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Why S.C. Legislative Session should be much shorter

By Cecilia Brown

Editorialists and commentators have chastised the South Carolina legislature relentlessly for failing to get anything done during the 2015 session. In fact, though, they did plenty of work.

This year our Legislature met from January to July, and during that time 1,336 bills were filed between the House and Senate. Of those, 131 were passed by lawmakers. In addition, 950 resolutions were filed, and all but 64 of those passed.

The question, of course, is this: How many of these were actually worth legislators spending over half a year in Columbia?

The length of South Carolina's legislative session has consequences. Studies have found that professional, full-time legislatures are more prone to pressure from lobbyists – and this translates into higher spending and more favors for special interests.

Consider this year's attempt to deal with roads. There are two ways to devote new revenue to roads: raise taxes or cut spending. But lobbyists – in this case, lobbyists working for companies and industries that would benefit from additional spending on roads – aren't going to urge lawmakers to pay for new road projects by cutting other parts of government. They're going to urge tax hikes. And thanks to South Carolina's long legislative session, they had plenty of time to do it. In the end, thanks to citizen groups raising the alarm, they weren't successful. That's a rarity, unfortunately, and tax hike supporters are sure to be back in January.

According to one media account, toward the end of session legislative leaders even tried to prevent the Board of Economic Advisers from publicizing a revenue surplus, presumably on the grounds that a surplus would undermine the argument for a tax hike. That simply couldn't have happened without a lengthy session.

Or take ethics reform. The year began with a few good proposals, but the longer they sat in committees, the longer lawmakers had to water them down or amend them with insidious provisions. A bill to reform the state's Freedom of Information law gained a provision allowing government agencies to take citizens to court for filing "frivolous" FOIA requests. A bill to require elected officials to disclose their sources of income eventually included a provision loosening requirements on disclosing government income. And so on. The longer the session went on, in other words, the more pointless these bills became.

Or consider the debate over the bond bill. House lawmakers introduced a bill to issue bond debt and use the money for a variety of largely unnecessary projects connected to state colleges and universities. It would have been difficult for lawmakers to pass such a controversial bill within the confines of a short session. As it was, though, they were able to introduce the bill; then take it off the floor when the Policy Council and (separately) the Gov. Haley raised objections; then find ways to pay for the new projects



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through the General Fund; and then spend much of the rest of the session trying to figure out how to pass the bond bill anyway, which they were almost able to do.

In short: our excessively long session gave the State House complex – lawmakers, lobbyists, consultants, various special interests – plenty of time to weaken reform, make tax hikes more likely, and spend every last available dime of revenue.

What should a session-shortening bill look like? A sensible reform would be to mandate an end to sessions by the second Friday in April, making each one last roughly 90 calendar days, and holding session every two years. This would encourage lawmakers to use their time – and our money – more wisely.

Members of the House argue that they pass a bill every session to shorten session but Senate ignores it. That may be technically true, but this year, anyway, the bill they passed was anemically weak. The House of Representatives passed a bill that cut a mere ten days off session. The Senate's bill would have shortened session by three months. It wasn't passed, but at least it was worthy of passing.

Our legislature's job is to ensure that citizens' rights are protected. After they do that, they should go home. More time leads to more mischief.

Cecilia Brown works as a research assistant at TheNerve.org and its parent organization, the S.C. Policy Council



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148 Georgia, South Carolina sign new agreement for shared port

The Associated Press

SAVANNAH, Ga. — A proposed \$4.5 billion port terminal to be shared by Georgia and South Carolina came closer to reality Monday as the states' port officials signed a new deal for managing the project and voted to ask a federal agency for the permits required to start construction.

Governors of the neighboring states decided eight years ago to work together on developing the Jasper Ocean Terminal on the South Carolina side of the Savannah River. The plan calls for the states to jointly run a shipping terminal with space for up to 7 million cargo containers before growing business causes the ports of Savannah and Charleston to run out of room.

Georgia Gov. Nathan Deal said the new agreement will help ensure "that we not only grow today but that we continue to grow for decades to come." And South Carolina Gov. Nikki Haley hailed the deal as "an incredible opportunity to strengthen our ports system."

After years of studying — and sometimes debating — whether the massive project was feasible, port officials from both states have now agreed to spend the coming years working toward designing and financing the shared terminal while the U.S. Army Corps of Engineers conducts the environmental studies required before construction can begin.

Paperwork asking the

Corps' Charleston District to begin studies on the land construction should be submitted before Thanksgiving, said Doug Marchand, the project's executive adviser. A similar packet seeking permits to widen and deepen the shipping channel is expected to be sent to the agency's Savannah District in early December.

The terminal would be built in Jasper County, South Carolina, across the river from Savannah. Environmental studies could take eight years, with years of construction following. Consultants have said 2029 is the earliest they would expect to see completion of the project's first phase, which is expected to cost more than \$2 billion.

The new joint project agreement calls for Georgia and South Carolina to each shoulder half the Jasper terminal's costs.

The states still need to decide how they would pay for it. Jeffrey Holt, a banker who specializes in financing for port expansions and other infrastructure projects, told the board overseeing the Jasper County terminal Monday that for every \$1 billion borrowed, the states should expect to pay \$50 million to \$130 million each year to cover debt obligations.

"Really, the sheer numbers of this thing are staggering," said Holt, who suggested that port officials look for ways to reduce the price tag.

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¹⁴⁸ Haley says she still supports giving refuge to persecuted, except Syrians

The Associated Press

COLUMBIA — Gov. Nikki Haley said Monday that she continues to support allowing persecuted immigrants to come to South Carolina — as long as they're not from Syria.

Republicans in the House and Senate called on Haley to oppose all international refugees.

"We need to be even more vigilant about protecting the state of South Carolina and her citizens," Senate Majority Leader Harvey Peeler, R-Gaffney, wrote in a letter to Haley.

A similar letter signed by 13 House Republicans called it "unquestionably clear that these terrorists will execute whatever means necessary to infiltrate and murder innocent civilians."

But the Republican governor said as long as nothing changes in who is being resettled in the state, neither will her stance.

No Syrians have been brought to South Carolina.

Refugees being brought from other nations have been persecuted for being Christians, for their political views or because they were interpreters for American military personnel, Haley said.

Interpreters "saved our American lives, so in turn we save theirs by bringing them," she said, noting it's personal. Two interpreters who worked with her husband Capt. Michael Haley's unit in Afghanistan in 2013 came to the U.S. through the program, she said.

Refugees resettled in South Carolina are brought by two Christian relief organizations.

The World Relief non-profit, founded by evangelical churches, has settled 61 refugees in South Carolina since May 2014. Nearly 85 percent of them are Christians. Most are from Burma or the Congo. None has been from Syria. No Syrians are expected to be resettled in South Carolina next year either, said spokesman Matthew So-

erens.

A spokeswoman for the Lutheran Immigration and Refugee Service, the other organization authorized by the federal government to settle refugees in South Carolina, did not immediately answer messages left by The Associated Press.

Haley said Monday morning she would talk to federal officials following President Barack Obama's pledge to accept 10,000 additional refugees, to ask if anything has changed.

Later Monday, she sent a letter to Secretary of State John Kerry requesting that no Syrians be brought to South Carolina.

"It is my understanding that while our national security agencies are working tirelessly to vet potential refugees, there remain gaps in available intelligence for those fleeing Syria," she wrote, while agreeing that the United States should try to help people forced to flee their homes "for the most awful reasons, such as religious persecution."



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148 Gas tax backers face new \$1.2B hurdle

BY CASIE COPE
The State
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COLUMBIA — Efforts to raise the state's gas tax to pay for road repairs suffered perhaps a fatal setback last week when South Carolina lawmakers found out they will have \$1.2 billion in added money to spend next year.

Momentum to raise the tax had been building since early October, when more than 2 feet of rain drenched portions of the state, washing out and damaging 541

roads and bridges.

However, the \$1.2 billion added to the state's budget last week will fuel the arguments of conservative lawmakers who say the state's surpluses and growing revenues can pay for road repairs without a tax increase.

Advocates of a higher gas tax say it's not realistic to put all \$1.2 billion toward the cost of road repairs. Other causes — flood damages, rural schools, the funding needs of state agencies cut during the Great Recession — will lay claim to some of that money, they say. And, they add, a one-time \$1.2 billion windfall will not address the state's long-term road needs — estimated to cost up to an added \$1.5 billion a year for the next 30 years.

To get a long-term road repair solution, lawmakers will have to strike a deal on three issues — raising the state's gas tax, cutting its income tax rates and reforming the state Transportation Department.

"It's going to be difficult, but I don't think it's impossible," said state Sen. Shane Massey, R-Edgefield. But to make a deal, many lawmakers will have to move considerably in their positions on the three issues, he added.

Meanwhile, any deal may be delayed until after March 30, the deadline for challengers to file to run against sitting House and

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Gas

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Senate members next fall.

How to spend \$1.2 billion dollars?

When senators return to Columbia in January, a proposed gas tax hike will be waiting for them.

"There's a plan still set for special order in the Senate, so we'll take that up," said Senate Majority Leader Harvey Peeler, R-Cherokee, adding, "I'm sure there will be tons of amendments to it."

In an effort to block a vote, some senators could add up to 100 amendments to the proposal, said Senate President Pro Tempore Hugh Leatherman, R-Florence.

But, he added, the Senate needs to address the issue. "I want to work with our members to get a road funding package passed."

That state needs a recurring source of revenue to repair and improve its highway system, said Leatherman. "I'm not interested in going to the general fund," the state's \$7.7 billion operating budget.

But some conservative lawmakers – led by state Sen. Tom Davis, R-Beaufort – will want to do just that, using the added \$1.2 billion on road repairs.

Last spring, Davis filibustered a gas tax hike during the last three weeks of the legislative session, arguing lawmakers should spend the state's savings and surpluses on road repairs, not raise taxes. Davis' filibuster blocked senators from debating the roads bill. Instead, lawmakers agreed to send \$216.4 million in surplus money to counties for road repairs.

As floodwaters ravaged South Carolina last month, destroying roads and bridges, Davis said South Carolinians could

see the need for more money for roads, hinting he could moderate his opposition to a gas tax hike. Now, however, after the floodwaters have receded, Davis wants to use the \$1.2 billion added last week to the state's budget for roads.

But other lawmakers say some of that added money will be needed to pay flood damages and increase the budgets of state agencies, cut during the Great Recession and never restored.

State Sen. Joel Lourie, D-Richland, said more money for K-12 education, the Department of Social Services, higher education and vulnerable seniors will need to come from the added \$1.2 billion.

For example, there is a \$500 million deficit between the amount that legislators now are funding K-12 schools and the amount state law says those schools should get.

"It would be irresponsible to think that we could fund our roads problem with economic growth," Lourie said, adding roads projects need to be planned and paid for over years.

Republican Massey agreed. "It's important that you have a dependable and dedicated funding stream going to roads and bridges."

'Strengthened push for income tax relief'

Lourie said the flooding that devastated parts of his Richland County district last month shows how important it is for the state to have solid infrastructure.

"Our roads and bridges were in poor shape to begin with and, now, many of them are even worse," he said.

But Republican Gov. Nikki Haley said Friday that paying flooding costs should be separated as an issue from finding a long-term road funding solution.

"The dangerous thing that can happen in government is when you start to combine one issue with the other," Haley said. "These are two separate issues and should be treated separately."

Last year, critics ripped Haley for combining two issues – saying she would approve a gas tax increase if legislators passed a larger income tax cut. In her State of the State address in January, Haley proposed cutting the state's top income tax rate to a 5 percent from 7 percent over a 10-year period.

Haley's proposal went nowhere.

But now, said Republican Massey, the added \$1.2 billion means "there will be a renewed and strengthened push for income tax relief" when senators debate how to raise money for roads.

After Haley's plan collapsed, Massey and Republican state senators introduced a plan to raise \$700 million a year for roads, largely by increasing the gas tax, and also cut income taxes by about \$700 million.

Republican senators hoped to win over Haley with their tax-cut proposal – reducing the highest income tax rate by 1 percentage point to 6 percent.

The Republican senators' plan was contingent on the state's general fund revenues growing by 1 percent a year before either the gas tax increases or income tax cuts would kick in. "We really were trying to do this in a responsible manner so we're not going to put the state in jeopardy of financial problems," Massey said.

But Haley said Friday she is not willing to sign on to the Senate GOP plan. The Republican governor said she still wants a 2 percentage-point cut in the state's income taxes, adding the \$1.2 billion in added money means the state can afford it

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"I will stay at the 2 percent (age points) until they give me reason to go below that."

'Short-sighted regionalism and political horse trading'

The Transportation Department says it needs an additional \$1.5 billion a year to repair, maintain and expand the state's highways. If lawmakers fully funded that request from the general fund it would eat up all of the added \$1.2 billion and then some.

Repairing, preserving and modernizing the existing roads system will cost an added \$1 billion a year, the agency says. That's do-able with the added \$1.2 billion – for one year. Where the money would come from in year 2 is unknown.

Some argue far less than \$1.5 billion a year is needed. They say if the structure of the Transportation Department – now governed by a legislatively controlled commission – is reformed, it would eliminate waste and political influence in how money is spent, saving money.

Haley advocated abolishing that commission in her January State of the

State speech. Getting rid of the commission would make it "so the condition of South Carolina's roads is no longer driven by short-sighted regionalism and political horse trading, and we stop wasting our tax money," she said.

In their plans, Republicans, who control the House and Senate, propose giving the governor control of the Transportation Department, allowing the governor to appoint all Transportation Department commissioners, who then would select an executive to head the roads agency.

That restructuring plan passed the House earlier this year as part of a proposal to increase gas taxes, raising \$427 million a year more for road repairs. But some Senate leaders vehemently oppose the restructuring.

Filing deadline a factor

One final factor will weigh into whether the Legislature passes a long-term roads plan next year – election-year politics.

The March 30 deadline to file to run for the House

and Senate loom over senators and representatives who are waiting to see if they will have primary

challengers.

Tax increases never are popular, especially for Republicans, said Winthrop University political scientist Karen Kedrowski. "Republicans that support tax increases do face potential challengers from the right," she said.

In South Carolina, where legislative districts are heavily gerrymandered so that one party can dominate the results, many legislators fear most a challenge in their own party's primary, she said.

Even if lawmakers see the need for a gas tax hike, they may not want to go out on a limb – and risk losing re-election – until after March 30.

State Rep. Gary Simrill, a 12-term York Republican, said he never looks at filing deadlines to determine whether he acts on an issue. But some lawmakers do, he acknowledged.

Simrill, who supports increasing the gas tax, contends lawmakers could face more challengers if they do not pass a roads plan.

Voters want the state's roads repaired, he said. "You're elected to be a leader, and you're elected to make things happen."



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S.C. Editorial Roundup

148 The Greenville New on dam safety

It is no secret to residents of South Carolina that this state has an infrastructure problem.

All of us are well-acquainted with the sometimes awful condition of the state's roads. That is a problem created and exacerbated by a tremendous deficit in state highway funding. It's a deficit lawmakers repeatedly have been reluctant to bridge.

Last month's torrential rain event in the Midlands — a disaster confusingly referred to as a 1,000-year rain — laid bare another life-threatening infrastructure problem. In the wake of that storm, it became apparent that the state's network of 2,400 regulated dams is not inspected frequently enough and that the staff that's called on to inspect those dams is far too small.

Thirty-two of those dams failed in last month's rain that dropped 2 feet of water on parts of the state.

In a detailed report two weeks ago, Greenville News investigative reporter Rick Brundrett revealed that the state's Department of Health and Environmental Control has only 6.75 employee positions dedicated to inspecting all of South Carolina's regulated dams. No doubt the gap in inspections was exacerbated by the fact that staffing has been even lower in recent years: In 2005, there were only 1.5 full-time positions for the dam inspection program.

The state's dam safety office is one of the most poorly funded in the nation, and in 2014 had a budget of \$260,000, according to a report in The State. In 2014-15, funding was \$453,000.

This is not a problem created by our current governor or even many of our current lawmakers. But it is a symptom of a state that rushes to cut taxes without taking time to study potential consequences.

What are the consequences? Of 75 dams that now are under emergency repair orders issued in the wake of last month's floods, at least a dozen hadn't been inspected in the past five years or more, Brundrett reported.

The national model calls for dam inspections every year for Class 1 dams (those that pose the greatest risk if they fail), every two years for the next class of dams and every five years for those that pose the least risk. In South Carolina, the standard is to inspect Class 1 and 2 dams every two and three years, respectively.

None of this data includes the potentially thousands of unregulated dams in this state that go uninspected.

If there is one positive, it is that last month's rains have opened the state's eyes to the problem.

A spokeswoman for Haley acknowledged there's a funding gap and said that Gov. Haley will include more money for the state's dam safety program in her upcoming executive budget. Spokeswoman Chaney Adams also conceded that it's very early in the process.

Gov. Nikki Haley and the Legislature need to take this problem seriously when they address the budget next year. Unfortunately, they need to add it to a list of things this state needs to take seriously.

Year after year this state's leaders talk about cutting taxes. This year, they're going to need to face the music and begin talking about increasing spending — and perhaps taxes — to ensure the infrastructure in this state is safe and contributes to, rather than hinders, the well-being of our fellow South Carolinians.

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148 State agency issuing more fines against abortion clinics

The Associated Press

COLUMBIA — South Carolina's public health agency is issuing fines that could amount to nearly \$51,000 against three abortion clinics and two waste disposal companies for violations concerning the disposal of fetuses.

The proposed fines range from \$2,200 to \$21,150 for violating state disposal regulations, Department of Health and Environmental Control Director Catherine Heigel told a House panel Thursday.

They are the latest fines stemming from an investigation requested by Gov. Nikki Haley in August. The request followed the release of secretly taped videos showing Planned Parenthood officials in other states discussing the collection of fetal organs for research.

Less than a month later, DHEC suspended the licenses of two of the state's three abortion clinics and fined them a combined \$10,250. The threatened closures marked a first for the agency. Ultimately, sanctions were lifted and neither clinic had to close.

Violations cited in the five consent orders dated Friday include paperwork

issues and fetuses being sterilized with steam and taken to a landfill, rather than incinerated as required by law — issues also cited in the clinics' suspensions. The lowest proposed fine is against the Charleston Women's Medical Center — not among the clinics suspended — for not accurately reporting the amount of waste it generates on its registration renewal.

The proposed orders give 30 days to pay a fine, but they note the amounts are under discussion. According to the agency, the largest fine would be against Planned Parenthood.

Jenny Black, regional president of Planned Parenthood, said she's "surprised and dismayed" to learn about the proposed amount through a legislative hearing.

"No monetary amount related to a penalty was mentioned" in the order, Black said, adding the organization will continue to cooperate fully with DHEC. "We hold ourselves to high standards and take swift action to address any shortcomings."

GOP Rep. Gary Clary, chairman of the House Oversight panel, applauded

Heigel for "tightening up" on inspections. His committee launched its own investigation into Planned Parenthood following the videos' release. Republican legislators have criticized DHEC as being too lax with the abortion clinics.

A report released by the Legislative Audit Council in May found the agency hadn't consistently inspected the clinics as required by law and had imposed no penalties for violations, with the exception of an expired license.

As for the Sept. 11 suspension orders, DHEC lifted sanctions Sept. 28 against the Greenville Women's Clinic after it addressed its six violations, paid a \$2,750 fine and submitted proof of staff training. Planned Parenthood paid a \$7,500 penalty for 21 cited violations and submitted correction plans by the Sept. 28 deadline but asked DHEC to reconsider some of the violations, putting the suspension on hold. The cited violations included incomplete staff records and abortions performed sooner than 60 minutes after an ultrasound.

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AAMC Foundation receives gift from Aeroflow, Inc.--Aeroflow, Inc. recently made a very generous contribution to the AAMC Foundation. Left to right: Ryan Bullock, Director of Operations and Casey Hite, CEO of Aeroflow present a check to Meg Davis, AAMC Foundation Director and Rich Osmus AAMC CEO. (Photo Contributed)

Sage expansion official

Company investing \$4 million in existing Abbeville County facilities

SAGE Automotive Interiors is investing \$4 million to expand its existing operations in Abbeville County, where it has two facilities.

The firm develops and manufactures innovative automotive bodycloth and headliners.

According to the official corporate press release, this project reflects the company's ongoing commitment to remain a leader in the dynamic global automotive market.

"Sage Automotive Interiors is pleased to make this announcement for our company and particularly our Abbeville locations. As we face global competition on cost and performance, we continue to invest in our core strengths in South Carolina to support our future growth," said Sage

Automotive Interiors President and CEO Dirk Pieper.

To expand its existing Abbeville County operations, the company is investing in equipment and technology upgrades for its two existing Abbeville plants, which are located at 601 Brooks Street and 1395 Highway 72 West, respectively.

Expected to be completed in phases beginning in late 2015, the expansion will allow SAGE Automotive Interiors to position its facilities for future growth.

South Carolina Governor Nikki Haley applauded the expansion saying, "It's always exciting to see new companies move to do business in South Carolina, but there's something special about celebrating when one of our existing

companies expands here.

"We work extremely hard to take care of the companies we already have here, which is why we keep seeing companies like SAGE Automotive Interiors continue to call South Carolina home and continue to invest in our people."

"It's always great to see an existing industry like Sage Automotive Interiors investing in our community," added Abbeville County Council Chairman Bryan McClain.

"Sage Automotive Interiors is an important part of our economy and community. We look forward to partnering with Sage Automotive for years to come."

Established in 2009, SAGE Automotive Interiors is a top provider to original equipment manufacturers



in the automotive industry. Headquartered in Greenville, the company operates four facilities in the Palmetto State, employing approximately 900 South Carolinians overall.

Serving the global automotive market, SAGE Automotive Interiors also operates more than 15 facilities across North and South America, Asia and Europe.

For more information go to www.sageautomotiveinteriors.com |

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