



South Carolina House of Representatives

# Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

Vol. 6

April 25, 1989

No. 16

S. C. STATE LIBRARY

MAY 9 1989

STATE DOCUMENTS

## CONTENTS

House Week in Review.....	2
Editorial Comment on Legislative Issues.....	3
Bills Introduced.....	23

Printed by the Legislative Council

OFFICE OF RESEARCH

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

A4R  
8.L 33  
v.6/16  
Copy 3

House Week in Review

---

The House finished up work on the Automobile Insurance Reform bill last week, giving H.3695 second and third readings. With the auto insurance bill out of the way, a flood of bills were reported out of standing committees, assuring that the House will have a busy calendar as it heads into the final month of the 1989 session.

In addition to the Auto Insurance Bill, which won critical second reading approval by a 107-11 vote, the House also gave third reading to H.3419, which would prohibit children from attending school in public school districts where they own property but do not reside. Both bills now go to the Senate for consideration.

Ratification of Acts

A number of bills were ratified last week and sent to the Governor for his signature. Among these were S.202, the Taxpayers Bill of Rights.

Several worker compensation bills were also ratified. Among these was H.3657, which will raise worker's compensation for the death of an employee from a minimum of \$25 per week to a minimum of \$75 per week.

Also ratified and sent to the governor was H.3447, which places the State Worker's Compensation Insolvency Fund under the director of the Second Injury Fund, rather than the Worker's Compensation director.

Editorial Comment on Legislative Issues

---

---

Twice a year, the Legislative Update compiles editorial opinions from newspapers around the state on a wide variety of legislative issues. This session, the editorial writers have had no shortage of issues in which to dip their pens. From automobile inspections to obscene bumpers stickers; from tax exemptions for retirees to the local option sales tax, the 1989 session had proven to be rich ground for the fertile minds of the state's editorial writers.

What follows is a summary of excerpts from editorials arranged by issue. The excerpts are gathered from editorials provided the House Research Office by the South Carolina Press Association clipping service. Once again, House members are reminded the opinions quoted here are those of the newspaper cited, not the House Research Office.

Editorials are from both daily and weekly newspapers and were chosen not just for their commentary, but also as a reflection of differing editorial viewpoints around the state.

In the Aftermath of the Michigan Decision

One of the biggest issues awaiting decision by the General Assembly is what response the state should make to the recent U.S. Supreme Court decision on the state income taxes and federal retirees. Here is The State's comment on the issue:

No easy choices are available to South Carolina as it tries to figure out how to cope with the U.S. Supreme Court's recent decision on the taxation of government pensions.

Whether the state will have to make refunds retroactively will probably have to be settled in the courts, and two cases that could resolve the issue are said to be heading toward the Supreme Court. If they must be paid for the past three years -- the length of the statute of limitations on tax claims -- the bill is estimated at \$100 million. Ouch!

But the General Assembly must decide how to comply with the mandate of equal treatment this year, and it should do so before it completes work on the appropriations bill and possibly before it makes a final decision on the tax reduction compromise reached by Governor Campbell and the House.

Taxes on the pensions of the 65,000 federal civilian and military in South Carolina bring in between \$25 and \$30 million a year. The Legislature could provide equal treatment by fully exempting federal retirement benefits, but it would have to make up the lost revenue with budget cuts or in some other way. Alternatively, it could tax state and local pensions in the same way it does federal ones. That possibly could be done in a revenue neutral way, but it would unfairly reduce benefits promised state retirees and would produce an understandable outcry.

It might be possible to tax state pensions and increase the benefits to state retirees in an amount that would make up for the tax. If that could be worked out, it would be the best way.

**Here's another opinion on the impact of the Supreme Court ruling from The Rock Hill Herald:**

South Carolina must act quickly to determine the impact to the state of a recent U.S. Supreme Court ruling and to come up with a plan of action that will prevent the loss of millions of dollars of tax revenues.

The state is now faced with two options: Eliminate the tax on federal pensions or enact a new tax on state and local pensions. The state can't afford to write off \$30 million a year in revenues, but no solution is going to be particularly popular with state and local retirees. Nonetheless, one of the more equitable solutions would be to offer exemptions to all government pensioners so that the burden is shared equally.

**The Health Insurance Reserve Fund Deficit**

**An editorial in the Greenville News-Piedmont says there are plenty of reasons why the health insurance reserve fund is running in the red:**

What goes into making a financial disaster for a health insurance plan? Try low premiums and deductibles, 90 to 100 percent coverage for hospitalization, no safeguards against needless treatment and no adjustments for an annual inflation rate of 26 percent in health care costs.

## Legislative Update, April 25, 1989

Throw in a \$27 million raid on the plan's reserves, and what you have is the mess that is the health insurance fund for South Carolina's state employees.

Why did this trend make little impression on the State Budget and Control Board that oversees the state health insurance fund? And why did the Budget and Control Board disregard the warnings of actuaries that the fund was nearing insolvency two years ago?

What's apparent is that the state insurance fund crisis was caused in part by lax state government management.

### Supercomputers for Higher Education

Editorial writers have been unanimous in their opinions that no decision about the purchase of supercomputers for any public university or college should circumvent the purview of the Commission on Higher Education. Here are excerpts from an editorial on the issue from The Greenville News:

Funding requests from the state's colleges and universities are supposed to be filtered through the Commission on Higher Education.

But under a time-honored tradition in South Carolina, that doesn't matter. The schools frequently have sought to circumvent the commission by appealing directly to legislators. True to that tradition, Clemson officials last week bypassed the commission and made their pitch to the House Ways and Means Commission, the legislative panel in which the state budget originates.

Such an end run around the state's formal procedures must not be rewarded.

The State suggested it is only fair to the other public institutions of higher education that all must adhere to budget procedures, even in the case of supercomputers:

End runs are nothing new in state government -- and no group, it would appear, practices it with more cavalier frequency than institutions of higher learning.

More power we say to those schools which have substantial endowments and can raise money from private sources. And healthy competition between the state's institutions of higher learning is to be encouraged as long as it doesn't lead to needless, wasteful duplication in the expenditure of public funds.

The CHE has recommended that the legislature budget \$17 million for new equipment in all state colleges and universities.

"We do not recommend that Clemson's request move ahead of everybody else and claim a lion's share of the money," said Commissioner Fred Sheheen. Agreed. Except in the case of dire necessity, fair play dictates that all schools be treated the same, especially in times like this when money is tight and fiscal demands for public goods and services far exceed the supply.

**The Greenville Piedmont states the CHE should render an opinion on the issue before the General Assembly makes a decision.**

The state Commission on Higher Education has a straight forward request for the General Assembly and the governor: Before you decide anything about a supercomputer for Clemson University or anywhere else, let us review the plan first.

The request had best be honored, unless the Legislature and governor are ready to do away with the CHE and begin handling all higher education funding on a school by school basis.

There's no doubt this state would benefit substantially from the research possibilities such highspeed technology would allow. But that's not the point in all this.

The Commission on Higher Education is charged with reviewing the funding requests of all the state's colleges and universities and recommending a budget plan to the General Assembly.

Theoretically, this process prevents duplication and balances the needs of all schools against the amount of money available each year.

The commission has proven quite willing to lobby hard for money and programs it believes will enhance state higher education, and there's no reason to believe it wouldn't do the same for Clemson -- if the conditions were rights. But arrogant money-grabbing is hardly the way to convince others that one project deserve special funding -- or that the school with its hand out is more deserving than the rest.

### **Automobile Insurance**

**No issue has gotten more column inches or television air time than the debate over automobile insurance. Here is an editorial about the issue that appeared in The Florence Morning News:**

The profits of auto insurance companies in South Carolina increased 400 percent in one year -- from \$11 million in 1986 to \$49 million in 1987, Rep. James Bailey, a Charleston Democrat and former member of the state insurance commission, claims. During the same period, premium rates rose an average of \$65 per driver, said

## Legislative Update, April 25, 1989

Bailey, who accused the companies of reaping excessive profits because the insurance industry in South Carolina is "structurally flawed."

It's probably unfair to make sweeping judgments on the basis of profits for a single year. But there's one thing you can be sure of: If an insurance company's profits drop 400 percent in a year, its accountants and lawyers will be making the case before the insurance commission for substantial rate increases. Apparently they have been doing the same thing when profits soared.

### Tax Reduction and Other Budget Issues

Many editorial writers strongly supported the tax cut proposal advanced by Gov. Campbell. Many took the approach of Charleston's Evening Post:

The backdoor [tax] increase occurred when the Legislature adopted the 1986 federal tax reform act without adjusting the state tax code. Not only was the change not tax neutral as promised, the failure to adjust the rates hit hardest those taxpayers who could least afford an increase.

Legislators still prone to hem and haw about how the state can't afford to return some of the surplus back to those who made it possible might do well to remember the citizen revolt against congressional double-talk that stopped the federal pay raise....

The State praised the compromise worked out by the House and the governor on the tax reduction issue:

Republican Gov. Carroll Campbell and the Democratic House cut a deal on tax cuts that is about as balanced and fair-minded a compromise as anyone could wish or expect in the sometimes roughhouse atmosphere of State House politics.

Although there were differences of opinion as to the amount, few disputed the need for capital gains tax relief. Governor Campbell argued that the state should go further and grant additional tax relief through indexing and lowering the rate on low-income families. Reps. Timothy Rogers, D-Richland, and Harriet Keyserling, D-Beaufort, opted instead for broadening property tax benefits under the Homestead Act.

The willingness by the Governor and the House to compromise and give South Carolinians a modest tax break was a prudent concession to political reality. The Senate should now proceed to take its bite at the budgetary apple with like-minded regard for reasonableness and conciliation.

## Legislative Update, April 25, 1989

**The Orangeburg Times and Democrat took the position that while the tax breaks in the budget bill were helpful, they did not make up for the tax bite most citizens felt after the state conformed to the federal tax system:**

Under the politically charged circumstances, it's fair to say that Republican Gov. Carroll A. Campbell Jr.'s tax package fared better than many expected in the House. All sides insist the taxpayer came out the winner in the compromise. No question he's been helped. But don't be misled into thinking the compromise returns to the average taxpayer all that he lost through the recent backdoor tax hike.

Considering the mood of some legislators, perhaps the average taxpayer should count himself lucky to get back any of the money so deftly extracted. But it should be noted that the cuts for the average taxpayer could have been deeper had the lawmakers not opted to spend some of the surplus on other pet projects. The House also added a couple of politically popular tax breaks, including an increase in the homestead exemption for the elderly. Selective cuts fail to fully acknowledge the earlier wrong that was done taxpayers across-the-board.

**When early budget discussions suggested an increase in pay for legislators, the idea got a sympathetic ear from The Florence Morning News, but a warning about the timing of such a proposal:**

This is probably not the right time for state legislators to be talking about raising their salaries, what with the public uproar over the proposed pay raise for members of Congress still hanging in the air.

But the thought occurred to some state lawmakers. Rep. Herb Kirsh of York County says his Ways and Means subcommittee has talked about legislation to give legislators a "cost of living" raise. The subcommittee has also discussed raising the local expense allowance for legislators from \$300 to \$325 a month.

On the basis of inflation, state lawmakers arguably are entitled to a pay increase. Their last raise was in 1976, when salaries were increased to \$10,000. Certainly the purchasing power of the dollar has dropped dramatically in the past dozen years.

But legislators' jobs in this state are considered part-time. May it ever be thus. Salary is not the primary reason people run for the Legislature in South Carolina.

Anyway, this is not the best of times to raise the salary issue.



## Legislative Update, April 25, 1989

### **The Abbeville Press & Banner had these words about the practice of funding local enterprises in the state budget bill:**

Don't think for a minute that when Rep. Herb Kirsh, D-Clover, and Rep. Larry Gentry, D-Saluda, seek to remove a \$100,000 grant authorization for the renovation of the Abbeville Opera House from the state budget bill that they don't cause some real concern to people in Abbeville. We don't believe this to be a personal attack against Abbeville, but against a system that is perhaps not everything it should be.

It is, however, the system that is in place and one that is not going to be changed within the foreseeable future. It may not even be "all wrong" that the state will step in and aid some local projects. Then, it might be better for the state to avoid local projects all together, but we had best be very careful in such an advocacy -- sometimes local projects actually have statewide ramifications.

Take a look at such projects as the Riverbanks Zoo in Columbia, and we seem to recall, that some \$6 million went to Greenville last year to help with a Civic Center. Other communities have received monetary help on "local" projects -- some projects more deserving than others, but it is doubtful the money is not mostly well used.

If the system is to undergo a change, then the first step would surely have to be to funnel less money through the state government, leaving more in the local communities to accomplish those projects necessary to the wellbeing of these communities.

### **Local Option Sales Tax**

**Editorial writers are nearly unanimous in their opinions that the local option sales tax should be made available to the state's local governments. Here's the opinion of the Hampton County Guardian:**

One of the items before the General Assembly is the possibility of a local option sales tax. The tax would amount to one percent on anything that now qualifies for sales tax, which is just about anything purchased on the retail market.

The result of this tax, in its very simplest terms, would be a reduction in county and town property taxes.

There are some who would argue that such a tax would put additional burden on the poor and the elderly with fixed incomes. Actually the burden of the tax would be on the rich -- the more they spend, the more they are taxed. At the same time, both rich and poor would still see a reduction of their property taxes. Many of the elderly are able to cope with daily budgeting but are defeated by property taxes. Hopefully this measure would enable those on fixed incomes to retain their property.

## Legislative Update, April 25, 1989

The one percent local option sales tax is a matter which is not just going to be left up to our legislators. There would be a statewide referendum so all of us could get "our two cents in."

**Charleston's Evening Post concluded the local option sales tax is the "only real hope for relief" from property tax increases:**

We've supported the concept [of the local option sales tax] for the last two years, provided it contains a mandatory property tax rollback provision and provided local voters get a chance to say yea or nay.

A number of legislative candidates this year assured the voters that the reduction of taxes would be their prime concern. Well, they are going to have a chance to make good on that promise. Not only is the local option sales tax one avenue of relief, but the governor already has proposed a budget that would cut state income tax rates.

**Although it is generally opposed to new forms of taxation, the Chester News and Reporter writes that a local option sales tax would give local governments the financial flexibility they deserve:**

We feel uneasy when any government unit seeks to expand its taxing authority, for once taxes go on the books we know we'll never see a reduction after a specific need it met.

Nevertheless, local governments must have more flexibility in raising revenue because they can't expect to continue saddling property owners with rising tax bills.

The General Assembly should loosen its paternal treatment of local governments and grant them fiscal flexibility. It is simply not right for the Legislature to limit local governments' means of generating revenue on one hand and then pass laws that mandate greater local expenditures to meet state standards. Let local governments govern, and then the taxpayers can judge at election time whether local officials have used their taxing power wisely and if they should be allowed to continue in office.

**In the opinion of the Anderson Independent-Mail, Home Rule demands the Legislature give local governments alternate means of raising revenue:**

A four-pronged plan granting counties and municipalities optional methods of raising new revenue will be submitted to the S.C. General Assembly again. We think granting this flexibility is overdue.

Spokesmen for the counties...pointed out that local tax options wouldn't be urgently needed if the General Assembly would allot to counties and cities their fair share of numerous state taxes.

Nevertheless, we think local tax flexibility should be pursued. Persistence might pay off once enough taxpayers decide "home rule" is largely a myth so long as it denies county and municipal entities the right to finance operations outside taxation of property.

**Local governments are caught in a budget crunch created by demands for services and the rising costs of those services. Here's what the Kershaw News-Era writes:**

This alternative source of income is crucial for the state's local governments.... So far, the major source of income to meet these rising costs has been property owners in the form of property taxes.

Unfortunately, figures show more than one-third of the population pays little or no property taxes while using a disproportionate share of provided services, leaving a relatively small tax base.

Since most of the services proposed by local governments are basic and necessary, such as water, sewer, garbage pick-up, and fire and police protection, little can be cut.

More revenue is needed, and it is time for it to come from a source other than beleaguered property owners.

A local sales tax, particularly one tied to a rollback in property taxes as is the current proposal, is the fairest way to give local governments some flexibility in meeting their revenue needs.

### Consolidated Governments

**Not only do many editorial writers believe alternative revenue raising means are due local governments under the Home Rule Act, but they also believe the Legislature must enact enabling legislation to allow local governments to consolidate if they wish. Here's an editorial from the Greenville Piedmont:**

Elected representatives often go to great lengths to "follow the will of the people." But for the past 17 years, the General Assembly has arrogantly ignored the people's will on the matter of local government consolidation.

## Legislative Update, April 25, 1989

In 1972, state voters approved legislation that would allow local governments to combine services. But since such a change would require an amendment to the state constitution, the General Assembly had to pass enabling legislation before the local governments could, indeed, consolidate services.

State Rep. Candy Waites, whose years of county council service gave her a firsthand look at the problems facing local governments, is determined this issue will not die.

"It may be that South Carolina cities and counties never decide that they want to follow that form of government and that is fine," Rep. Waites was quoted as saying. "But the people of this state said in 1972 that they shall have that option,...and I think it is up to us to provide that implementing legislation." It's hard to fight such logic.

**The Sun News of Myrtle Beach points out that passing legislation allowing consolidation would not require local governments to consolidate services:**

Enabling legislation would not, in fact, dictate consolidation of governments and/or special service districts. The bill would set up a means by which some governments might merge if their voters approved.

Frankly, merging local governments and/or service districts is indeed a local matter, to be determined by local voters in affected areas. However, without enabling legislation, merger, if not impossible, must sail uncharted waters. The Waites' bill would allow, not mandate, mergers.

The voters have spoken for 17 years; it is time for legislators to listen.

**Chester County has a particular interest in the consolidation bill. From the Chester News and Reporter:**

Although there has been an expressed interest in consolidating some services of city and county governments in Chester County for as long as we can recall, the South Carolina General Assembly still has not provided the legislation needed to allow individual municipalities and counties to work out such agreements.

What's most interesting about this is that the General Assembly has not taken any action, even though the voters of this state agreed 17 years ago to amend the state constitution to allow for consolidation.

## Legislative Update, April 25, 1989

Many state legislators have no working knowledge of problems faced by city governments, yet some of them have traditionally opposed the concept of consolidation. It's time legislators provide a method for consolidation, whether they personally agree with it or not.

It is likely that most cities and counties never decide to follow this form of government, but they should be given the option.

Many smaller counties in South Carolina may be interested in the idea of combining some governmental services simply because of the economics and always present public backlash over dual-taxation due to overlapping services.

The continuing rise in the cost of providing government services only compounds the problem of dual taxation. Consolidation is an answer, but whether it is THE answer remains to be seen.

Once local officials get into the meat of such a discussion they could very easily decide that it would [create] more problems than cures. However, the General Assembly ought to give them the mechanism with which to determine if this is a viable option.

### Public Education

Public education is always a favorite topic on the editorial pages. The Newberry Observer ranked school construction as a top local concern:

An all-important issue on the local level will rise up and hit us hard in 1989 in this area of education and we specifically speak of the physical needs that have existed for quite some time in our county and will continue to worsen in the new year and the years ahead unless it is addressed. Two years ago a study committee in this county looking into building needs came up with a shopping list of approximately \$16 million containing no frills, but the bare necessities to attack the classroom needs of this county. It was pushed on the back burner because of a sudden shock of insufficient operational funds, which was addressed by a significant local tax increase. New buildings won't solve the educational problems either, but we've got to provide adequate facilities in order to operate schools.

Editorial writers had mixed reactions to the proposed Target 2000 school reform legislation. Here is a number of editorials on the proposal. First from The Rock Hill Herald:

South Carolina's Education Improvement Act of 1984 was a quantum leap forward for the state's educational system.

But the EIA, though a large step, still was only a first step. A new legislative package was unveiled...with the aim of extending South Carolina's reform effort through the next decade.

Fortunately, the package has the support of the governor, a coalition of other powerful lawmakers, business leaders and educators. Nonetheless, supporters concede that finding the money for all the proposals included in the package will be difficult and that they might have to settle for half a loaf.

Supporters of the proposed education package are quietly satisfied that the House Ways and Means Committee included only \$14.6 million in its appropriation bill for the new educational program. That commitment was made even before the committee had a bill in hand.

Those pushing the reform package are taking a realistic approach. Both Gov. Campbell and the legislative coalition believe that the first priority is to pass the necessary legislation. The search for more funding can proceed later.

For now, the most important job for champions of education is to maintain the momentum begun with the Education Improvement Act, to ensure that education remains a top state priority and to press for excellence in our educational system.

**This editorial on the education reform bill is from The Greenville Piedmont:**

The new education reform package, known as "son of EIA" is easily as ambitious as the 1984 Education Improvement Act that began this state's slow climb out of last place in the national analysis of quality public education.

Rep. David Beasley, chairman of the House Education Committee, has introduced a legislative package to implement this blueprint for the 1990s. Co-sponsored by 87 of his colleagues, the legislation matches the task force's vision in concept -- but not, unfortunately, in cost. The price tag for the entire package is estimated at \$36 million to \$40 million. The House Ways and Means Committee has set aside \$14.6 million for the coming year.

As for the rest, full funding the first year would be a rarity for this Legislature, and Beasley is wisely talking about a five year phase-in plan.

The trick is keeping the momentum going in a state with fiercely competitive needs.

Beasley admits full funding isn't "in the near future." If that's so, it's reasonable to wonder if the money is any more likely to be available in later years.

The "son of EIA" has all the characteristics of a worthy heir to education reform.

But without an inheritance, he can't be expected to accomplish much in the family name.

**The Chester News and Reporter wants to see more in the bill for school building needs:**

Unless we've overlooked it somewhere in the major provisions of Education Improvement Act Part II, which has been dubbed "Son of EIA," there is no provision for helping districts meet their critical school building needs. Because of that, state education officials shouldn't be offended if many people in our area aren't overly excited about this new round of education reform goals.

...To be sure, building needs are primarily local responsibilities, but how can local districts help finance an influx of new educational programs within the schools when many of our districts are faced with long overdue construction and renovation programs that will cost millions of dollars.

That makes us question just how effective programs that may be impressive on paper really become in practice when classrooms are overcrowded, teachers are inundated with more paper work, and school houses are falling down around the students.

**The Greenville News doesn't think much of the proposal to deny a driver's license to students who drop out of high school:**

Should high school dropouts be denied a driver's license?

That proposal is pending in the General Assembly as a piece of legislation separate from the overall education reform package. And it has caught on in other states. The Colorado Legislature recently considered such a bill but did not pass it. Similar bills also have surfaced in Rhode Island, Texas, Kentucky, Virginia and Missouri. West Virginia already has such a law. Maine is contemplating going further. It's been proposed there that dropouts be denied hunting and fishing licenses as well.

Students leave school before graduation for a variety of reasons. A recent report from the Greenville County School District, for instance, said that more than 42 percent of the district's dropouts last year quit school because they had excessive unexcused absences and has no chance of passing their courses; in many of these cases, the absences resulted from suspensions for disciplinary reasons. Another 25 students quit because they were pregnant; 12 dropped out because they got married, and 61 others had 61 other reasons.

As this short list indicates, most students who drop out don't do it because they simply don't want to be in school; they are troubled by other factors that denial of a driver's license won't alter. Indeed, linking driving with school attendance is a simplistic solution that essentially is punitive.

The legislation, sponsored by Florence Sen. Hugh Leatherman, has cleared a Senate committee. That should be as far as it goes.

**Regarding the issue of 25 year retirement for teachers, the Anderson Independent-Mail is sympathetic to the cause, but doubts the state has the money to fund such a proposal:**

Children are the joy of our lives and the hope of our future. They can be sweet, but they can also be very trying. Children grow up. Few parents have to deal everyday with children for 25 years. Teachers do. It takes a very special human being to handle lively, energetic youngsters year after year for 20 or more years and not become totally exhausted. Tired teachers become burned out teachers. and it's tough to teach effectively through the fog of exhaustion.

A teacher who is burned out should not be in the classroom. Yet a teacher who has given good service for 25 years or more should not simply be kicked out because they are experiencing normal human exhaustion. They need a way to leave the classroom with dignity.

The price tag on early retirement for South Carolina teachers is high. But it is not too high if it gets tired teachers out of the classroom and makes room for young, enthusiastic teachers to move in.

While we understand those arguments advanced in behalf of the South Carolina Education Association's proposal, we have some serious concerns about other matters associated with the idea.

First of all, we seriously doubt that South Carolina taxpayers, who have forked over millions for higher teacher pay and smaller class sizes in the past five years, will also go for the notion of teachers retiring with full pension after just 25 years on the job.

Then, too, allowing someone to retire as early as age 47 will do nothing to ease the teacher shortage.

Rep. Bob McLellan, D-Oconee, chairman of the House Ways and Means Committee, has said it is doubtful the state could come up with the \$125 million needed to fund the SCEA's proposal. With all the vital needs education has in this state, we're sure there are better ways to spend our scarce education dollars today, keeping this idea alive for future reference. It does have some good points.

### **Beachfront Management**

**The proposal to change parts of last year's Beachfront Management Act has been roundly condemned by most editorial writers in the state. Here is an excerpt from a Florence Morning News editorial:**

State Rep. Lenoir Sturkey of Lexington County says amendments proposed to the state's Beachfront Management Act by Beaufort Sen. James Waddell would gut it. He's right.



## Legislative Update, April 25, 1989

...Public interests and private interests are on a collision course and some adjustments in the law may be required. But the legislators should wait at least until there's some reading by the courts of the legality of contested provisions of the act.

Is South Carolina's beachfront law all that different from North Carolina's? If a policy of retreat to cope with serious beach erosion problems is legal in North Carolina, why isn't it in South Carolina?

The Legislature should think long and hard before it makes any move to weaken the beachfront act. Surely we cannot afford to undo what was so hard to get done in the first place, and what is so vital to preserve the beaches that are so important to the economy of this state.

**The Anderson Independent-Mail also is reluctant to see wholesale changes in the new law:**

Last year, largely through the shrewd political leadership of Beaufort's Sen. James Waddell, the South Carolina General Assembly passed a compromise, but still controversial law forcing coastal developments to give ground to the awesome power of the Atlantic.

Now Waddell wants to amend the act in ways that would virtually gut it. He says that he is now persuaded that the act he fought so hard to pass is probably unconstitutional because it takes private property without due process or just compensation.

But it is not in the greater interest of South Carolina for Waddell to have his way on his proposed amendments to the Beach Management Act. The act's constitutionality will be tested in the courts, but the U.S. Department of Commerce reviewed the legislation and thinks it passes constitutional tests.

We ought to leave the management act alone and give it a chance to work before tinkering with it.

**While Charleston's Evening Post does not support the idea of totally reworking the beachfront bill, it thinks some refinements are in order:**

Leaders in the House and Senate are taking very different but equally disturbing positions on the Beachfront Management Act. The Senate seems inclined to amend the law to death. The House apparently perceives the 1988-passed legislation as untouchable.

Neither position is defensible.

Senators actually seems to be playing games with the act. At least one of...many proposed amendment was interpreted as having the effect of eventually exempting every beach in the state from the new law.

## Legislative Update, April 25, 1989

The refusal of a House committee to give the time of day to even the slightest change in the law is equally disturbing.

The fact is some of the more objective environmentalists will concede that last year's law needs reworking. They worry that the federal court might well strike down those portions of the law that deprive some property owners of the substantial use of their property.

That's why an amendment offered by the new chairman of Coastal Council, Sen. John C. Hayes, is so appealing. The senator's proposal would eliminate the troublesome "dead zone" where property could be rendered virtually worthless. Instead Coastal Council would be given some regulatory control over beachfront construction, which would be restricted in size and use.

It's fairer and therefore better for the General Assembly to correct a problem of its own making by allowing some reasonable use of oceanfront property than the inevitable piecemeal revision that will result from owners being forced into the courtroom.

**Here are two differing views on exempting Folly Beach from the Beachfront Management Act. First, from the Sumter Daily Item:**

Folly Beach deserves no special exception, and even if it did, it should not then qualify for any of the \$10 million the state has for beach renourishment. If it will not abide by the law on setbacks then it ought not to get state funds. The money should be reserved for local governments that understand a retreat of development from the dunes is necessary and desirable for protection of the beach.

**The Greenville News believes the situation at Folly Beach is so exceptional that it should be exempted -- but no one else.**

Erosion is a fact of life all along the coast; at Folly Beach it is a nightmare. According to state Coastal Council officials, erosion along Folly Island varies from two to three annually in some places, to four or five feet in others. And the biggest factor is that much of the erosion -- 57 percent, according to a Corps of Engineers study -- is caused by the Charleston Harbor jetties.

Because of the effects of the jetties, Corps officials are recommending that the federal government pay a larger share of beach renourishment costs than it would normally pay.

Folly Beach could already exempt itself. But as the law is written, if it did so, it would lose eligibility for state renourishment money. That would make no sense, given the impact of the jetties.

Under the exemption measure, Folly Beach would retain its eligibility for state renourishment funds. But the Legislature must be careful that it does not set a precedent so broad that other communities can make a case for exemption.

**Lease Purchase**

Many editorials called for restrictions on the practice of lease-purchase. Here is an excerpt from a Spartanburg Herald-Journal editorial on the issue:

They had to re-invent the wheel before the state's wagon on the controversial practice of costly leasing of public office space can get on track. Presumably, with two valid reports recommending virtually the same remedies, the General Assembly may feel compelled to right the wagon.

The recent report recommends stricter bidding procedures, a comprehensive plan for future space needs, and establishment of a facilities administration office to supervise such acquisitions.

This makes eminently good sense. Lawmakers should not wait around for further complications and a third committee appraisal. They need to "thoroughly digest" the findings and take the corrective action.

It should be pointed out that "privatization" which included lease-purchase contracts, has valid use in some cases. The process has been upheld by the state Supreme Court for school construction in a Lexington County case.

Whatever the method utilized, careful monitoring and strong discipline can protect the fiscal interest of state government and the public.

**Here is an editorial from The State:**

Two bills to curb excessive costs for leasing and equipping state offices have now been passed by the S.C. Senate. The package, with minor modifications, deserves legislative approval.

Proponents of lease purchase argue that desperately needed facilities, such as prisons, can be built quicker. It takes approximately three years to get bond funding, they say, and such a delay could result in higher interest rates and construction costs.

True. But major construction projects are usually several years in the planning.

Proponents also argue that it is possible to negotiate lease-purchase arrangements that cost very little more than conventional bond financing.

If the state of South Carolina can cut as good a deal, lease-purchase may well be a useful tool for financing future construction. But it makes good sense to put a reasonable ceiling on the dollar amount the budget board can authorize for such projects. With such a cap, the heat would then be on the Legislature, rather than the budget board, to approve major lease-purchase projects.

**The Myrtle Beach Sun News is for changes in the lease-purchase practice, but is concerned about proposed legislation turning too much of the authorization power over to the General Assembly:**

However, the proposed legislation requires too many leases and lease-purchases to be approved by the General Assembly. In fact, that authority should be granted to the executive branch, with swift notification of the full economic impact given to the General Assembly and the public before leases are signed. South Carolinians already know how the Legislature politicizes just about everything it does.

Solving the problem of leases is about as complicated as a real estate contract, but it can and must be done.

### **Day Care Legislation**

**An issue that arose during the fall elections, proposals to improve and encourage child care centers won endorsements from many editorial staffs. Here is an excerpt from a Florence Morning News editorial:**

Two income families -- both parents working -- are the norm these days, not the exception. In most cases, it's a matter of economic necessity. One paycheck simply is not enough to meet household expenses, provide medical care and pay education costs.

Affordable day care is a major concern for many working parents. It has to be a concern also of companies employing these parents, and for the state because a dependable, productive workforce is vital for continued economic growth and development.

Whatever the state can do to have these needs met by the private sector is, of course, in the state's interest.

**The Greenville News wrote it expects to see a consensus on the two child care proposals before the General Assembly this session:**

Although it's expected that a day care bill will pass the General Assembly this session, the specifics of it are uncertain. (Lt. Gov.) Theodore's proposal...differs in cost and emphasis from the plan Campbell has promoted.

Much of the cost of the \$10 million effort Theodore favors lies in increasing the state's personal income tax credit for child care from 7 to 10 percent of expenses. The governor's plan, estimated to cost \$350,000 a year, would rely on tax credits to encourage businesses to provide day care for employees. Theodore also wants to

## Legislative Update, April 25, 1989

give tax breaks to businesses, but the personal tax credit and \$2.4 million for new state funded day care centers boosts the price of his proposal.

Employers can be expected to play a key role in increasing the availability of day care, but some will decline, in spite of the tax incentives Campbell urges. Theodore's plan is broader in that it would make day care more affordable for a greater number of working families.

### Miscellaneous Issues

Many editorials writers called for the establishment of a state run primary election system. Here's one from the Marlboro Herald-Advocate:

There nothing new or novel in having the State of South Carolina assume responsibility for the conduct of primary elections in the Palmetto State, but when our state remains the only state in the nation with political parties conducting primary elections it is time to consider our unique system.

The integrity of primary elections is just as important as that of General Elections that the state does finance and conduct, and in the view of problems encountered in other localities with primaries, we think the time has arrived for the General Assembly to seriously consider placing control in the hands of the state.

If 49 other states turn to their state governments to run and to finance primary elections, surely not all the other states of the union are out-of-step but us.

Editorial writers have been adamant in their support for repealing the criminal libel law, and numerous editorials have been written advocating the repeal. This one is from the Edgefield Citizen News:

If the criminal libel law is deleted from the books, as it should be, those who think they are unfairly or illegally treated by the media have plenty of rights in our civil court system. That avenue is appropriate for any libel that may occur.

The freedom of the press isn't like other laws. Remember, it is rooted into our country's constitution. That gives the news media -- and citizens -- more protection against those who may want to put hurdles in the way of the constitution.

The state's civil laws certainly are adequate to fight any problems that may exist.

The state doesn't need to hold a club over our heads.

## Legislative Update, April 25, 1989

### **The attack of a 7-year-old Richland County boy by pit bull dogs brought this response from The York Observer:**

It won't ease the pain or heal the scars, but we hope the maiming of DaWayne Wilson by pit bulls will inspire legislators to fight back against the vicious breed with the same ferocity the dogs unleashed on that little boy.

If this latest attack doesn't lead to tougher laws against pit bulls, nothing will.

...We believe the state legislature should strike back against the animals with even greater force, setting stiff penalties for pit bulls' owners whose dogs attack anyone.

Let the owner of a dog suffer when the animal assaults someone.

A strong argument can be made for a city or county banning pit bulls entirely. New York City already has enacted such a law.

But short of a ban that probably wouldn't go over well in a rural state like ours, there is much we can do to make sure DaWayne Wilson is the last person to be victimized by this breed of dog.

Let's do it.

### **The Spartanburg Herald-Journal agrees the state's vehicle inspection laws should be fixed, but not thrown out altogether:**

In South Carolina, it's time to reverse the famous political verity, "If it ain't broke, don't fix it." If something worthwhile is broken, do fix it; don't throw it away.

So it is with the state's vehicle inspection law.

None of which lessens the importance of workable regulations to require minimum safe conditions for vehicles on our highways. Responsible citizens will see to that themselves, with or without mandatory inspection. There are many others who would not hesitate to drive automobiles that in themselves are hazards to life and limb of everyone around them.

Maybe there is no lasting solution, but we should not give up without trying. Let's fix the system if we can, and abandon it only if it is beyond repair.

Bills Introduced

---

Here is a sampling of the bills introduced in the House during the past week. Not all the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.

Under House rule 5.12, April 15 is the deadline each session for the introduction of new House bills to be taken up by the full House that session. The rule does not prevent new House bills from being introduced and referred to committee; however, it takes two-thirds vote of the members present to have bills, introduced after April 15, taken up by the full House. The bills summarized here and for the rest of the session did not make the April 15 deadline. Senate bills coming to the House face a similar introduction deadline May 1.

**Agriculture and Natural Resources Committee**

Folly Beach Exemption (S.178, Sen. Martschink). This is the Senate's version of the Folly Beach exemption to the Beach Protection Act. The definition in the Senate bill pertaining to Folly Beach is broader than the definition in the House bill. The Senate bill states that in addition to the specifications defining Folly Beach, the bill also would exempt "any area which is greater than one-half mile in length where more than 50 percent of the erosion has resulted from man-made jetties and/or groins, as determined by the United States Army Corps of Engineers."

**Education and Public Works Committee**

Drug Testing for Teachers (H.3949, Rep. Fant). This bill would require the state Board of Education to implement a drug testing program for public school teachers. This skeleton bill does not specify what requirements the drug testing program must meet.

## Legislative Update, April 25, 1989

Free Tuition for National Guardsmen (H.3952, Rep. Hayes). Active National Guardsmen, who are state residents, would be eligible for free tuition, less fees, at any public college, university or technical college in South Carolina if this bill is enacted. The guardsman could attend college tuition-free for ten semesters, or until attainment of a bachelor's degree (whichever comes first), as long as he or she does satisfactory academic work and remains active with the Guard.

If satisfactory work is not done, then the exemption is lifted, and the guardsman must pay tuition for that semester. National guardsmen taking advantage of this program would be obliged to give the state two years of additional Guard service following completion of their academic work. Funds lost to the colleges or universities under this program would be reimbursed by the state.

Road Naming (S.655, Sen. Lourie). This Senate bill would set the procedure for naming roads, highways, bridges or other state highway facilities in honor of an individual. The bill provides that when the General Assembly is in session, it must pass a concurrent resolution, an act or joint resolution designating the person and facility to be honored. If the Legislature is not in session, then a majority of the House and Senate members of the legislative delegation(s) where the facility is located must request in writing the facility to be dedicated and the name of the person to be honored to the state Highway Department.

The bill further states that any highway facility dedication requested before July 1, 1984 in which the dedication has not taken place is considered voided by this legislation. Dedications prior to that date must be completed as outlined in the bill.

### Judiciary Committee

Felony DUI (H.3951, Rep. Hayes). Felony DUI in the first and second degrees would be established by this legislation. First degree felony DUI would result if a victim of the accident dies.

Penalties for first degree felony DUI would be increased to a fine of not less than \$10,000 or not more than \$25,000 and a mandatory sentence of one to 25 years. Those convicted of first degree felony DUI would not be eligible for a reduction of sentence for educational credits, could not be furloughed after serving a mandatory minimum sentence, and would be ineligible for parole until service of one-third of the sentence. Any person convicted a third time for this violation would be sentenced to life imprisonment without parole.



## **Legislative Update, April 25, 1989**

**Second degree felony DUI** would result if the victim suffers great bodily harm. The sentence for this crime would be a fine of not less than \$10,000 and a mandatory sentence of not less than 30 days or more than 10 years.

Mandatory sentences under this legislation could not be suspended.

Signatures and Advertising (H.3945, Rep. T.M. Burriss). Under this bill, it would be unlawful for anyone to include the name or signature of a person in an advertisement or oral communication seeking to influence the passage or defeat of legislation without the person's permission. This prohibition would also apply to signing the name of a fictional person to these advertisements.

Violation would be a misdemeanor, carrying a fine of not more than \$1,000 and/or not more than a year in jail.

### **Labor, Commerce and Industry Committee**

Sprinklers and Manufactured Homes (H.3948, Rep. Rudnick). Manufactured homes, offered for sale in South Carolina after July 1, would be required to have sprinkler systems, under this bill.

### **Medical, Military, Public and Municipal Affairs Committee**

Public Adoption Agency (S.561, Sen. Nell Smith). This bill would officially recognize the Adoption and Birth Parent Services program in DSS as the only public adoption program in South Carolina. The bill states in the preface that the merger of the state's two former public adoption agencies has been successful and examined by a number of state agencies to ensure its efficiency. The preface also states that the new adoption division has been nationally recognized for its innovative approaches, and that adoption placements have increased 25 percent since the merger.