

Title: **Bryant says transgender bill will advance**
 Author: TIM SMITH TCSMITH@GREENVILLENEWS.COM
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Bryant says transgender bill will advance

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TCSMITH@GREENVILLENEWS.COM

COLUMBIA - A controversial bill by Sen. Lee Bright that mimics a North Carolina law addressing transgender use of public bathrooms will advance past Wednesday's subcommittee hearing regardless of what the two senators hearing the bill say about it.

Sen. Kevin Bryant, an Anderson Republican and chairman of the Senate

General Committee, told *The Greenville News* that the purpose of Wednesday's hearing is to take public testimony on the bill but he plans to place the bill on the agenda of his committee's next meeting even if the subcommittee fails to ap-

prove it. Bryant also is a co-sponsor of the bill.

His comments came as two Senate Democrats attacked the legislation as "embarrassing" and a Greenville Republican and co-sponsor of the bill said he

does not think it will pass the Senate this year if Democrats on the committee file an objection to the bill.

The bill would bar transgender people from using public bathrooms, changing rooms and locker rooms that do not correspond with their biological sex and prevent local governments from passing legislation allowing such use.

On the Senate floor, Bright, a Spartanburg County Republican, said that the bill was in part meant to show support for

North Carolina lawmakers who passed a similar bill in an emergency session.

Democrats have criticized Bright's bill and two who are members of Bryant's committee did so again Monday.

"This is just another example of the misplaced priorities when you have a South Carolina government controlled by the extreme right wing," said Sen. Vincent Sheheen, a Camden attorney.

See BRYANT, Page 7A

Bryant

Continued from Page 1A

"This is about access to employment and education and just about everything else in public life. Instead of increasing harassment and division, we should be focusing on fixing our broken state...simply embarrassing."

Sen. Joel Lourie, a Columbia Democrat and one of the two senators on the subcommittee that will take testimony Wednesday, also criticized it.

"This is just another embarrassing day in South Carolina," he said. "This legislation is mean spirited, discriminatory and economically disastrous for our state. We have real issues to deal with like infrastructure, education, jobs and healthcare."

Bryant said he only assigned Bright and Lourie to hear the bill because he believes it is a simple piece of legislation not in need of more senators.

"It doesn't get very complex," he said of the bill. "I think at this time I want them hearing testi-

mony and I plan on putting the bill on the next full general committee (agenda) unless they find they need more time to hear more folks."

Bryant said it doesn't matter if Lourie and Bright take opposite sides on the bill.

"I did check and as chairman I can do what we've done," he said. "We don't necessarily have to have a passing vote to get it (before) the full committee."

The General Committee contains 17 senators, seven of them Democrats. If the bill comes out of the committee with a "minority report," which indicates a group of senators opposed to a bill on the committee, it could take a two thirds vote to bring the bill up for debate on the floor of the Senate.

Sen. Mike Fair, a Greenville Republican and co-sponsor of the bill, said if the bill receives a minority report, he does not believe it will receive enough votes to place it in priority debate status,

what is called special order.

"It would not make it to special order this year," he said. "Too many things going on."

Fair said he asked to be co-sponsor of the bill because he was already aware of the issue of transgender high school athletes wanting to play for the gender team in which they identify. He said he does not mind opposition to the bill.

"It's the right thing to do to stop a problem from occurring in the first place," he said.

Fair said he's only heard from one constituent about the bill, who he said thanked him for his position.

Gov. Nikki Haley has said she thinks the bill is unnecessary.

One of Bright's primary opponents, David McCraw, denounced the bill on Monday.

The bill also would mandate that state-run parks, museums and other facilities only allow people to use the rest-

rooms and changing facilities that correspond with their biological sex at birth.

The Greenville Chamber of Commerce came out against the bill the day after it was filed, saying it does not promote economic inclusion, growth or competitiveness.

The bill has been compared to North Carolina's House Bill 2, which includes provisions mirroring those in Bright's bill, but also blocks local poli-

cies that would protect LGBT people from being denied service at restaurants, hotels and other private businesses based on proprietors' religious beliefs.

Georgia Gov. Nathan Deal recently vetoed a bill that would have allowed business owners to deny LGBT people service based on religious beliefs. Last week, Mississippi Gov. Phil Bryant signed a law that would allow businesses and faith-based groups to deny LGBT people service, jobs, housing and adoption and foster care services on the basis



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of religion.

Companies have responded negatively to the controversial legislation in other Southern states. Payment company PayPal withdrew plans to add 400 jobs in a Charlotte expansion

in response to the North Carolina legislation. NCAA President Mark Emmert has said that the law would count against the state when the sports league considers sites for future postsea-

son games and tournaments, and the NBA said the legislation could affect its decision to hold its all-star game in Charlotte in 2017.

Before Deal vetoed the Georgia bill, the NFL said

it would not consider Atlanta for future Super Bowl sites if the bill became law. Disney was one of multiple film companies to threaten to stop filming movies in Georgia.

"This is about access to employment and education and just about everything else in public life."

SEN. VINCENT SHEHEEN

CAMDEN ATTORNEY

Title: **McMaster didn't kill ethics, but Haley's doing her best**
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McMaster didn't kill ethics, but Haley's doing her best

CINDI ROSS SCOPPE
ASSOCIATE EDITOR
THE STATE

LARRY MARTIN was miffed. By means that still mystify me, the Senate's Judiciary Committee chairman and other ethics reformers had managed to pull a political Lazarus, reviving a year-long, left-for-dead ethics bill. They had worked through culture-war measures that blocked the bill's consideration since February, and now the Senate was on the second day of debate.

Except it wasn't precisely the year-long, left-for-dead ethics bill. It was a narrower bill the House had passed last year, to which Mr. Martin had convinced his committee to attach a larger reform measure.

And just as the reformers seemed finally to have enough votes and reform was about to be raised from the dead, Democrats had discovered a potentially fatal flaw: The original House bill simply created an independent panel to police legislators' compliance with the ethics law; the larger amendment did that but also required legislators to publicly report the sources of their private income.

Both of those topics clearly fall under the rubric of ethics reform, so there was no problem with the amendment from a constitutional perspective; if the Legislature managed to pass it, the Supreme Court would find

no fault.

But a few years ago, the Senate adopted a rule that prohibits adding anything to a bill that is not included in the bill's summary. Income disclosure isn't listed in this bill's summary. Although senators frequently ignore violations of this rule, Democrats were threatening to object. If they did, Lt. Gov. Henry McMaster would have no choice but to rule the amendment out of order.

Not thinking it through, I asked, "How many votes does it take to overturn the president's ruling?" Just a majority, Sen. Martin said, and he continued before I could embarrass myself by asking my next question. "We can't do that," he said. "That sets a horrible precedent."

I was chagrined. Of course he was right: It's lawless to overturn a correct procedural ruling just because you don't like it. You might as well just throw out all the rules.

And who would suggest doing such a thing?

Well, other than Donald Trump? Or Gov. Nikki Haley?

Sen. Gerald Malloy did in fact raise the point of order, Mr. McMaster did the only thing an honest person could do, and Gov. Haley ... well, she responded like the Nikki Haley we came

to know in her first three years in office. The Nikki Haley who believes that the law applies to other people, to the little people I suppose, but not to her.

She responded like the Nikki Haley who had Occupy Columbia protesters arrested for violating laws that did not exist, and that she wouldn't have had the authority to enforce even if they did exist. The Nikki Haley who directly defied state law and persuaded her political party to put candidates on the ballot who had failed to qualify, in defiance of a direct order from the state Supreme Court. The Nikki Haley who attempted to order the Legislature into "special session" while it was still in regular session, in violation of the state constitution. The Nikki Haley who repeatedly had to be called back into line by state and federal courts — leaving the taxpayers to pick up the bill for defending her lawlessness.

Even our royal governor knows she can't reverse the ruling of the Senate's presiding officer — which might be why she got into such a heated argument Thursday as she tried to tell Mr. McMaster how to rule.

What she can do is run to her Facebook page and post a tirade against Mr. McMaster. Which she did after her browbeating

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failed to sway him. "Never did we think that this Lt. Governor would help the Senate kill income disclosures," she wrote.

"We have fought for this for four years because people deserve to know who pays their elected officials Income disclosure was killed by Gerald Malloy and Henry McMaster. There is no good excuse for what happened today."

No good excuse for Mr. McMaster's ruling? Perhaps not if you are unconcerned about such niceties as the rule of law.

I doubt there's anybody in this

state who is more upset with Henry McMaster's ruling than Henry McMaster. Ethics reform has been a passion of his at least since the first time he ran for lieutenant governor, back in 1990. And since Gov. Haley appointed him and fellow former attorney general Travis McDlock to lead her ethics-reform task force four years ago, he has done far more than she has to advance the effort.

You can argue that the Senate rules are too restrictive, or that they should be changed. But you can't argue that they should be

ignored. At least not if you have any decency.

There never was much chance that the Senate would pass the ethics reforms we need this year. At this point, probably the best we can hope for is independent oversight — although that is no small thing. If Gov. Haley truly wants to help, she should leave legislating ethics to people who believe in doing so in an ethical way.

Ms. Scoppe can be reached at cscoppe@thestate.com or at (803) 771-8571.

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NO GOOD EXCUSE FOR MR. MCMASTER'S RULING? PERHAPS NOT IF YOU ARE UNCONCERNED ABOUT SUCH NICETIES AS THE RULE OF LAW.



Title: **DOT must also take steps to help itself**

Author:

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DOT must also take steps to help itself

More funding for the state Department of Transportation has been at the top of this year's legislative agenda, recognizing the worsening condition of South Carolina's roads and bridges. A comprehensive report on the DOT by the Legislative Audit Council underscores that point – highway infrastructure has gotten significantly worse in just the last six years. And the audit recognizes that the agency doesn't have adequate funds to make the necessary improvements.

But the LAC report cites numerous shortcomings that the DOT itself could address on its own to ensure that its limited funds are spent in the most productive manner. For example, the audit finds that the DOT has failed to live up to the standards mandated under the 2006 reform legislation, requiring it to list projects on a priority ranking and fund them accordingly. And the agency hasn't kept that list updated to reflect current conditions, the LAC concluded.

Nor has the DOT always taken the most efficient route to maintain and repair crumbling roadways. The difference in cost for repairing a road that is listed as needing "preservation" and one requiring "reconstruction" is nothing short of phenomenal. The first costs \$21,900 a mile and the second \$188,000. Allowing roads to decline into a terminal state of disrepair is dangerous to drivers and painful for the DOT's maintenance budget.

The LAC also questions the oft-repeated estimate of the annual \$1.4 billion

shortfall in road funding needs, cited by the DOT. The figure is based on "a large number of assumptions, some of which have become less accurate in the time since the estimate was made." Clearly a more accurate measure is required as the DOT seeks additional funding to bring state roads and bridges up to an acceptable standard of safety and utility.

The LAC does acknowledge that the current level of funding is woefully inadequate. While revenues have increased by 12 percent over the last 10 years, they haven't kept pace with inflation, 34 percent over the same period. And it questions whether a simple gas tax increase can do the job. It cites the need for a mixture of new revenue, possibly to include surcharges on insurance premiums, alternative or electric vehicle user fees, fees on vehicle miles traveled and rental car fees.

It does not, however, recommend giving the agency more money from the general fund, as the Legislature is preparing to do.

Of course, none of those other revenue sources has the additional benefit of getting a 30 percent contribution from out-of-state motorists, as does the gas tax. The state's gas tax, one of the nation's lowest, hasn't been raised since 1987.

The audit concludes that the DOT's agency's awkward form of governance – the Legislature picks most of the highway commissioners and the governor selects the secretary of transportation – results in a lack of direction, performance



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and accountability. A plan approved by the Senate last month would change that system by giving the governor responsibility for the selection of the commission, which would choose the secretary of transportation.

The audit findings should inform the House as it continues its work on DOT funding and reform.

But many of the recommendations, such as improving the priority list and using maintenance dollars to better effect, can be undertaken within the confines of the agency. And while the agency balks at

the LAC's criticism on priority rankings, it has already endorsed some of the ideas in the audit.

Since the DOT is operationally a Cabinet agency, Gov. Nikki Haley should provide DOT oversight as needed on intra-agency improvements.

There is no question that the DOT needs more resources, and it can make the best case for legislative support toward that end by improving its own track record to the extent fiscally possible.

— *Post & Courier*, Charleston