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South Carolina House of Representatives

# Legislative Update & Research Reports

**Robert J. Sheheen, Speaker of the House**

Vol. 6

September 1989

No. 24

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STATE DOCUMENTS

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Printed by the Legislative Council

**OFFICE OF RESEARCH**

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

Editorial Comment on Legislative Issues

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Twice a year, the Legislative Update compiles editorial opinions from newspapers around the state. This Update contains both editorials on the 1989 session and issues that editorial writers feel should be addressed during the 1990 session.

What follows is a summary of editorial excerpts on a wide variety of major legislative topics. These excerpts were gleaned from editorials provided the House Research Office by the South Carolina Press Association clipping service. The editorial opinions expressed here are those of the newspaper cited, not the House Research Office.

The editorials were selected from both daily and weekly newspapers and were chosen not just for their commentary, but also to reflect differing viewpoints from around the state.

Overall Assessment

This editorial excerpt is from The State:

In awarding the session a grade of "C," we kept in mind the truism that the waning hours are fraught with peril. All kinds of mischief making legislation can spew out of the hectic last hours.

Fortunately, the lawmakers failed to wreak any last-minute disasters. In fact, this Legislature deserves some glory for what it passed over.

The legislature failed to approve earlier retirement of teachers and state employees -- an idea that needs more objective study than it has received. And it buried Sen. James Waddell's legislation that would have undermined the beachfront management law.

The Assembly also passed over measures requiring parental consent before minors could have abortions and placing limitations on smoking in public places.

The legislators worked exceptionally hard during this session, sometimes extending the usual three-day work week to five and six days. The so-so results produced by so much action may be attributed, in part, to lack of leadership in the Senate. In that body, veteran Senators Waddell and Jack Lindsay provided such leadership as there was, and they did not distinguish themselves with the free-spending, tax-increasing proposals they cooked up. In the House, the strong hand of House Speaker Robert Sheheen provided a more appropriate touch.

### Local Option Sales Tax

Little legislation drew editorial comment like the Local Sales and Use Tax bill (H.3739) still pending in conference committee. Here is a sampling of editorial comment on the bill and the concept of a local option sales tax.

#### From the Abbeville Press and Banner:

Those in the legislature who so verbally abhor any bill that will add to the taxes of their constituency have come up during this session with nothing to decrease the expense of government. The state budget is greater and a sizable increase in the number of state employees has been authorized for the next fiscal year. Whether the members of the legislature will or will not admit it, by their very actions they have mandated tax increases by local governments. By their failure to provide an alternative source of taxation, the increases will impact totally on property. (Emphasis by newspaper)

We would prefer a statewide increase in sales tax, but we'll accept the local option version. There's no way to circumvent the necessity, however, of a tax increase and that is a fact we must accept.

State legislators are in for a shock of tremendous magnitude because they failed to address a critical need of local governments during the recently closed session. Failure to take responsible action early in the next session will greatly compound the problems.

#### From the Anderson Independent-Mail:

The local option sales tax is a good idea not because the sales tax is such a good tax, but because it will distribute the burden of taxes more broadly in the community.

No county will be required to adopt the sales tax. If the General Assembly passes the bill and the governor signs it into law, there will be a referendum in every county and voters will have an opportunity to decide whether they want to roll-back property taxes and substitute a one cent sales tax. That is a choice that taxpayers in each county should be allowed to make, and the time has come for the General Assembly to make such an option available.

**From The State:**

Many people understandably oppose an increase in the sales tax because it hits the poor hardest. But even those who oppose the higher taxes should be able to support a measure that allows voters to determine their own fiscal future. This bill extends the Home Rule Act one desirable step.

It would be just as unfair to call those who favor the bill pro-sales tax as it would be call those who oppose it pro-property tax.

**From the Spartanburg Herald-Journal:**

Every kind of tax -- income, sales, property or whatever -- is unfair to some segment of the population. Each balances the others and, in the final analysis, the proper mix of them is fairest to the whole taxpaying public.

Furthermore, it should not be the business of the state Legislature to make these decisions for the governing bodies closest to their constituents.

Members of the General Assembly have plenty of challenge in dealing with budgetary and taxing matters at the state level.

They should relieve themselves of the burden of being municipal and county tax-masters, too.

**From the Kershaw News-Era:**

Kershaw and other county and municipal governments across the state were hurt last week when the South Carolina Legislature adjourned for the year without approving a bill that would allow local governments to generate revenues through a penny sales tax.

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The tragedy of the situation is that local governments and property owners bearing the burden of paying for county and municipal services needed the alternative source of income badly. What's worse, it may be as long as four years before the issue is seriously considered again.

Reports from Columbia are the House members up for reelection next year are going to be reluctant to raise the issue. After that, Senate members face reelection.

Making a sad situation sadder are indications that a majority of both House and Senate members realize the need for the bill and were willing to pay for it. Unfortunately, they were not willing to support it actively enough to push it through this session.

Since property owners have suffered under the present situation as long as they have, state lawmakers must feel they will continue to willingly finance local government.

Maybe so, but fairness demands that the cost of county and municipal government be spread out a little. Are you listening Columbia?

### **This is from the Charleston Evening Post:**

We recognize that many of the opponents, particularly those in the Senate, will always find fault with the proposed tax because they don't trust local governments with extra revenue. Still, good questions were being raised in the last week of debate on whether the property owners was being guaranteed the kind of relief many had envisioned.

We recognize how disappointed proponents must be to have come so close after so many years of trying. Still, they should resolve to pick up where they left off when the session resumes in January and come up with a plan that gives such obvious relief to property owners that it can't lose at the polls, regardless of the turnout.

### **And finally, from the Chester News and Reporter:**

A story in today's issues about financing school construction and government services was prompted by the expressed sentiments of some citizens who want new school buildings constructed but want them financed by means other than property taxes.

We've heard a number of suggestions from citizens on how to raise funds for new school buildings -- everything from a head tax charged to everybody living in Chester County, or a tax for every child attending school, to sale of cookies and T-shirts. The latter would take a heckava lot of cookie sales to raise \$42 million.

But what it shows is that many property owners are feeling dumped upon in the present taxing system, that property tax use is the major source of revenue is not fair or equitable. Many government officials feel the same way, but contrary to what some residents believe, elected officials simply can't devise their own taxing system.

To those who oppose sales taxes, pari-mutuel betting, lotteries, and any of the other types of revenue generators, yet still fault local officials for raising property taxes to finance services, we say that until more alternatives are developed by the General Assembly, property taxes in this and all other counties across the state will continue to be zapped each year.

### Auto Insurance Legislation

**This assessment is from the Florence Morning News:**

The General Assembly labored a mountain and brought forth a molehill of automobile insurance reform.

Forget about a big drop in auto insurance rates, although good drivers can expect modest rate reductions. But it will not be anywhere close to the \$200 annual savings that Gov. Carroll Campbell dangled early in the legislative session. The Legislature labored and at best the savings for good drivers may be about half that, probably a lot less.

The most praiseworthy feature of the reform package is the mandatory seat belt provision.

The soundness of seat belt laws to reduce highway deaths and injuries is backed up by statistics. But to a considerable degree what the Legislature has done is not so much solve the auto insurance problem as rearrange it. The solution, or at least a less costly system, lies in moving to genuine no-fault auto insurance and mandating alternatives to costly litigation to settle claims.

**This editorial excerpt on the auto insurance bill is from The State:**

Except for a few welcome changes, such as mandated seat belt wear for front seat occupants, higher penalties for driving uninsured and slightly reduced Reinsurance Facility exposure, the measure is little more than a cost-shifting maneuver. Owners of less than 20 percent of all registered vehicles will pay big bucks in order to halve recoupment fees for the remaining 80 percent.

How will that shift affect highway safety and insurance rates is still unknown. Will the number of uninsured drivers increase? Will insurance rates, especially under-insured and uninsured motorists coverage go up? Will traffic violations, accidents, injuries and deaths decrease? Will recoupment fees level off? These and other factors should be analyzed in the coming months to determine the impact of the law.

**The Cheraw Chronicle had little sympathy for the drivers who will pay higher recoupment fees under the new law:**

For years, South Carolina's lawabiding and safe drivers have paid the way for the reckless and foolhardy.

We've paid for it with recoupment fees.

Under the new law which goes into effect Oct. 1, the state's good drivers will pay only half as much recoupment fee to allow the bad guys to continue to drive. Those with clean records will now pay \$36.50, instead of the routine \$73. That's not enough cut for the conscientious majority who care enough about themselves and their fellow man to drive carefully...but it's better than no cut at all.

Under the reform bill, the speeding, reckless and drunken drivers will pay increasingly higher insurance premiums until they eventually may price themselves off the highways.

Good for them! Let 'em walk!

Driving in South Carolina is a privilege, not a right. Every driver must earn the right to drive -- and to be able to afford to drive -- by exercising responsibility behind the wheel.

**These thoughts on the growing national outcry over auto insurance are from the Sumter Daily Item:**

South Carolinians shouldn't feel they're alone in their dissatisfaction with mounting auto insurance rates.

Across the country, outrage is mounting as state after state struggles with the auto insurance quandary.

Recent polls reflect such consumer frustration. One by the Insurance Information Institute, according to the Wall Street Journal, shows that 75 percent of Americans believe auto insurers could cut rates 20 percent and remain in business, while three out of five Americans don't believe they get their money's worth from their auto premiums.

With these kinds of emotions running so high across the land, all the volatile elements needed for a massive popular uprising are present. We fully expect this unrest to occupy much of the S.C. General Assembly's time when it convenes in January 1990.

#### **Passage of "Target 2000" Legislation**

**The Greenville News wrote in support of the Target 2000 legislation, but worried about future funding:**

Legislation that would build upon South Carolina's Education Improvement Act has enough good points to it in the policy it would make its apparent weakness, the absence of assured funding, may not be ominous.

Target 2000 is a program ambitious enough to cost nearly \$62 million a year by the 1993-94 budget year, as recommended by the task force. The EIA likewise was ambitious, but next year it will be funded by approximately \$270 million raised by a sales tax increase dedicated solely to education reform.

Target 2000 has no such dedicated funding.... That is a weakness for a continuing program. Even so, in enacting the legislation, the General Assembly will make certain policy decisions; and it's reasonable to expect adherence to those decisions in subsequent years....

That being so, the time to begin searching for increased funding is now.



**According to the Orangeburg Times and Democrat, South Carolina's economy will not improve unless the state continues improving education.**

"Son of EIA" pass the Legislature and has been signed into law by Gov. Carroll Campbell, and if the results of a recent business study are any indication, the school reform law comes not a minute too soon.

The need for such continued intensive reform effort may not be immediately clear to the casual observer. Nonetheless, the need exists. Since implementing EIA, the state's first major education reform law, South Carolina's schools have made dramatic improvements in broad measures of education quality....

...For all the dramatic improvement the state's education system still ranks near the bottom of the nation no matter what measuring stick you choose.

Clearly, continued improvement in the state's education system is vital to continued economic growth. Improving education has a domino effect on many other positive developments, a healthy economy being one of the most notable.

South Carolina has come far in bettering the education of its children, but it still has far to go. Target 2000 is an encouraging sign that the leaders of South Carolina remain committed to that betterment.

### **Early Retirement**

**Many editorial writers raised doubts about early retirement proposals. Here are a number of their editorials.**

**This one is from the Greenville News:**

Beginning this month, the checks which South Carolina's 40,000 state government retirees receive each month will rise by another 11 percent. Nearly a third of this, 4 percentage points, is an inflation adjustment... The remainder is intended to more than offset the state income tax liability that, under legislative accommodation to a federal court ruling, state government retirees face for the first time next year.

Furthermore, it's clear that a large portion of the state's obligation to its retired employees represents an unfunded liability. Unlike private pension funds that are required to have reserves to cover projected payments, the state depends on taxpayers for its reserve. And this dependency would be vastly increased by an early retirement plan on hold for legislative action next year.

For all of these reasons, the public deserves a thorough and objective study of state retirement benefits to put them in perspective with private pension plans, and relate them to state government salary schedules and fringe benefits to create a total compensation picture.

**Here is another opinion from the Florence Morning News:**

How retirement programs for public employees compare to those typically available to private sector employees is certainly relevant. And that's a good reason for the General Assembly to put the House plan, which would allow state employees to retire with full benefits after 25 years, and a Senate plan, which would provide the retirement option after 26 years, on hold.

The general public, we suspect, expects public employee benefits (retirement and otherwise) to be generally in line with those in the private sector. The General Assembly needs to make certain that is the case with the retirement option before it puts anything into concrete.

The argument that teachers should have the early retirement option because of the stress of their jobs brings on burnout and ineffectiveness may have some merit. Also they have to continue updating their certification by periodically taking college courses and obtaining advance degrees.

But the same argument hardly holds for the typical state bureaucrat with a comfortable work week and fairly generous leave and vacation benefits.

**The State offered this opinion:**

Proponents of the retirement change contend it is revenue neutral and that it will cost the state's taxpayer's nothing. They cite responses to the survey which indicates more people will be attracted to teaching and state government employment and few will actually opt for the early retirement date.

How can they be so certain? Given the vagaries of the economy and changing human habits, no one can predict with any real accuracy what the cost will be down the pike, especially if the earlier retirement proviso is expanded beyond those in education to include the state employee pool.

### **Patriot's Point Bailout**

**This opinion on the unsuccessful Patriot's Point bailout was written by the Greenville News:**

Gov. Carroll Campbell and legislative leaders took a doubly strange position on the Patriot's Point bailout bill that didn't make it through the post-session meeting of the General Assembly.

The only justification offered for this unusual rescue plan was the project's tourist industry character and the state tax break that has been extended to the developer so he could more readily attract financing. When the project went bankrupt, for reasons still not explained, the governor and legislative leaders sought to insinuate a public obligation for it that simply doesn't exist. The claim not only was misleading in fact but, in the absence of convincing argument for the rescue of this particular private venture, it also was a fiscally unwise and dangerous policy.

**This editorial excerpt is from the Charleston Evening Post:**

Political reality says Charleston legislators are going to have to sign off on any new plan to salvage a bankrupt hotel-marina project on state land in their backyard authorized by the Patriot's Point Development Authority. That means all the delegation members have a responsibility this summer to stay current with, or better yet, sit in on the negotiations.

Legally, neither the bankruptcy trustee nor the authority has to consult with legislators on the next step. In theory, lawmakers went on inactive status when the so-called "Santee Cooper" solution dissolved... on the final day of the legislative session. In reality, the executive branch isn't going to sanction any plan to finish the project that's going to turn into another political donnybrook.

There's no question that the delay in the release of an audit on the failed project has been a factor in the lack of focus on the future of the project. We don't doubt that wrongdoers will be prosecuted regardless. But the reality is that rumors and suspicions must first be confirmed or dispelled. The audit is necessary to accomplish that end. It also would be helpful if the trust department of the bank acting as trustee would disclose the names of the bondholders. Then, maybe all parties can get about the business of finding the least painful way out of a fiasco that threatens to paralyze one of the state's major tourist attractions.

### **Passage of Lemon Law**

**The Greenville Piedmont praised the General Assembly for passage of the new "lemon law:"**

South Carolinians, the day of that jinxed automotive machine known as The Lemon is past.

On June 5, the governor put his signature on a lemon law that will provide long-needed legal relief for the hapless motorist stuck with a new car that never has and never will run properly.

This is a thorough, thoughtful law with the potential to affect a tremendous number of South Carolinians. And the state is leaving nothing to chance -- dealers are required to inform new car buyers that the law exists and the steps involved in using it.

The Legislature and the state Consumer Affairs Office have liberated a host of frustrated South Carolinians with this common sense law. Thanks to both of them.

### **Hazardous Waste**

**This editorial excerpt is from the State:**

The state Health and Environmental Control board may be on shaky legal ground for extending a ban against permits for the expansion or construction of new hazardous waste facilities.

Nonetheless, DHEC deserves credit for taking the initiative and challenging petitioners to take the order to court if they are unhappy with it.

DHEC's latest emergency directive, approved unanimously, postpones for at least 90 days decisions on three controversial permit requests. The action reinstates a prohibition first implemented last August. It expired after regulations were submitted to the General Assembly. Unfortunately, the Legislature took no action on the proposals before it adjourned last month.

In his original order issued in January and made effective April 1, Governor Campbell banned waste generated in states that don't allow disposal of hazardous garbage within their own borders. The General Assembly later codified the ban into law. The Governor issued a second executive order this month (July).

The new law, the gubernatorial directives and DHEC's recent ruling do, indeed, convey a message. They attest to a strong but far-from-complete commitment by the state to protect its citizens from limitless imports of dangerous chemical waste. There is unfinished business, however, and it includes legislative sanction next year of DHEC's new regulations governing new permits.

**On the same subject, this editorial excerpt is from the weekly Richland Northeast:**

Recent studies have provided some alarming statistics about the quality of air that we in South Carolina breathe.

As the 16th largest producer of such materials, our state ranks ahead of more urbanized northern areas such as New Jersey and Massachusetts.

In response to this and other studies, Richland northeast's Sen. Warren Giese, along with Richland County Sens. Isadore Louie, John Courson and Kay Patterson, and Richland Rep. Tim Rogers last week announced that during the next legislative session they would sponsor legislation requiring that all motor vehicles manufactured after 1973 must be equipped with air pollution control systems. Enforcement of the provisions of the bill will be based on fines and denial of vehicle safety inspection certificates.

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For many years in South Carolina, legislators shied away from being termed environmentalists or being connected too closely with environmentally related legislation. That fact happily is beginning to change....

It is hoped the General Assembly will see the wisdom of this legislation and give it prompt approval in January.

**More Issues for the 1990 Session**

**Beachfront Management**

**From The State:**

An attempt to fine-tune the 1988 Beachfront Management Act died in the 1989 General Assembly. The patchwork compromise failed to survive the frantic last moments of the session.

This failure could prove a blessing. Legislators now will have seven more months to watch the 1988 act at work -- its triumphs and failings. They can also do some first-hand study of what erosion is doing to the South Carolina coast.

Such an inspection will demonstrate the need to resist the sort of surgery that Sen. James Waddell proposed.

Granted, some changes were needed, including addressing the threat of wholesale litigation by property owners miffed over limitations placed on what they can do with their land. But the compromise that environmentalists and developers finally reached weakened efforts to save the eroding coastline eliminating a construction-free dead zone along the ocean.

As the House and Senate ponder the changes in the Beachfront Management Act next year, they must preserve the spirit of the original act and develop the courage it takes to forge changes more in keeping with the interests of the public than of developers alone.

**This editorial excerpt is from the Greenville News-Piedmont:**

Once coastal property owners began filing lawsuits over South Carolina's beach management act, one fear was that when the courts began ruling, the decisions would be narrow and establish no broad principle. A decision handed down...indeed is narrowly drawn and may be useless apart from the case at issue.

These critics and legislators eager to change the law may point to (Judge Larry) Patterson's decision as proof that the law in fact is an unconstitutional taking. But while the decision is a setback for efforts to control oceanfront development, it provides little guidance.

Rulings in other suits filed in response to the law may or may not clarify the issue of taking and address the act's constitutionality. Either way, the Legislature will revisit the law next year; Senate revisions will be awaiting the House in January.

A string of adverse rulings will mean the Legislature will have to change the law. And even if later rulings are favorable, the lawmakers may well find it desirable to give the Coastal Council some flexibility in applying the law.

## Abortion

### **From the Myrtle Beach Sun News:**

Can legislatures, including the South Carolina General Assembly, be trusted to make logical, fact-based decisions that take into account both scientific evidence and constitutional rights? It makes no difference whether it can or not: The responsibility has been assigned by Supreme Court decree.

Moreover, abortion -- sure to arise in almost every legislature by shortly after the first of the year -- will test whether legislatures can prepare themselves to be intensely lobbied without losing their sense of logic. Legislatures that carefully examine the issues will most likely render sagacious legislation.

The Supreme Court decisions requires no state to change its laws. It gives the states the right to limit abortions, but it does not prescribe that abortions should be -- or constitutionally can be --outlawed.

States' rights will be probed, rubbed, punched, gouged and assaulted by the issue of abortion. Those rights stem more directly from the Constitution than the abortion issue itself. Legislatures bear the full responsibility for upholding those rights with responsibility.



**From the Walterboro Press and Standard:**

Regardless of one's feelings about abortion, the prospect of dozens of state legislatures enduring debate after debate on abortion over the next few years is daunting. Ultimately, the decisions state senators and representatives reach will serve only to muddle the issue further. Abortion will remain legal in some states, restricted in some and outlawed completely in others.

If ever an issue demanded nationwide, uniform legislation, this is it.

**The North Myrtle Beach Times applauded the House for passing a parental consent bill:**

The bill corrects an imbalance in statutes governing parental consent, such as prerequisite consent for minor surgery. The inequity in permitting abortions to minors upon demand while requiring a parent's permission for tonsillectomies flies in the face of logic. The House has wisely intervened so that abortion will less likely be used as a method of birth control.

**Joint Rules**

**From the Charleston Evening Post:**

The Senate has been accused, with justification, of dragging its heels on the adoption of a set of rules for those times when it meets in joint session with the House. Those who have been holding up that action should be embarrassed to call themselves lawmakers.

This refusal to adopt joint rules is relatively new. House Speaker Robert Sheheen has observed that there seemingly is the perception that such rules would be a surrender to the House -- the far larger body. Instead, as he pointed out -- it should be a great relief for all concerned.

A call for joint rules was renewed at the end of that acrimonious session that consumed far too many hours when time was of the essence in the waning days of the session. Lt. Gov. Nick Theodore, who has taken his lumps for his odd ruling that the DSS candidate who got 76 votes didn't defeat the man who got only 75, has said that joint rules will be at the top of the 1990 agenda.

If the Senate and House can't come to terms on rules for the conduct of their joint business, then the bodies lose stature in the eyes of those on whom they impose rules they must live by.

### Joint Committees

**In the aftermath of stories about Senate staffing and the staffing of study committees, here's an excerpt from a State editorial:**

Most of the special panels (study committees), contends Rep. Herbert Kirsh, D-York, ranking member of the House Ways and Means Committee, don't meet and should be abolished. He says their responsibilities, such as they are, could be assumed by standing committees.

At the root of the problem is a condition all too common to all bureaucracies -- the permanency assumed by bodies once they are created. All too often, they take on a funded life of their own and become political turf to be zealously cultivated and protected.

Two legislative power brokers -- Senate Finance Committee Chairman James Waddell, D-Beaufort, and House Speaker Robert Sheheen, D-Kershaw -- concede there is duplication and waste among the special committees and say the time is ripe to determine those that have outlived their usefulness.

The General Assembly should move along those frugal lines when it reconvenes next January. And while lawmakers are about it, they should review the funding and staffing of all standing committees and put a stop to the arbitrary, good-ol'-boy practices that allow the likes of Chairman (Sen. John) Martin to maintain an employee at public expense in his private law office.

**Here is another assessment from the Florence Morning News:**

The real question is not whether these 70 committees can be kept busy -- undoubtedly they can -- but whether the work they are performing is worth the effort and expense.

The question almost answers itself. It is hard to imagine the wellbeing of the citizens of South Carolina being seriously undermined if the number of special committees were reduced by half or two-thirds.

What would be undermined is the power of the individual lawmakers and the legislative payroll.

**Lobbying Laws**

**This editorial from The State urges reform of the state's lobbying laws:**

The laws governing South Carolina lobbyists are a joke. They are vague and ambiguous and present virtually an open invitation to be ignored.

In recent years, reform-minded lawmakers in the House, notably Speaker Robert Sheheen, D-Kershaw, and Rep. Malloy McEachin, D-Florence, have led the fight to strengthen the lobbying statutes. Unfortunately, resistance in the Senate has nullified those earnest endeavors.

Lobbying is a legitimate, if frequently misunderstood, part of the decision-making process. But polls regularly reflect an erosion of confidence in our institutions of government -- and some of that attitude, surely, has to do with the poor image conveyed by lobbyists.

The pending legislation, which the General Assembly should address when it reconvenes in January, would help allay those negative perceptions.

**The Anderson Independent-Mail expressed a similar opinion:**

A dictionary definition of "lobbyists" defines them as "persons who frequent the lobbies of a legislative house to transact business with legislators, especially in an effort to influence proceedings." The species has been around since the dawn of time, but from recent reports the modern professional type has just about gotten out of hand in South Carolina and needs to be curbed.

One problem is that within memory of most, no lobbyists in recent years have been charged with violating the law, much less convicted and fined or sent to jail.

Those who have studied the situation say lobbyists can get away with violations because the law is too loosely drawn and is wide open to varying interpretations and differing legal opinion.

The (H.3534) reform bill pending in the House should get priority attention in January. Early passage would put the pressure on the Senate once the issue is spotlighted and public pressure brought to bear on those good ol' boy senators who buried the reform bill this year.

**This final comment is from the Lancaster News:**

There are probably going to be some red faces in Columbia within the next three months. That's when a proviso to the 1989-90 budget bill goes into effect.

That proviso, inserted by Rep. Herb Kirsh, D-Clover, requires every state agency to disclose how much money it spends on lobbying. Estimates are the figure could run into millions of dollars.

All too often bureaucrats forget that someone has to work for the money they handle -- that it comes from taxpayers. Frankly, we think Mr. Kirsh is correct to question the propriety of a state agency even contracting professional lobbyists.

**Senate Redistricting and Reapportionment**

Many editorial writers protested the Senate's plan to expand its membership by two members. Here are several editorials on the subject. This one is from the Anderson Independent-Mail:

It came as no surprise even to its backers that a proposal to increase membership of the South Carolina Senate from 46 to 48 was killed by the House in a 72-11 vote.... We trust that ends a matter whose time should never come.

What probably helped seal the idea's death was a provision that would have permitted the Senate to originate the annual budget bill. That presently is a right held by the House since the constitution mandates that all revenue measures originate there.

...Democratic proponents of the measure have been accused of trying to protect present senators whose districts now are regarded as safely Democratic rural areas from change that would incorporate them with largely GOP suburban areas. It is this phenomena that leads many observers to believe that the General Assembly is going to get a much larger Republican component after the next census.

Sen. Glenn McConnell, R-Charleston, was reportedly upset over another matter. He claimed the House ignored protocol which holds one legislative branch does not interfere with the other. He plainly would prefer to have the House butt out of Senate business. It didn't, and that is that.

The House vote on expanding the Senate says the so-called "lower chamber" has no intention of relinquishing its own increased authority.

In any event, the status quo is preserved until a time, perhaps generations hence, when people will demand change to one body, or unicameral legislature, to save time and money.

**This excerpt is from the Charleston Evening Post:**

Fortunately, the S.C. House this week shouted down the Senate's self-serving effort to expand its membership from 46 to 48. Still, that little episode spotlighted just how dangerous blanket amendments to the state constitution can be.

The framers of the constitution obviously intended to limit the size of the Senate and chose to tie the membership to the number of counties in the state. Already, this state has more senators than many states with far larger populations. Now that legislators have given themselves permanent staffs and offices, senators cost more than they ever did. We can hope the sentiment voiced in the House is strong enough to keep this bad idea off the ballot in any form when it is reconsidered -- as it is sure to be -- next year.

**The Greenville Piedmont condemned the Senate plan as old-fashioned gerrymandering:**

Gerrymandering is an age-old political trick that rears its head every time politicians have to adjust their political fiefdoms to the realities of population change.

Senate Democrats long-accustomed to unchallenged power are determined to ensure that growing Republican populations don't loosen their grip. The extra two districts would make it easier to divide areas heavily populated with Republicans among neighboring Democratic-dominated districts.

What's more, they would help rural senators maintain the historic lock on power they've enjoyed thanks to the Senate's jealously guarded seniority system.

South Carolina's metamorphosis from a rural to an urban state has been slow but steady, and the 1990 census will doubtlessly testify to the change.

The growing urban masses don't have any say on their re-elections -- but the newly minted incumbent protection plan is another story. The eager senators assume the voters will docilely go along with their political manipulations. Come November 1990, the voters just might prove them wrong.

**On another note, the Abbeville Press & Banner expressed concern for the fate of rural counties during upcoming reapportionment:**

It's purely a matter of demographics and there may be little that can be done to curb the dilution of the influence in the General Assembly of the state's rural counties. If growth trends of the past decade have been as perceived -- there is small chance the perception is at odds with actuality -- the S.C. State Legislature will be fully packed with "big city" boys and girls following the 1990 census. It is unfortunate that too often those who have never been closely associated with small, rural areas have an extreme paucity of understanding of the problems particular to rural South Carolina.

Our forefathers displayed considerably more savvy than the judicial leadership of recent years. In its design our government was composed of two legislative bodies -- the House of Representatives and the Senate. The composition of the House was to reflect population and the membership of the Senate was to reflect geographic entities: namely, counties.

It is extremely important to rural South Carolina and all South Carolina that the different elements of the populace have reasonable representation in state government. How that can be accomplished under present day interpretations of the federal courts, is not apparent. We can easily project a probable redistricting of both House districts and Senate districts that will leave Abbeville County with no resident member of the State Legislature, and a State Legislature whose members will be almost entirely dependent upon urban votes for election.

No, we don't have a solution, but this is a probability that we should begin to seriously address now. A proper solution is critical to the whole state.

### The Death Penalty

**The State believes the General Assembly should fine tune the death penalty statute next session:**

The S.C. death penalty statute, passed in 1977, appropriately lists "the age or mentality of the defendant" at the time of the crime among seven mitigating circumstances to be taken into account in determining the sentence in capital cases.

A number of states have pegged the minimum age for the death penalty at 18. Georgia and North Carolina are among those that have set it at 17, while Indiana, Kentucky and Nevada put it at 16.

One upbeat signal to emerge from the recently concluded legislative session was a bill by four senators to ban death sentences for mentally retarded murderers and require, instead, that they receive life terms. The bill was still in the Senate Judiciary Committee when the session ended.

Clearly, the General Assembly needs to rethink the statutory mechanism utilized by the state to execute the most extreme enemies of society. When they return next year, lawmakers should seize the moral and legal initiative: set 18, the legal voting age, as a minimum age for imposition of the death penalty and ban the execution of those who are judged to be mentally retarded.

**Consolidated Government**

**The Chester News and Reporter thinks that consolidated government is a topic the Legislature should consider and act on next session:**

Consolidation is always a controversial issue because it deals with change and political turfs. Still, with the mounting costs of providing services, it's ludicrous to let that stand in the way of eliminating overlapping services and making local governments more cost effective. This is not a panacea in dealing with financial woes, but consolidation offers governments a means of better administering local services and taxes. It also offers the only real means of fairly eliminating dual taxation.

A major selling point in Rep. Waites' bill (H.3484) is that public approval in a countywide referendum would have to be given before consolidation could take effect.

Consolidation, however, is not something any city and county ought to rush into, for there are long term consequences. Still, if and when the Legislature provides enabling legislation, local officials would be wise to engage in an exhaustive study of its possibilities -- not just for the sake of organization and costs but also the quality of providing public services.

This consolidation issue is one local residents ought to watch when the General Assembly goes into session come January and let their legislators know what they think.