations would have to be approved by the General Assembly. (The General Assembly has the responsibility for approval or rejection of such regulations as part of the Administrative Procedures Act.)

Increase littering fines (H.2364, Rep. Sharpe). Persons found guilty of littering in South Carolina would have their punishment stiffened if this bill passes. The current fine is set at between \$10 and \$200; this would raise it to between \$50 and \$500.

Fiscal

Local Government Finance Act (H.2368, Rep. Sheheen). Local governments--counties and municipalities--say they need the authority to raise revenue for their operations. In South Carolina, the tradition has been for the General Assembly to hold tight to the purse strings of governments at all levels (remember the "Supply Bill" days?). This bill, according to its supporters, would complete the move to "home rule" which began back in the 1970's.

The Local Government Finance Act would give counties and municipalities the option to impose certain taxes. These collection and distribution of these taxes would be administered by the state Tax Commission. Options would include the following:

1) Sales and use tax. Either 1/2 or one percent could be levied on gross proceeds of sales, with the revenue being distributed to the locations where the tax was paid. A referendum would have to be held to approve of the tax before it could be imposed.

2) Income tax. Levied at a rate between 10% and 40% of the established income tax liability for state residents. The tax and any changes would be in increments of 5%. A deduction for the local tax would be allowed on the state income tax.

3) Occupational tax. A tax on salaries, wages, commissions and "other compensation earned for work done or services performed" within a county or municipality. The rate would be between one percent and three percent. Profits of partnerships, companies, corporations would be subject to the tax. Once again, a deduction would be allowed on the state income tax.

4) Motor vehicle license tax. This tax could be no higher than the vehicle and registration fee levied by the state. Vehicles exempt from fees at the state level would be exempt on the local level.

5) Coin-operated device tax. Not a new tax, of course, just expanded to include counties in the take.

6) Admissions tax. A tax of up to two percent of paid admissions could be levied by counties or municipalities.

The bill would also impose reporting requirements on counties and municipalities, having them detail the use of their Aid to Subdivision funds. Failing to complete the reports and submit them to the Comptroller General could mean loss of ten percent of their state aid.

Government Operations

Magistrate elections (H.2342, Rep. Moss). Proposes an amendment to the state Constitution to have magistrates elected in nonpartisan elections, starting in 1988. The specifics of the process would be left up to the General Assembly to be provided later.

Mailing list for acts (H.2345, Rep. Wilkins). When a bill is passed by the General Assembly and becomes an Act, who gets a copy? Right now, members of the General Assembly, the Judges of the State Supreme Court, judges of the judicial circuits, clerks of county courts and county boards of commissioners.

When the Code Commissioner is sending out the latest laws, the mailing list is a veritable who's who of officialdom in the state: The Governor, Supreme Court Justices, Clerk of the Supreme Court, circuit judges, circuit solicitors, county judges, county solicitors, clerk of the court of each county, judge of probate of each county, Attorney General, Secretary of State, Comptroller General, Adjutant General, State Treasurer, chief bank examiner, chairman of Tax Commission, Executive Director of the Department of Highways and Public Transportation, State Health Officer, Director of the Division of Game of the South Carolina Wildlife and Marine Resources Department, chairman of the Public Service Commission, Commissioner of Agriculture, Chief Insurance Commissioner, State Budget and Control Board, State Superintendent of Education, State Librarian, clerk of the House of Representatives, clerk of the Senate, Director of the South Carolina Archives Department, and the members of the General Assembly.

Should this bill be passed into law, to this list would be added the Judges of the state Court of Appeals, and the Clerk of the Court of Appeals.

Nepotism (H.2378, Rep. Kohn). This bill amends the laws which make it unlawful for persons who are department heads to appoint close relatives to government positions. The relatives are further defined to be: wife, husband, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, wicked stepmother, stepfather, stepson, or stepdaughter.

Such appointments could be made only with approval from one of the following bodies (as appropriate): the State Ethics Commission, Senate Ethics Committee, or the House Ethics Committee.

Sovereign immunity (S.266, Judiciary Committee.) Allows for tort claim cases to be filed regardless of a government's sovereign immunity that existed up to July 1, 1986. Similar to H.2188.

Handicapped

Guide dogs (H.2359, Rep. Hearn). The provisions of the Code which concern blind or deaf persons who use guide dogs would be extended to "handicapped" persons in general. Specifically, handicapped persons using the dogs would have to be permitted into buildings the same as blind or deaf persons; drivers would have to take the same "necessary precautions" when approaching a handicapped person using a guide dog; and there could be no discrimination against housing for handicapped persons who use the guide dogs.

Highways, Byways, Airways and Public Safety

DUI screening tests (S.25, Transportation Committee). This would permit testing for driving under the influence of drugs or alcohol to include blood and urine tests to be required at the discretion of the arresting officer. Procedures are provided for the method of test, use of results, and so forth. The most comparable House bill is H.2233.

Driving with cancelled license (H.2360, Rep. Hayes). Penalties for persons caught driving with their drivers license cancelled, suspended or revoked would be increased.

<u>Offense</u>	<u>Current penalty</u>	<u>Proposed penalty</u>
1st	\$100 or 30 days	\$200 or 30 days
2nd	\$500 or 60 days	Same, but no suspension of any part of sentence by judge
3rd	45 days to 6 months	90 days to 6 months, with no suspensions.

Dangerous dogs (H.2365, Rep. Koon). A measure that would require dangerous dogs be kept in secure enclosures. Specifically mentioned are pit bulls, but also included are "any other breed of dog with an inbred instinct, or which is trained to fight or attack." The fine for failure to comply would be a fine of \$1,000 and/or one year imprisonment.

License plates for Shriners (H.2373, Rep. Pearce). The Department of Highways and Public Transportation would be permitted to issue a special license plate to shriners for their private vehicles. A signed, notarized statement of the head of the particular shrine organization would have to be presented with the application. In addition, each shrine organization would be allowed to issue a unique decal to its members to represents the particular shrine organization, be it association, temple, or lodge.

Labor, Commerce and Industry

Attorneys paid by insurance (H.2377, Rep. J. Bradley). In a situation where a person is being insured, and his or her insurance covers the cost of defense, then the insured (not the insurance company) would get to pick the attorney. The attorney would be paid at prevailing rates as on file with the Department of Insurance. In case of a dispute, the court having jurisdiction would determine the rates.

Law and Justice

Stink bombs (H.2366, Rep. O. Phillips). Expands the range of explosive devices covered under the Code, and toughens the penalties that can be imposed. Stink bombs, tear-gas bombs, smoke bombs and similar devices would be unlawful if they have the possibility of causing injury, riot or panic, or if they are set off in or around a stadium or arena.

The current punishment of one year or \$1,000 would be increased five-fold to a possible term of 5 years or a fine of \$5,000.

The court would be allowed to order all or part of the fine paid to persons who suffered injuries and/or medical expenses because of the bomb.

Lottery Revenues Per Capita

Are lotteries worth it?

Leaving aside the moral arguments about lotteries, there is one major question that comes up during debate over the games: are they worth it? Are they worth the expense of start-up, operation, and administration? Supporters say yes, opponents say no, others shrug in puzzlement.

New evidence suggests that the intrinsic value of a lottery to a state can vary greatly, with some lotteries bringing in tidy sums, while others seem to just slip by. A recent publication called *US Gaming Industry: 1986* pulled together lottery revenues for seventeen states that sponsor the games. The figures were then calculated on a per capita basis for each state, thus giving a revenue figure that might be better analyzed than a strict total.

Highs and lows

Some states do pretty well. Massachusetts and Maryland, for example, take in over \$60.00 per capita. Others do so-so—New York, which has a huge potential lottery public, makes only \$33.83 per capita, while much smaller Delaware rakes in \$24.50. And some places do so poorly it's almost embarrassing: \$4.41 per capita for New Hampshire, \$3.79 for Maine, and \$2.33 for Vermont. (You just can't get those frugal New Englanders to plunk down good money on a lottery ticket, it seems.)

Factors

Figures from the study were published in the latest issue of *State Policy Reports*, which did not go into greater detail over the findings.

Of course, many factors influence lottery ticket sales (and therefore revenues): promotion and advertising, ease of purchase, number and location of outlets, number and size of prizes, and so on and so forth. Each of these factors, in turn, can become yet another issue in the hot lottery debate—for example, is it wrong for the state to advertise its lottery, and therefore encourage gambling?

Difficult questions. The chart on the next page gives the figures compiled by a Philadelphia accounting firm for the study of lotteries in the United States, as reported in the January, 29 issue of *State Policy Reports*.

Lottery Revenue to States Per Capita

<u>State</u>	<u>Net revenue/Per capita</u>
Massachusetts	\$ 67.31
Maryland	60.63
Pennsylvania	52.20
New Jersey	52.01
Connecticut	47.81
Illinois	44.89
Michigan	39.60
New York	33.83
Ohio	31.37
Delaware	24.50
Rhode Island	19.31
Washington	12.13
Colorado	10.42
Arizona	7.42
New Hampshire	4.41
Maine	3.79
Vermont	2.33

Swimming Pool Inspection Fees--In Nebraska

Earlier this session the Department of Health and Environmental Control (DHEC) caused something of a stir by suggesting it might have to start charging fees to inspect swimming pools. DHEC said either its budget would need to be increased or the fees would likely have to be imposed. Legislation was introduced into the General Assembly soon after to forbid state agencies for charging for their services.

Such a law is obviously not on the books in Nebraska, where the Douglas County Board of Commissioners has voted to increase at least twenty fees charged by the Health Department for permits and inspections. The inspections over such facilities as restaurants, taverns, bakeries, private swimming pools and installation of water wells and septic systems.

Since Douglas County includes Omaha, the call for these inspection services could be considerable. County Commissioner Steve McCollister says that the purpose of charging the fees would be to recoup the costs of providing the services--the cost is now covered by general taxpayers, according to McCollister. He also is quoted in *Taxation and Revenue* as saying the higher license and inspection fees would increase county revenues from \$257,000 a year to \$457,000 years. Apparently there is a considerable amount of inspecting being done around Omaha.

Editorial Comment on the Legislature (Part 1)

Background: The Fourth Estate speaks

What are the newspaper editorials saying about the 1987 session of the South Carolina General Assembly? Since the House Research Office subscribes to a newspaper clipping service, that question can be answered. What follows is a summary of the editorials that appeared in South Carolina newspapers during December, 1986 and January, 1987.

Once a month the *Legislative Update* will track the opinions, pronouncements, suggestions and frothings of the various editorial pages across the state, as they relate to the activities of the General Assembly, state government, and the issues of the day.

Please note: The opinions expressed in the following pages are those of the newspapers and their editors, not the *Legislative Update* or the House Research Office. Some of these folks have some fairly harsh things to say about the Legislature, but remember--we're just the messenger here, and like the man said, "Don't shoot me, I'm only the piano player."

"Bobtailing" rears its ugly little head once more

As if drawn like a moth to the flame, the Spartanburg *Herald-Journal* published two editorials on the alleged practice of "bobtailing"--adding non-germane items to the General Appropriation Bill. In December the paper said that the dropping of the SC Chamber of Commerce's lawsuit against bobtailing was in order, because "the Chamber has promises from leading players on the legislative stage that something definitive will be done" about bobtailing. However, the *Herald-Journal* noted ominously, "Those who are concerned seriously about 'bobtailing' will monitor legislative compliance carefully."

In early January the H-J was back on the subject, and in an editorial titled "Attack on 'bobtailing,'" recounted how the situation was handled in 1947 between newly-elected Governor Strom Thurmond, Lt. Governor George Timmerman, and Speaker Bruce Littlejohn. To make a long story short, the editorial said that the three office holders decided that non-germane additions to the Appropriation Bill would be ruled out of order by the presiding

officer of each house; this was done then, and should be done now. A word to the wise from the Spartanburg *Herald-Journal*.

Doubtful days in Florence

The Florence *Morning News* also ran an editorial on the subject. Its review of the issue noted that the State Chamber's suit was touched off by a specific issue: check-off of State Employee Association dues passed by the Legislature. "Although the chambers' motives were something less than altruistic, the suit's objective was entirely worthy," the *News* said. "Bobtailing is not only a bad legislative practice, but it's one that has gotten out of hand. It ought to stop."

The Florence paper applauded the personal pledges from the Governor, Lt. Governor and Speaker Sheheen to curtail the practice, but it noted: "promises are transitory as are the politicians who make them. No one should be surprised if it finally takes a court determination to brake (sic) the practice."

Tax reform hides tax hike, Editors snarl

The recently passed federal "tax reform" was a topic for several editorials. The irrepressible Spartanburg *Herald-Journal* published a screed entitled "What! No tax increase?" that basically said that the federal changes were going to increase the percentage of tax liability for middle income taxpayers in South Carolina. The paper quoted a study showing a 22.6% increase for persons in the \$20,000 to \$35,000 range, and a 11.5% increase for a typical individual with \$44,650 in taxable income.

"Are all these taxpayers going to be quiet as the full force of the 'tax reform' becomes evident to them? Not likely," the H-J said with something in its editorial voice that presaged disaster. It noted that recently the state tax system had been made to conform to the federal one, and concluded, "the intent was to simplify filing tax returns in South Carolina. It's a kind of simplification we didn't bargain for."

The "hidden approach" to tax hikes explained

Similar views were expressed by the Charleston *News and Courier*, which called the potential increases "The hidden tax trick," and warned readers about "the prospect of a sneak increase in state income taxes." The paper went on to say that adjustment in state tax rates would be difficult, because "the climate in Columbia favors the hidden approach to higher income taxes, of course."

"Of course?" Well, the N&C explains, "College presidents, state employee unions, agency heads and politicians sensitive to the vast array of lobbies which dominates the state capital are all

between the rock and the hard place." In other words, they won't raise taxes directly, but on the other hand, "for those folks federal tax 'reform,' which yields automatic state tax increases, is just what the doctor ordered."

Having mixed metaphors of rocks, hard places, and prescribing physicians, the scribes of the Holy City calls in the dogs and criminal elements: "Taxpayers in South Carolina have little to pride themselves about when it comes to playing watchdog. Few do more than growl at sneak thieves in the General Assembly who come to loot their pocketbooks." The solution? Voters should "be showing their teeth at their elected officials...." Grrr.

A more restrained Rock Hill *Evening Herald* said that South Carolina tax reform was needed to adjust state tax structures to the new federal guidelines. "The fact is that federal tax reform will probably provide this state with a tax windfall if the General Assembly does nothing to adjust the existing tax rates," the *Evening Herald* said, and it called upon the Legislature to enact reductions in state income tax rates.

The paper quoted two members of the House with evident approval: Rep. Herb Kirsh and Rep. Dick Elliott. The paper was especially warm in its commendations of Rep. Elliott, who had pointed out that any increase in state revenues should come through specific vote of the legislature, rather than indirectly through federal changes--"Any tax increase must be front door and not back door," the *Evening Herald* quoted, and added, "Well said. That's how government ought to operate."

It may be how government ought to operate, but the *State* seemed to have some doubt that it will function in such a salutary fashion. In its editorial "Tax laws must change," the *State* briefly noted the increase in taxes that would occur if certain adjustments were not made in the state tax schedules. Then it concluded with a certain gloomy cynicism: "The SC Tax Commission, the new governor and the Legislature's leaders are aware of the situation and have said they'd see to the necessary changes. Fine. But we'd bet the taxpayers would like to see that the first priority of the 1987 General Assembly--just to be sure it gets done, you know."

Changes in the budget process

The Spartanburg *Herald-Journal* wants to reform the way the General Assembly writes the budget. It pointed to several factors which the paper feels need remedy. "Bad projections are the major villain, because they lead legislators into appropriating money that won't show up in revenue. That imposes traumatic mid-year reductions on state agencies." The H-J suggests that improvements in the process could be made by having one person (rather than a panel of economic experts) made the projections, and having them set before the General Assembly starts to work. "Perhaps the current

fiscal crisis will spur the SC Legislature to reform its budgeting process in whatever ways the history of our experience indicates," the editorial concluded.

A second editorial by the H-J reviewed what it called the "annual game of revenue projections" in Columbia. The paper said that the projections are often hostage to political whims: "If the committee [Ways and Means] sees a possibility of a more optimistic report, it may delay the budget for weeks. When the bill finally gets to the Senate, the same thing may happen. The net often is to approve expenditures based on exaggerated revenue hopes."

Solutions proposed by Senator Horace Smith win H-J approval: shorten the session, take up the budget first, and change the filibuster rule in the Senate so legislation can't be blocked by one or two lawmakers. "Correction of the situation is about as simple as that," the Spartanburg paper concludes.

Post wants Legislature to shape up

The Charleston *Evening Post* turned a wary eye on the budget writing process. Calling 1987 a "budget crunch year," the *Post* spoke sternly to errant solons: "And, speaking of fiscal restraint, it's past time state legislators relearned the meaning of those words. Lawmakers have become all too eager in recent years to take the latest and most favorable budget estimates they can wring out of their economic advisers. The result has been to add services and employees state government could easily live without."

The *Post* said that there was reason to believe the new legislative leadership was going to address the problem by capping the budget, but--because of the tax reform windfall--"taxpayers can't relax."

In an editorial a week later, the *Post* applauded some comments by the "legislative leadership." First, however, they scolded legislators for having "fallen into some very bad budgetary habits," such as "violating the state Constitution" (the bob-tailing chestnut) and using "the latest, most wildly optimistic revenue estimates to revise the budget until the very last minute so they can legally get away with overspending."

Then, having proved the *Post* is no softy on the General Assembly, the editorial noted that Senate Finance Chairman Rembert Dennis had criticized changing revenue estimates while the budget is being written. "I'm delighted to hear you say that," the *Post* quoted Ways and Means Chairman McLellan. "You're singing my song." Quoth the *Post*, "Ours too."

"I am the ghost of budgets past"

In its editorial "Budget crisis awaits General Assembly," the Greenville *News-Piedmont* made the oracular pronouncement that

"veteran members" of the legislature "will find their spending decisions of recent years have come back to haunt them with a vengeance. This is going to be the bloodiest session within memory in terms of having to cut essential as well as desirable and debatable state programs."

The NP says that the General Assembly "not only must enact substantial cuts in state services, but also bring to heel automatic spending imposed by previous legislative sessions." Can it be done? The editorial looked to Chairman McLellan of Seneca and the Ways and Means Committee. "As the first step in the budget writing process, the work of this group is going to set an extraordinary record for political pain, or else abdication."

Harsh words, strong advice from Abbeville

Harsh words and strong advice came from the Abbeville *Press and Banner* in its editorial called "State budget process obviously flawed." The P&B said that "The state's budgetary process is not worthy of high praise and some of those involved display a woeful degree of irresponsibility. Surely, the process is producing budgets that exceed revenue probabilities, causing the periodic reduction of promised funding, which results in disruptions and inefficiencies in everything from the public school system to the most minor state agency...."

The proposed solution by the Abbeville editors: "Budget no more than collected the preceeding year." In a startling burst of candor followed by an equally startling display of assurance, the editorial concluded: "We don't know what the budgetary procedures should be, only that what we have been doing over the years is about as inappropriate as could be devised and that the consequence of the irresponsibility displayed is extremely costly."

The Beaufort *Gazette* called for an end to government by "crisis management." The paper said that "Lawmakers are going to have to look at several ways ways of correcting the problem this year....Lawmakers are going to have to reform the budget process....It's clear that lawmakers are going to have to set some priorities."

One possible method, the *Gazette* suggested, might be to go with the idea of an executive budget prepared by the Governor. Whatever is done, the paper acknowledged, "will take planning, but now is the time to begin that planning. We don't need to end another legislative year continuing the process of government-by-crisis management."

And finally, the *State* summed it up best with the title of their editorial, "Solons face tough revenue problem." The rest of the editorial was actually commentary on that headline, ending with the conclusion: "At any rate, it's time to do something about the [budget] problem. The House has new leadership that is more

aggressive and harmonious. Even in the Senate, the mood appears to support action not only to move with more dispatch but to get a better handle on state spending and stick with a realistic revenue forecast."

Local government finance

The *Greenville News* is in favor of granting fiscal powers to the counties and municipalities. "State lawmakers must realize local officials aren't trekking to Columbia each year to sing rounds. They need the fiscal autonomy to make their own financial decisions free of state manipulation and control. It's time for the General Assembly to give it to them."

The *Charleston Evening Post* agrees, saying "the basic idea makes sense. The idea is to give counties, through local option, alternatives to the standard property tax as a revenue source."

Crime

The new year saw an editorial in the *Myrtle Beach Sun News* endorsing Attorney General Medlock's call for a state wide grand jury. The paper said the jury would help in a number of areas, especially drug trials. "The General Assembly can get off on a good foot this year by making a state grand jury its priority item and by putting it on the November 1988 general election ballot." (The change would require a constitutional amendment submitted to the voters.)

Education

The *State* said that "leaders face tough choices on education." By that it meant that "The money isn't there," to fully support the goals and programs established in recent years. The *State* said that Superintendent Williams had developed a "wish list" for the General Assembly to consider, and concluded that "Dr. Williams' suggested priorities will help lawmakers set an agenda. Considering the state's so-so revenue picture, they will need that help and more if the state is not to take a step backward."

The *Anderson Independent-Mail* came out in favor of sex education to curb teen pregnancies. "As big as the teen pregnancy problem is," the paper wrote, "we find it a bit puzzling that there has been such opposition to doing anything constructive about it. Recommendations of the Governor's Task Force on the Prevention of Teenage Pregnancy met self-righteous outcries that sex education will make the problem worse."

The *Independent-Mail* dismissed those claims, and concluded strongly in favor of the educational programs: "In the case of sex education, we cannot go along with people who believe we can preach

morality and expect teens to suddenly stop having sex and giving birth. This is truly a war on ignorance, which must be fought with powerful weapons. We hope the General Assembly will see this."

Environment: What to do about the coast?

There was one major topic which drew the attention of South Carolina editors: the coast. With winter storms lashing the beaches and causing millions in damages, with debates brewing over setbacks and development, with the fate of thousands of jobs and billions of dollars in the balance, the tide of editorial ink flowed freely.

The *Columbia Record* said that "Protective legislation [is] a must" for the coast, but despaired of action by the General Assembly. Early in January the paper called for "the need for state legislation to control beachfront development and for state funds to renourish the devastated coastal dunes." But, in that same editorial, the paper pointed out that "heavy opposition to the imposition of statewide controls can be expected from coastal developers, many of whom have taken a greedy, shortsighted view of the problem."

A week later, the *Record* returned to the topic. Once again it noted that the state's beaches needed protection, which should mean legislation from the General Assembly. "But opposition to such legislation is strong. Some local governments and many coastal developers oppose any form of regulation, especially at the state level." The price to be paid for failure to act? "If the legislature and local governments continue their laissez-faire policies, uncontrolled erosion will eat away this state's second largest industry."

The coastal newspapers obviously considered this topic important, and most of the commentary came from them. However, even the *Greenville News* said that the matter had come to the point where "strick, statewide setback requirements are vitally needed," and announced, "The General Assembly must not allow another year to go by without approving stringent legislation to protect South Carolina's coast."

Three separate editorials in the *Charleston Evening Post* touched on the matter. The paper advocated setbacks for construction along the coast, since it should be recognized that "Carolina beachfronts are high hazard areas, and not practical sites for houses, hotels or condominiums. Adoption of realistic setback regulations would speed that recognition."

A second editorial dealt with "Coastal Growth: A Mounting Concern," which noted the "increasing citizen concern about the unwanted effects of coastal area development, and of an increasing citizen willingness to try to restrict development to a degree greater than it has been restricted in some places." The *Post* acknowledged that resistance to new regulations on coastal growth

would be strong, but it urged supporters to make their best efforts: "They should not be unrealistic in their requests, but they will have to make up their minds to be forceful at public hearings and in council halls if they expect to get anywhere in what's become a high-stakes game."

And finally, the *Post* devoted an entire editorial to praising Rep. Linwood Altman's comments on rebuilding after the storm damage. Calling him "a lone voice crying out in the wilderness," the *Post* said Rep. Altman "is a realist who has the courage to speak his mind." The paper supported Altman's call for statewide laws to guard the coast if local governments fail to act.

The Myrtle Beach *Sun News* said that the coastal areas were "Getting [a] message from [the] stormy sea," and the message was that "beachfront development must begin to mind its Ps and Qs." The paper noted that the winter damage was done only by high seas, and that a hurricane (stronger winds, higher tides, longer duration) could be much, much worse. "What nature has furnished the Grand Strand is an opportunity to rebuild itself more cautiously, more carefully, more apologetically to the environment. Oh, this is nothing like the damage from a real hurricane." Those who have lived through a real hurricane will quickly agree.

The *Island Packet* on Hilton Head devoted a long, end-of-year editorial to the plight of the beaches, and said that "new initiatives" were demanded for 1987. After listing a number of actions that should be taken--setbacks for construction, no re-development of eroded areas, closer monitoring of erosion--the paper wanted all concerned to "team up ... to persuade the governor, the SC General Assembly, all of the state's local governments and the Coastal Council to get serious--this year, not next--about the beaches."

The *Beaufort Gazette* put it bluntly: the "State's beaches need protection." The editorial said that the recent storms "underline the need for strict setback requirements administered by a state authority." The *Beaufort* paper maintained that "The state must start running development away from the water's edge. If that doesn't happen, we may see another dying industry in South Carolina--the tourism industry."

Freedom of Information

One thing the newspaper editorial writers agreed on during the month of January: the state's Freedom of Information law needs to be stronger. Spurred on in part by the continuing saga surrounding expenditures at the University of South Carolina (what did the President spend and when did he spend it?) the editorials reached near unanimity in calling for tougher disclosure policies.

"The S.C. legislature should strengthen their freedom of information statute, now one of the weakest in the nation," said the

Charlotte *Observer*. The paper called the FOI "an embarrassment to all South Carolinians who believe in open government."

South of the border, our own state's papers agreed. The *Greenville News-Piedmont* said that "South Carolina's Freedom of Information Act is somewhat a joke. It guarantees the public the right to know what its representatives do and how tax money is spent. Then it provides so many loopholes that it's possible for public officials to go into private session to make decisions." In three other related editorials, the *Greenville* papers came to the conclusion that "Public business must be conducted in the open."

Revise the FOI

The *Beaufort Gazette* called for "Wholesale revision ... in FOI Act," saying that "legislators should make some major changes in the law. By the Ides of March, they should breath some new life back into the FOI Act." In a second editorial, the *Gazette* reviewed the celebrated brouhaha involving USC, Mrs. Sadat's salary, the gifts for prominent persons, and the attempts to keep this information secret. "South Carolina is the only place in the nation in which an absurdity of this nature could have happened, excluding the federal government. It's time the state FOI Act had a wholesale revision. Loopholes that permit this [situation] shouldn't exist. Several bills to close this loophole already have been filed. We hope they pass along with several others that probably will be introduced by the end of the month."

And only slightly to the south, on balmy, semi-tropical Hilton Head, the *Island Packet* agreed. "Reform FOI Law," the *Packet* said. The paper argued for full disclose, including salaries. "We don't see any reason to withhold salary information about any public employee, no matter how much he makes. If citizens are forced to pay a person's salary, they have a right to know what he makes." The *Packet* further proposed that when the law was made stronger, it also be given a new name: it should be dubbed "the Holderman Law, in honor of the man who inspired it."

The system works--sort of

The *Rock Hill Evening Herald* applauded the judge who ordered USC to reveal salary figures, saying that it proved "the system does work." But, the *Evening Herald* said, "The hope is that more changes will be forthcoming as the General Assembly considers proposals to put some teeth into the state's public disclosure law." In a second editorial, the paper argued that the FOI should be strengthened, without allowing USC to escape revelations for past actions. "...let's not cut the reform effort short by acting as if past abuses of the public's right to know have never occurred," the *Rock Hill* editors said. "The grandfather clause for USC should be dropped from the bill...."

The Myrtle Beach *Sun News* also put out a call of "Strengthen the FOIA" saying that "It's time to bring South Carolina law more in line with modern understanding of the need for all public business to be conducted simply and completely in the public's eyesight." As for grandfathering in past USC expenses, the Myrtle Beach paper said, in a second editorial, that it would accept that—but at a price. Speaking of the amendments to exempt those expenditures, the *Sun News* said: "Trade the amendments—all of them—for one or more USC resignations: Whoever is guilty of denying the public the right to know how its money is spent must resign. Someone or more—the president, the board chairman, the board members themselves—are guilty. The guilty should resign in acknowledgement that they have ill-served the public of South Carolina."

The University's actions were generally the focus for the call for a stronger FOI act. Typical were editorials from the *Sumter Daily Item*, the *Chester News and Reporter* and the *Florence Morning News*, all of which discussed USC's covert doings. All three editorials called for a closing of loopholes and an opening of closed doors.

Revision of the FOI, while called for by most papers, was not seen as "probable" by the *Abbeville Press and Banner*. The P&B said that "it is extremely doubtful the state's FOI law will undergo serious revision. Legislative members do not want to be restricted in discussions during committee meetings and have legitimate concerns....The enthusiasm for strengthening the state's FOI law will quickly diminish when the Legislature convenes within the next several days. This we believe."

The *Anderson Independent-Mail* believed that the FOI needed to be stronger: "As the 1987 legislative session gears up, South Carolina lawmakers need to look hard at Freedom of Information. South Carolinians should not be last in the nation in the 'right to know.'" And the *Independent-Mail* threw in an appropriate quotation from John Stuart Mill: "Not the violent conflict between parts of the truth, but the quiet suppression of half of it, is the formidable evil. There is always hope when people are forced to listen to both sides."

Tort reform

Tort lawsuits and liability insurance costs are predicted to be a hot item for the Legislature this session, but early editorial commentary has been slight.

The *State* said that a "Major fight looms in S.C. on tort law," which is likely enough. The paper also said that a "TV debate on tort issue would be useful." "We suggest a public debate in advance of legislative action," the *State* wrote, noting that "the plaintiff and defense bars can field articulate, well-informed lawyers....They would be able to challenge each other's assertions

face to face. We're convinced the S.C. educational television network would be happy to air it statewide."

Meanwhile, in the Holy City, the *News and Courier* and the *Evening Post* cast a cold eye on the calls for tort reform. Asking "Where's the Crisis?" the *Post* took note of a recent study which disputes the claim that tort law suits are being filed at a staggering rate. The paper also called for a special study of the inter-related issues of tort suits and liability insurance. "The idea is to raise the debate above the special interests and get some hard facts and some thoughtful conclusions."

The *News and Courier* agreed, calling on all parties to "Stop the scare tactics," and let a task force get to the real facts. "We fear, however, that such a task force would not be able to come up with an impartial report unless all members of the medical and legal professions and the insurance industry are excluded. Perhaps it could be suggested that representatives of the special interests involved in this issue could be allowed to serve on the task force--which should have a majority of nonpartisan members--if they all agreed to stop bombarding the public with their scare campaigns and horror stories."

The *Greenville News* also supported the task force concept, and The *Rock Hill Evening Herald* also wanted the task force to get to work soon, saying that the idea "offers the best hope to date for developing reasonable, long-range solutions to the state's legal and insurance problems."

Invasion of the tort claim lawyers?

But--just what is the problem? According to a couple of newspapers, it's lawyers. The *Evening Herald* believes that "lawsuits get out of hand," because "the legal system seems to be moving far beyond concern for the victim's rights and towards a self-perpetuating lawsuit industry that's already costing the consumers dearly. It's time that the General Assembly got serious about the problem."

And the *Hartsville Messenger* darkly intoned that "lawyers are more and more taking over society." (Sort of like the pod people in *Invasion of the Body Snatchers*?) "We have more lawyers per thousand people than any other country in the world, and more are being graduated every year. There is not enough business to go around, so new suits are drummed up. We are a litigious people, with fear and suspicion replacing friendship and trust."

Worker's Compensation

Slated by many to be a major issue, the Workers' Compensation system has so far received scant notice in the editorials. The only subject addressed to date: lawyer-legislators appearing before the Commission.

The Spartanburg *Herald-Journal* said that such appearances represented a "clear conflict-of-interest," and should be stopped. The Greenville *News-Piedmont* agreed, noting that a report by the House Labor, Commerce and Industry Committee "provides another blow to the practice of lawyer-legislators representing clients against the state in workers' compensation cases." The N-P would like to see the director of the Fund appointed by the governor, "because it would put the responsibility for failure in one person's hands."

That dress code flap!

When the House changed its rules to require skirts or dresses for female pages and guests, the newspapers took note. The Lancaster *News* called the rule "antiquated," and the Spartanburg *Herald-Journal* said the action was "precipitous—you may say even impetuous."

Out-of-state papers naturally had to comment. Tom Coffey devoted an entire column to the incident in the Savannah *Morning News*, and the Augusta *Chronicle* laid the blame on the members of the House.

The paper recounted the incident that allegedly inspired the rule—the visit to the House chamber by "a bevy of young women representing a festival in Myrtle Beach [who] traipsed in wearing high heels and swimming suits. The resulting whistles and catcalls apparently offended several lawmakers."

And then the *Chronicle* delivered its crushing blow: "Unfortunately, while a dress code can keep bathing beauties out of the General Assembly, nothing can be done from keeping the people of South Carolina from electing boors."

General Assembly in General

The news that the Legislature was back in town surprised few editorial writers, and a number of them offered previews of the session laced with suggestions and admonitions.

The *State* said that the top issues would be "education, torts, local finance." On education, the paper noted money would be tight, but "it's time the Legislature had the courage to divert the funds from less useful programs." On torts, the *State* boldly said that "the issue needs close attention and the South Carolina Bar's idea of a thorough study by a broad-based committee that seeks facts and eschews emotion seems a proper approach, even though it may delay action for a year." And, eschewing neutrality, the *State* came out in favor of local government finance powers: it's "imperative that the Legislature provide optional sources of revenue to the counties and municipalities."

The Rock Hill *Evening Herald* outlined its own version of the "Legislative agenda for '87." Insurance reform--"the whole system needs a full review;" workers' compensation--"Both the Workers' Compensation Commission and the separate Workers' Compensation Fund appear to need a major restructuring;" Public disclosure laws--"repeal a provision that allows public bodies to vote to keep information secret from the public;" Seat belts, motorcycle helmets--seatbelt laws have "proven effective in other states in increasing seat belt use....meanwhile, there's no good reason for this state to continue to allow motorcycle riders 21 and older to ride without a helmet."

Other items the paper took stands on included: Annexation laws--"woefully outdated;" Highways--"more money is needed;" Education--"lawmakers must keep classroom instruction and the long-term best interests of our young people as the top priorities;" conflicts of interest--"too many of South Carolina's lawyer-legislators currently represent clients before state boards and commissions, and too many members of the General Assembly also serve on those boards and commissions;" Driving under the influence--rewrite the law so that "a blood alcohol content of .10 percent is proof that the driver is under the influence of alcohol;" State budget--"establishment of a biennial budget deserves serious consideration;" and the Income tax--"Lawmakers have a responsibility to adjust the state system to allow for the new changes in the federal law."

"Problems, problems" top charts

Both the Anderson *Independent-Mail* and the Chester *News and Reporter* said that "problems await" the General Assembly. For the Anderson paper the problems were "old," while Chester's editors beheld them as "sticky." Actually, they were the same issues the Rock Hill paper outlined.

But finally: some compliments

The personalities of the House were discussed in several editorials--all of them generally favorable. The *State* reviewed the committee chairpersons, calling them "The powers that be." The *Sumter Daily Item* speculated on the "mix of personalities" that might influence this session of the General Assembly. Speaker Pro Tem Jack Rogers got high marks from the *State*, which said his election to the post was "a good choice."

And finally, the Aiken *Standard* offered its "best wishes" to the 107th General Assembly, saying of the Speaker that "Mr. Sheheen is a modern-day lawmaker who promises to conduct the affairs of the House of Representatives with business-like efficiency."

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