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South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

Volume 4

March 10, 1987

No. 9

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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

Legislative Update

The Week in the House

Introduction

The legislative week of March 3 through 6 saw several pieces of legislation receive debate and adjustments in the House, with some of them being sent across the lobby to the Senate. The two chambers also agreed on a bill addressing one part of the tort claims issue in South Carolina, and the House took time to recognize native Americans, the NAACP, and the anniversary of Greek Independence.

Tort claims

S.266 (Judiciary Committee) is a bill which pertains to the Tort Claims Act passed last session. That act was caused by the Supreme Court's ruling striking down sovereign immunity on the part of governments--that is, the age-old tradition that governments could not be sued. S.266 makes adjustments allowing claims to be filed regardless of the July 1, 1986 date of the Act, in certain cases.

This measure came out of conference on Tuesday to the House, with the following point added: "recovery shall not exceed the limits of the liability insurance coverage up to a maximum recovery of \$500,000."

On Thursday the bill was reconsidered and recommitted to the conference committee. At the same time the House gave free conference powers to the committee. Later in that day's session the House voted to adopt the Free Conference Report on the bill.

Magistrate elections--of a sort

H.2308 (Rep. Rudnick) is a classic case of how legislation moves through the halls of the General Assembly. The measure was first introduced as one that would provide for the election of magistrates in "a nonpartisan election to be held at the same time as the General Election."

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In action last week in the House, H.2308 was stalled in a dead tie, 47 to 47. Since the measure proposes an amendment to the State Constitution, it needed a two-thirds approval to pass the House. It seemed to be going nowhere. But the House agreed to reconsider it this week.

During its reconsiderations, the House made the following changes to the bill. The Governor would still appoint magistrates (as is the case now) but instead of receiving only the advice and consent of the Senate, would have to get the advice and consent of the "appropriate county legislative delegation." With this change in place, H.2308 passed by a vote of 96 to 6.

The measure was sent to the Senate on Thursday.

The deaf in court

H.2159 (Rep. Hearn) was enrolled for ratification during the week. This measure would provide that interpreters must be provided for deaf persons during court proceedings.

Debates and objections

A number of bills came up for debate during the week, and several others had objections raised, thus placing them on the contested calendar.

Raising the marriage license fee is the subject of H.2187 (Rep. Keyserling). The additional funds would go to the Department of Social Services for programs relating to family violence and its prevention. The House adjourned debate on the bill until Tuesday, March 10.

Workers' Compensation procedures are the subject of two bills which came up during the week and which seem likely to stir more interest in the future. The first, H.2535, concerns the reporting of accidents covered under the system. Presently, accidents must be reported to employers within a 90 day period. The Commission can waive this time frame in certain cases. H.2535 would require that when the time limit is waived, then a written reason must go into the case file.

The measure came up on Tuesday and sparked a round of efforts to table or continue the bill. The House declined to do either.

A second measure. H.2536, concerns physican ratings of impairments. The Compensation system requires that physicians examine injured workers and determine their impairment rating, and this rating is used by a Commissioner in his or her hearing to determine disability. H.2536 would restrict the physicians to determining impairment, and not address disability. It would also

require them to use one of the standard guides for rating impairments—such as those published by the AMA, the Veterans' Administration, and so forth. This measure also received enough objections to place it on the contested calendar.

A third bill, H.2537, deals with intoxication and Workers' Compensation. The proposed legislation would make changes in the type of proof an employer must present to show that an employee was drunk and that being drunk was the factor causing the accident. The bill joined the other two on the contested calendar.

NAACP Month in South Carolina

The 35th annual Regional Leadership Convention of the NAACP was held in Greenville, March 5 through 7. In conjunction with this event, the Senate passed a concurrent resolution (S.451, Sen. Mitchell) welcoming the meeting to the state and declaring March to be NAACP month in South Carolina. The House received the measure on Tuesday and agreed to it.

Indians

A measure was proposed by Representatives Aydlette and P. Bradley relating to the Edisto Natchez Kusso tribe of Indians in our state. Specifically, the motion (a concurrent resolution) requests the Bureau of Indian Affairs to recognize the tribe, which in turn would mean the Edisto Natchez Kusso would be eligible for programs operated by the Bureau. On Tuesday, March 3, the House adopted the resolution and sent it over to the Senate.

The Greeks had a word for it: Eleuthera (Freedom)

Finally, the House adopted S. 472 (Sen. Leventis), a concurrent resolution declaring March 25 to be "Greek Independence Day: A Day of Celebration of Greek and American Democracy." March 25, 1987 will mark the 166th anniversary of the revolution which brought Greece independence from the Ottoman (Turkish) Empire. The Ottoman Empire ruled Greece from 1453, the fall of Constantinople, to the War of Independence, which was fought from 1821 to 1829.

Along with a number of other Europeans who loved liberty and the ideals of ancient Greece, the noted English poet Byron took part in this struggle. He died at Missolonghi, Greece, on April 19, 1824. Just a few months before he had written the prophetic lines: *The land of honorable death/Is here:—up to the field, and give/Away thy breath!*

Americans of Greek descent include a number of notable public servants; in South Carolina that includes Lt. Governors, and members of the Senate and House of Representatives.

Legislation Introduced

Civil Actions--Tort Claims

Tort actions (H.2610, Judiciary Committee). This measure proposes many of the "tort reforms" discussed earlier this year (see *Updates* 1 and 2 for more detail). Some of the specific points addressed in the measure:

1) Reduces the time for filing a tort case from six years to three years (reduction in statute of limitations);

2) Reduces the time for filing a case for alleged damages to a minor;

3) Allows consideration of fault by the claimant in a case--although this does not necessarily bar recovery unless the claimant's fault was equal to or greater than the defendant's;

4) Permits fault of defendants to be determined on a proportionate basis--that is, who is responsible for how much;

5) Sets up the "South Carolina Contribution Among Tortfeasors Act" as part of the Code, to determine the pro rata shares of defendants.

6) Provides liability for "frivolous" lawsuits--the claimant can be assessed for all attorney fees and court costs.

The changes in the civil procedures would apply to causes of action arising after the effective date of the act.

Bifurcated trials for punitive damages (H.2612, Rep. J. Rogers). In tort cases, punitive damages are sometimes levied to punish a defendant for excessive wrongs--typically, wrongs caused by deliberate or malicious actions, gross negligence, or reckless actions. This bill would set up a two-step, or bifurcated trial.

A defendant would be liable for punitive damages only if found liable for actual damages. Once that has been decided, the jury would first have to determine if the defendant was or was not reckless in his actions. If the jury decided the defendant was reckless, then the second part of the trial would be held to determine the amount of punitive damages.

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Evidence would be presented on such issues as similar past actions by the defendant, the number of persons injured, the defendant's ability to pay damages, efforts to lessen the harm, and any efforts by the defendant to hide the risk of potential harm from the public.

"Contributions among tortfeasors act" (H.2611, Rep. J. Rogers). This bill would adjust the state's laws so that damages would be assessed according to the relative degree of fault for each defendant in a case.

Education

Budget cuts and the School for the Deaf and Blind (H.2608, Rep. Wells). Should a budget cut be ordered during the middle of a year—as sometimes happens—this bill would allow the School for the Deaf and Blind to have its cut made only in funds appropriated to it from the Educational Finance Act (EFA) money. Other funding would be untouched.

USC Board of Trustees (H.2609, Rep. T. Rogers). A new ex-officio member would be added to the USC Board of Trustees if this bill is passed: the president of the student body at the Columbia Campus of the University.

Family

Divorce (H.2585, Rep. Kirsh). This measure would permit divorce after six months of continuous separation, rather than the current one year.

"Marital Rape" (H.2596, Rep. Whipper). Presently, the Code states that a person cannot be guilty of criminal sexual conduct with his legal spouse, unless they are living apart under a court order. This bill would strike the words "cannot be" from the law, thus making it possible for a person to be charged with criminal sexual conduct against his spouse.

Fiscal

Retirement system base increase (H.2575, Rep. Blackwell). Proposes a one-time increase in the base benefit amount for members of the state retirement system. The members eligible would be those who retired before July 1, 1972. The increase would be a dollar for each year of service they are credited for, and a dollar for each full year they have been receiving benefits. The increase would not affect cost of living adjustments.

Government Operations

Straight party voting (H.2574, Rep. Davenport). This bill would eliminate the procedure now available for voting the "straight party" ticket. Instead of being able to check one box or pull one level to vote for all the candidates of a party, the voter would have to select each individual person.

Ethics--appearance before boards and commissions (H.2582, Rep. Kirsh). A measure that would prohibit members of the General Assembly from appearing before boards or commissions whose members are elected by the General Assembly. (Court appearances would be exempt from this ban.) The bill would also include the Workers' Compensation Commission as out-of-bounds for appearances by legislators.

Emergency voting (H.2587, Rep. White). A bill that would permit voters to cast an emergency ballot the day before an election. The voter could vote at the county election commission offices up to 5:00 pm on the day before the election if there was an emergency situation involved. For purposes of the bill, an "emergency situation" would mean the person had to transport or accompany a family member somewhere for medical care or treatment.

General Assembly members and Workers' Comp cases (H.2600, Rep. L. Martin). This bill simply forbids members of the General Assembly from representing persons in Workers' Compensation cases.

Health

Test for AIDS before marriage (H.2599, Rep. Pearce). As a condition for receiving a marriage license, a couple would have to be tested for AIDS and venereal disease within thirty days of the license being issued. The results indicating no presence of AIDS or VD would have to be submitted before the license is granted.

Labor, Commerce and Industry

Insurance adjusters (H.2588, Rep. J. Bradley). After July 1, 1988, insurance adjusters in South Carolina would have to be licensed by the Department of Insurance before they could do business here.

The requirements: adjusters would have to be at least 18; pay the fees established (\$25 application fee; annual \$100 license fee); and pass an exam given by the Department.

Persons caught adjusting without a license could be fined \$5,000 and/or sentenced to five years. The chief executive officer of an insurance company employing unlicensed adjusters could receive the same punishment. And the company itself would lose its authorization to do business in South Carolina for a period of one year.

Law and Justice

Domestic violence (H.2579, Rep. Corning). This bill would stiffen the penalties for persons found guilty of domestic violence. A minimum fine of \$200 would be established, and the maximum fine, now \$200, would be raised to \$500. For second convictions, a minimum sentence of thirty days would be imposed (maximum would remain at three years). In addition, the bill would require law enforcement officers responding to domestic violence complaints to arrest "the primary physical aggressor."

Children breaking the law--notification of parents (H.2580, Rep. Corning). This legislation would require that parents be notified when their children are caught violating laws or ordinances--whether the children are taken into custody by the law enforcement officers or not.

Death penalty--jury vote (H.2601, Rep. Corning). The law in South Carolina currently states that the death penalty can be imposed only by the unanimous vote of the jury in the case. This bill proposes a constitutional amendment that would allow the death penalty to be imposed by a vote of ten or more members of the jury.

The Fourth Estate

Signed editorials (H.2592, Rep. Davenport). This bill would require that all editorials appearing in newspapers in South Carolina would have to be signed. The penalty for failure to do so--up to \$200 in fines.

Coming to South Carolina: In-migration since 1970

Background: The "Sunbelt" phenomenon

During the 1970's there was a significant change in migration patterns in the United States. Simply put, people started moving to the South and Southwest--areas that became known as the "Sunbelt." It was a period of great population growth for states in these areas--and South Carolina was one of the leaders in population growth through migration.

As a matter of fact, in the South Atlantic region (from the Mississippi north through Maryland) only Florida outpaced South Carolina in migration statistics during the period of the 1970's. That means that, while the Sunbelt was at the height of its transition period, South Carolina was at the top of the list of states most strongly affected by the population changes.

What sort of population changes resulted? What did they do to the state? And what might it mean to legislators? Some information has been provided in an article entitled "Comings and Goings," published in the current issue of *The Business and Economic Review*.

The recent study by Dr. Richard Ellison and Brian Gilley of the University of South Carolina considers the make-up of the immigration population that came to South Carolina. Their results, published in the *Business and Economic Review* for the spring quarter of 1987, show that the new residents have been responsible for more than forty percent of our state's growth, that they have generally brought in more income, and of immigration overall--that "South Carolina is richer and better because of it."

Where do they come from?

The period covered by the study is from 1975 through 1980, the latest for which complete Census figures are available. During this time, 291,074 persons moved into South Carolina; this counts only those aged 16 or older. This adds up to right at 40% of the total population growth.

It might be expected that these immigrants came primarily from the northern states, the "Rustbelt" that declined economically during the decade as the "Sunbelt" advanced. While some did come from this area, many came from other states in the Southeast, especially Georgia and North Carolina. The table below gives the states of origin and the numbers for persons moving into South Carolina during the second half of the 1970's.

Table 1: Persons Moving INTO South Carolina

<u>State of Origin</u>	<u>Number of Persons</u>
North Carolina	40,696
New York	25,282
Georgia	24,794
Florida	23,972
Virginia	14,712
Pennsylvania	12,301
Ohio	11,000
California	10,038
New Jersey	8 314
Maryland	7,480
All other	112,755
TOTAL	291,074

Where did they go?

During the same period that all of these people were coming into South Carolina, the state was also seeing others leave. The number exiting the state was smaller, but still considerable: 209,171. Of this figure, their destinations are shown in the Table 2, below.

Table 2: People moving *OUT* of South Carolina

<u>State of destination</u>	<u>Number of persons</u>
North Carolina	33,155
Georgia	26,385
Florida	19,138
Virginia	14,905
Texas	12,264
California	11,291
Tennessee	7,640
New York	7,581
Alabama	5,265
Ohio	4,633
All other	66,914
TOTAL	209,171

What sort of jobs? How much income?

Of prime interest to state lawmakers when the topic is immigration to South Carolina are the questions about employment and income characteristics of the new residents. In short--what do these people do, and how much do they earn? Just what are these people likely to bring to our state?

The figures cited by Ellson and Gilley bring good news: according to them, the net migration to South Carolina resulted "in an increase of total personal income of \$1.2 to 2.9 billion 1975-80." This amount, of course, represents only the direct impact of the new residents--that is, their incomes and how they affected the state average. Additional economic benefits can be expected from additional construction in the state, more trade for stores and businesses, greater needs for enlarging the service sector of the economy, and so forth.

On the other hand, more people will mean more demands on our state's infrastructure and other resources. (See article in *Update* number 6, February 17, 1987, on the related topic of "infrastructure" needs.) This will present an additional expense on the state, and an expense that must be met in a relatively short period of time, since population growth by migration occurs much faster than population growth by natural causes.

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Still, if the economic picture is bright enough, the state's revenues might be expected to increase sufficiently to cover the new and expanded needs for physical facilities, services and operations. Much will depend upon the type of jobs the new residents hold, and how much they make. Table 3 gives the broad occupational groups for the new comers; Table 4 shows their income levels.

Table 3: New Residents by Occupational Group

<u>Group</u>	<u>Number</u>
Managerial	42,532
Administrative support	43,409
Services	15,511
Farming, Forestry, Fisheries	1,895
Precision production	16,253
Operators and labor	22,944
Unemployed	12,188
Armed Forces	50,914
Not in labor force	85,429
TOTAL	291,074

Table 4: New Resident Income Levels

<u>Income</u>	<u>Number</u>	<u>Percentage</u>
\$ 0	103,892	35.69
1,000 - 9,000	93,199	32.02
10,000 - 24,000	43,005	14.77
25,000 - 50,000	37,396	12.85
50,000 +		4.67

Where do they go INSIDE South Carolina?

According to Ellson and Gilley, ten counties account for almost three-fourths of the immigration into South Carolina. The counties of destination are: Charleston, Richland, Greenville, Beaufort, Horry, Spartanburg, Berkeley, Sumter, Lexington and York. The rest of the incoming populations is scattered among the other counties.

These conclusions come from figures from the US Department of Commerce, the Bureau of the Census, and the Social and Behavioral Laboratory at USC.

Quite obviously, the points made earlier about the need for more and better infrastructure and government services will apply particularly to these counties. Note also, the location of the prime destination counties: along the coasts, in the Midlands, and in the economically developed Upstate area.

What does it all mean?

According to Ellson and Gilley, these trends can be deduced from the migration figures:

First, there has been "a substantial gain in income that accrued to the state," which is good. As noted above, the higher personal income should have beneficial effects in the general economy.

Second, "The role of military bases in the state cannot be overestimated." With over 50,000 persons moving into South Carolina because of their service assignments, this is clear. Certain sectors of the state--Beaufort, Charleston, the Midlands--are heavily reliant upon the military installations and their personnel.

Third, the net results of migration are likely to continue to be favorable to South Carolina, even though the rate of movement might slow down to some degree.

Fourth, a warning: the authors point to the changes in the textile industry as a possible source of lost talent for South Carolina. They say that if there are "net consolidations" of textile operations within the state, that will be good. If not--"we will lose management and skilled workers to the surrounding states."

Conclusion

In general, it seems as if shifts in population have been for South Carolina's betterment, at least on an economic level. Ellson and Gilley certainly believe so, and their article seems to have some evidence to back them up.

Editorial Comment on the Legislature (Part 2)

Background

During February the newspapers of South Carolina continued to emphasize the debates in the General Assembly over the Freedom of Information Act (FOIA), but also found some time to examine other issues, such as drugs, improved highways, and the environment. The major item of the session--the General Appropriation Bill--did not attract that much attention. But it's coming.

The Budget: Barn doors and dog fights

Two large issues dominated editorials on the budget: reforming the process of preparing the budget, and the possibility of funding woes for ETV.

The Anderson *Independent-Mail* says that the state's revenue picture "could be clearer with a plan." The plan the paper has in mind is the proposal by Reps. Felder, Koon and Carnell to place a limit on the state's budget, based on an average increase in revenues over a five-year period. The *Independent-Mail* likes the idea, primarily because it sees it as a way to avoid too-high forecasts and resulting mid-year budget cuts. "Those cuts disrupt state programs and add more inefficiency into a system that is inefficient enough under the best of circumstances," the Anderson editorial writers said.

Three other papers, the *Columbia Record*, the *Marlboro Herald-Advocate* and the *Abbeville Press & Banner*, also would like to see changes in the state's appropriations process. The *Herald-Advocate* maintains that "Financial management [is] crucial for the state." Once again, the major ill is mid-year funding cuts. Calling these a "real trauma," the paper noted the effect they have: "Besides having a demoralizing effort [sic] upon agencies and their employees, many worth while programs are seriously impaired as administrators are forced to close barn doors long after the cattle have left." The *Herald-Advocate* wants better revenue projections to keep the cattle in the barn.

The *Columbia Record* endorsed the proposal made recently by a joint committee to limit the session to 40 days and make changes in the revenue forecast. While the *Record* approved, it said: "We would take the committee's recommendations one step further and base

the forecast on the revenue estimate for the *current* year, not the ensuing budget year. For example, estimated revenues for 1986-87 would be used in appropriating funds for fiscal 1987-88."

Turning to the idea of removing the Budget and Control Board from the appropriation process, the *Record* used its chance to toss in a choice metaphor: "The five-member board, chaired by the governor, is not about to have its teeth yanked without a dogfight."

A legislator's lot is not an easy one

The *Press & Banner* also advocated changes in the appropriations process, such as careful consideration of revenue estimates, and a state law to require funding to be "provided by the level of government creating the program." In other words, what the legislature requires, the legislature must fund.

The Abbeville editorial writers did take time to recognize the difficulties which come along with the job of serving in the General Assembly--especially during appropriations writing time:

"Being a legislator requires an exceptionally high degree of responsibility. It is not an easy job. If we are served properly, it's an extremely demanding job; it's not the easiest thing in the world to control spending in the face of highly sophisticated lobbying and, often times, the most brazen and threatening political pressure."

Budget cuts or higher taxes?

The *Charleston Evening Post* scolded legislators for relying on rosy revenue forecasts. "Rather than continuing to count on the economic advisers to help them with their imaginary budget-balancing act, the legislators would better spend their time going back to the basics. By that, we mean zero-based budgeting in which all spending by all agencies has to be justified, not just the increases." The editorial was entitled "Facing Reality."

The *Sun News*, on the other hand, sees state budget cuts ahead as "a necessary evil." The problem--once again--inaccurate forecasts. The result is mid-year cuts. The *Sun News* appears ready to write off this year's budget, but adds: "All that's left now is finger-crossing that Gov. Campbell and the Legislature together can find a better way to deal with the budget that starts in July. Let's put it this way: They'd better, for the good of the state."

The *Spartanburg Herald-Journal* put it this way: "A state tax increase." The paper recounted the various items that absolutely require funding--corrections, education, highways, health-care, and so forth. It then looked at the idea of revamping the state's budget methods and came to this conclusion:

"Renovation of the budgeting process and revenue projecting, along with a higher level of spending responsibility on the part of the legislature, will help a great deal. It will not, by itself, solve the grave problems facing this state.

"Neither can we rely on a miraculous surge in revenue from current sources and rates. We may hope for that, but we can't stake our future on it.

"Better that the best brains in state government and the strongest in leadership begin promptly to devise an equitable program to bring revenue to the level that will meet this crisis."

ETV: Mr. Rogers goes broke

A number of newspaper editorials looked at the possible plight of ETV. Some concentrated on the immediate issue—cuts or no?—while others used the topic as a base to discuss the budgeting process in general.

The *Greer Citizen*, for example, said that "Up-state ETV [is] endangered," and remarked that "There are numerous other places in our state budget that fat could be cut," but "The House Ways and Means Committee should leave Educational Television and Educational Radio out of their budget cutting. If anything, Educational Television and Educational Radio should receive additional funding, not less!" (When an editorial pulls out the exclamation marks, it's serious.)

The *Laurens County Advertiser* took a more balanced view. While it clearly favored ETV, especially programs such as *Sesame Street*, the paper admitted that "To be sure, educational television is a marginal commodity, an acquired taste, at times even a bit highbrow, but it is an important part of the total learning experience for young and old alike." The paper reminded legislators of this, so that "those determining where budgetary axes will fall should keep that thought in mind."

The *Orangeburg Times and Democrat* says that the ETV network "makes a good case against cutbacks in its budget." The paper goes on to add, however, that "public broadcasting involves use of taxpayer money in a mass medium that goes up against private enterprise in some of its functions." The *Times and Democrat* takes this view of the problem:

"With regard to special educational programming and functions, money should be found for SC ETV. But the network must face up to the reality of some redefinition in its purpose and scope, sacrificing some programs totally to preserve in full force those its professionals and our public officials deem the most important."

ETV: Part of a larger problem

The Anderson *Independent-Mail* had something to say about ETV and the whole budget topic in general, and its headline gave the gist of the message: "SCETV Funding Woes Underscore Need For Reform." Budget reform, that is. The specific solution? Our old pal the zero-base budget: "This would require all agencies to base annual funding requests starting from base zero. Each then would be forced to justify itemized expenditures. All departments and agencies including SCETV would fare better--as would tax payers."

The Greenville *News* also saw the ETV flap as a paradigm of the appropriation dilemma. The paper itemized three specific problems. First, the ETV budget (like other agency budgets) is "approved annually without serious review of its particulars: It is always last year's budget, plus a payraise for its employees, with no questions asked."

Second problem: "Of course, optimistic revenue projections are inherent in this incremental process. And when tax collections fall short of projections, as has happened in five of the last seven years, all agency budgets not tied to a court order are just as thoughtlessly cut the same--across the board--as if a desirable function such as ETV were the same as an essential function such as classroom instruction."

But the main problem is leadership, and the Greenville *News* sees little of that around: "It isn't clear how the Legislature will get a handle on this free-wheeling scene. It has constitutionally denied the governor the executive authority to administer state agencies, and as a committee of 170 members it is plainly incapable of doing the job itself."

"The problem could hardly be clearer, however. Numerous desirable as well as essential state programs are badly in need of more accountable leadership." Thus spake the Greenville *News*.

Beer and wine on Sunday?

The possibility of allowing Sunday sales of beer and wine in groceries brought forth opposing editorials from the two Columbia dailies. The *Record* noted that only five states prohibit stores from selling beer and wine on Sunday: Alabama, Arkansas, Kansas, South Carolina and Utah. The paper pointed out that Sunday is "traditionally the third busiest shopping day behind Thursday and Saturday." While the "tragic impact" from alcohol is admitted, the editorial points out the economic realities at work:

"Taxes and fees are a major source of revenue. All alcohol revenues, including those from beer and wine, will bring in an estimated \$117.3 million this year, a significant source of funding for a tight state budget in excess of \$2.7 billion. The legislature can ill afford to reject any proposal that would bump up those revenues by 10 percent."

On the other hand, the *State* calls "Sunday beer and wine sales bad precedent." The paper says that there seems to be no popular demand for the stores to be allowed to sell the beverages on Sunday. It admits that the General Assembly "has a serious problem with insufficient revenues to meet the demands for budgeted state services." The solution? According to the *State*, "Raising the so-called 'sin taxes' on cigarettes and alcoholic beverages would be a more popular way to get some money than opening any wider retailers' doors on Sunday."

Local government finances

The push to grant taxing powers to local governments earned attention from the *Greenville* papers, and both the *News* and the *Piedmont* supported the measure.

In editorials that appeared the same day (February 20) the two journals sounded in on the side of local governments seeking greater fiscal autonomy. Said the *News*, "It [the act] would not automatically raise taxes. It would offer locally elected councils some revenue choices. Local taxpayers might dislike any or all of them, but their arguments would be rightfully aimed at the elected officials who are responsible for balancing local budgets."

Added the *Piedmont*, "The fiscal pressures bearing down on local governments ought to be familiar to everyone by now, but city and county councils are limited in confronting those pressures because they are limited in raising needed revenue to the unpopular property tax, fees such as business licenses and fines." The best thing going for the Local Government Finance Act? "Nobody likes the property tax," says the *Piedmont*.

Crime and Justice

Judicial retirement, the drug problem, DUI offenders and the jury list won the attention of editorial scribes across the state during February. Here are some of their comments.

When should a judge step down?

The *Greenville News-Piedmont* noted that the US Congress has outlawed mandatory retirement, and deduced that this could have a harmful effect on the state's judicial system. Since the state attorney general has held that the federal law pre-empts the state's mandatory judicial retirement law, the *Greenville* paper fears the worst. "Except for the mandatory retirement policy, some judges would parley their political influence in the General Assembly to stay on the bench as long as they are ambulatory."

The paper is afraid that with the federal law forbidding required retirement for judges at age 72, then there is the problem of having "judges of mediocre or less enduring abilities who would manage to stay on the bench beyond their capacity to perform well." And the solution? "The state's mandatory retirement law for judges may no longer be enforceable. But a formal joint resolution by the House and Senate embracing the spirit of it again could put an end to the plans of any judge seeking to ignore it."

The *Evening Herald* at Rock Hill, however, looked at a broader issue than just age: competency. "Judges ought to be held fully accountable for the way in which they carry out their duties—whether their age is 35 or 75." The paper admits that state law does provide for removal of incompetent judges—"But, in general, that method exists only on paper." It also doubts if the re-election of judges by the General Assembly really acts as a method of quality control.

"The public deserves better than a rubberstamp system of re-electing judges," the *Evening Herald* concluded. "If and when members of the state judiciary fail to meet their responsibilities, they should be removed—period—whatever their age."

The word on the street: "Drugs"

Three newspapers weighed in with support on the war against drugs in society—although at least one had reservations about some methods proposed.

The *Newberry Observer* said that the "crackdown on drug abuse should be a high priority" for state government. It added that "it would be reassuring to know government is taking all steps it can to eliminate" drug use.

The *Anderson Independent-Mail* pondered Attorney General Travis Medlock's call for a statewide grand jury system to tackle the drug problem. The paper said that "On the surface the attorney general's proposal has appeal but a rush to judgment under lash of the present drug 'crisis' might overlook any pitfalls or chances of abuse of rights inherent in power granted to a single or several statewide juries."

The *Independent-Mail* did not oppose the idea—it just wanted more discussion, and it concluded, "We commend the attorney general for his zeal and, once they are more fully informed, favor giving the people a chance to vote on this fundamental issue."

The *Columbia Record*, calling the drug traffic a "scary scenario in state" supported the attention Attorney General Medlock and others are focusing on the drug issue. "Their concerns—and proposals—cannot be ignored," the editorial said.

DUI: Stiffer tests, harsher penalties

The issue over DUI tests involving "bodily fluids" (urine and blood) has been debated this session. The *Greenville News* is in favor of giving law enforcement officers the right to require those tests. Intoxicated drivers are a major menace on our highways, says the *News*, and something must be done. "The confidence of swift and certain punishment is the tool to getting such drivers off the road, and blood and urine tests are the tool law officers and prosecutors need to assure it."

On the subject of DUI, the *Independent-Mail* says lawmakers should give consideration to confiscating the vehicles of persons caught driving under the influence. The idea was suggested by a Dillon resident who lost his daughter, son-in-law and three grandchildren in a wreck caused by a drunken driver. "If government can confiscate the cars of drug dealers, why can't it take cars away from drunken drivers?" the paper asked.

The jury pool

Two newspapers endorsed the proposal by Rep. Herb Kirsh to enlarge the jury pool in South Carolina. Both the *Beaufort Gazette* and the *Rock Hill Evening Herald* supported the plan. Indeed, the *Rock Hill* editors would go a step beyond: "Why not use both the driver's license list and the voter registration list? There are still some citizens who don't drive; let's not exclude them from the process."

Education

Still topping the editorial charts for the month of February: the spending and gift-giving ways of Dr. James "Bunky" Holderman and the labyrinthine accounts, funds, foundations and other financial thickets of USC. Editorials which addressed themselves to specifically legislature/education issues were more rare.

The *Myrtle Beach Sun News* was one, and it took up the topic of teacher salaries--in particular, the part of the EIA that requires South Carolina teachers to be kept at the Southeastern average.

Noting that the average will continue to increase, the *Sun News* is worried that keeping this section of the EIA fully funded will drain resources from other activities. It calls for a "better approach," that is, "for the General Assembly to insist upon a teacher evaluation method that will reward teachers in comparison to their individual abilities, with a cap put on the total monies available for the individual increases."

The *Greenville News* looked at the problem of funding programs for both academically talented and artistically talented students. The academic programs receive their money before any is allocated to the artistic programs; an unexpectedly large number of academic achievers (32,000 or thereabouts) means the financial pinch is on. Are the standards for getting into academically talented programs too lax? Should the requirements be toughened? The *News* makes no judgments, but says "the school that best serves society is the one that encourages both the scholar and the artist." A sensible, if not exactly controversial, stand.

Environment

Perhaps because so much attention was focused on the coast, erosion and so forth following the winter storms, February was a slack month for our knights of the keyboard regarding the environment.

The *State* did come out in favor of a "broader approach" to the question of erosion protection. It pointed out that "while the Coastal Council had the authority to determine the fate of the beaches, it usually deferred to the judgment of the local governments, which, unfortunately, have dollar signs, rather than visions of the future, in their eyes."

The *State's* call to the General Assembly: "adopt a sane state-wide policy that takes to heart the interest of the people as well as the developers."

Nuclear waste

Two other *State* editorials addressed the issue of nuclear waste. One supported the idea of naming the host state to follow North Carolina soon--now, as a matter of fact. This would reassure the Tarheel lawmakers that their state "won't be left holding the nuclear garbage bag."

The second screed advocated prompt, forceful action to emphasize that the Barnwell site will not be open to out-of-state wastes, no matter what others may say to the contrary.

Freedom of Information

By far the most popular topic with newspaper editorial writers was strengthening the state's Freedom of Information Act (FOIA). Hardly surprising, when you think about it. Almost all the editorials had the same arguments, and many of them were advanced in the same fashion. A sample of the headlines topping the editorials should give legislators a pretty good idea of their contents:

"Let the citizens look on" (*Rock Hill Evening Herald*); "Open government taxpayer's best friend" (*Kingstree News*); "House FOI bill opens government actions" (*State*); "Make FOI revisions complete, meaningful" (*Chester News and Reporter*); "Passage of FOI bill will benefit us all," (*Bamberg Advertiser-Herald*); "Opening the closed door," (*Orangeburg Times and Democrat*); "House FOI vote serves the public," (*Beaufort Gazette*); "Freedom of information vital to good government," (*Marlboro Herald-Advocate*); "100 percent for FOI," (*Dillon Herald*); "Increased disclosure would benefit public," (*Greenville Piedmont*); and "Public officials need a bit more sunshine," (*Greenville News-Piedmont*).

Teen pregnancy

An issue that's going to be debated a good while before it's over is what to do about teenage pregnancies--and, perhaps more to the point, what not to do as a state government. The *Columbia Record* entered the fray in February, attacking a proposal by Reps. Mike Fair and David Beasley which would prohibit schools from providing birth control medication or devices to minors.

The paper called the bill a "misguided proposal" and argued that the state needs a two step process in fighting teenage pregnancies: education, and prevention. Without this, the *Record* said, many teens will become "statistics in the debilitating cycle of pregnancy, welfare and venereal disease."

Highways and politics--and sacred cows

Nothing seems more capable of stirring the passions of editorial writers than the combination of highways and politics. The mere juxtaposition of the two subjects sets loose the *furor scribendi* in the most mild-mannered of editors.

"Better roads require legislative discipline," the *Greenville News-Piedmont* said in a February editorial. It approved the highway department's \$2.1 billion plan for upgrading the state's road system, but then turned a jaundiced eye on the General Assembly. "The catch--as always--will be money. And with federal highway dollars as tight as they are, the plan's chances for survival are not likely to hinge on the state Legislature's ability to set priorities and sacrifice sacred cows." (Presumably those cows who did not manage to get out before the barn door was bolted.)

Is the plan likely to be put into effect? Will the money be found? The *News-Piedmont* would seem not to believe so. It sighs heavily over the C-fund, which it terms the "closely guarded patronage program" of the General Assembly, and concludes that "The high costs of patronage roads account substantially for the poorly maintained and congested major traffic arteries in South Carolina's highway network....The highway department plan offers a professional and equitable approach that deserves equally farsighted legislative support."

On the other side of the state, the plan didn't sit quite so well with the *Charleston Evening Post*, which called it "grandiose," and questioned whether people really wanted to live within 25 miles of four-lane highways. But once again, the editorialists managed to make it the fault of the General Assembly:

"If the highway department needs a road fund to further economic development, then why not redirect the millions of dollars in so-called farm-to-market money ("C" funds) it currently allows the legislators to dispense in the various counties. But that's a sacred cow most are afraid to touch for fear of the ire of the legislators who choose the commissioners to start with.

"The fact is that the highway commission needs restructuring and depoliticizing. And that's a job for the General Assembly, which to date has shown little inclination to listen to the recommendations of some outside consultants who gave the department a thorough going-over."

Seat belts--again? Again

While we're still on the highway (and watch out for that sacred cow crossing, please) the inevitable issue of mandatory seat belt legislation came up during February. By now, every argument that could be made pro and con seat belt laws has been made at least three times. The score card for the month: "Seat belts save lives"—five; "Mandatory seat belt laws restrict personal freedom"—three.

Regulating lobbyists

A bill to tighten up lobbyist reporting regulations won support from the *Spartanburg Herald-Journal* and the *Columbia Record*. Both papers noted that lobbyists do, indeed, perform many worthwhile functions in providing information for lawmakers. The editorials also noted, however, that the group can have a "poor image" with the public.

The proposed legislation "with its provisions for timely, detailed disclosure, would help allay those negative perceptions," said the *Record*. The *Herald-Journal* agreed, calling the bill one that "makes good sense."

Secession

One thing you have to admit about the *Anderson Independent-Mail*—the paper certainly has no compunction about expressing its opinions. It came out strongly in favor of Rep. Woody Aydlette's call for the state to secede once again from the Union. Pointing out that "we are bigger both in population and geography than Nicaragua," the *I-M* opined that "if we played our cards right, we could get more in foreign aid from Uncle Sam than we now get in general dollars as part of the union."

The "official" language

It was inevitable that the newspapers would have to comment on the bill to make English the official language of the state. The Myrtle Beach *Sun Times* found it "strange" that English was not already the official tongue, and thought that it should be. "That's only reasonable," the *Sun Times* reasoned.

The Spartanburg *Herald-Journal* wanted to give some sort of official status to Gullah. "This lovely musical way of talking, which once flourished on the islands off the coast, deserves the honor. It is a unique element in our heritage."

And the Rock Hill *Evening Herald* saw cause for optimism in the action by the House. "Maybe this latest entry into officialdom isn't merely a trivial pursuit for lawmakers, however. Perhaps this vote of confidence in the English language will mark the beginning of an effort by SC legislators to use plain English themselves when they write laws and adopt regulations, so that everyone can clearly understand what their government is up to."