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INTRODUCTION

For almost six months at the beginning of the year, state lawmakers come to Columbia to introduce bills, vote on them, and return home. But who assesses the job they’ve done? Where can a citizen find out what exactly was accomplished? The answer is in front of you: the Policy Council’s Best and Worst of the General Assembly. Best and Worst was – and still is – South Carolina’s only all-encompassing analysis of each year’s legislative session from the perspective of its impact on freedom.

The 2017 legislative session was eventful, although state lawmakers have little to be proud of. This year’s biggest battle was over the gas tax hike. The bill they passed was deliberately designed to redirect revenue to the State Infrastructure Bank, which doesn’t repair roads at all but uses debt financing to build new roads and expand existing ones, mainly in politically influential counties.

They also passed a bill that did little to reform pension funding and either passed or nearly passed several egregious bills in the areas of regulation, education, taxes, and state spending.

However, it’s not all bad news. One bill would make the Department of Transportation accountable to the governor by eliminating the DOT commission. Another would go a long way to restore the balance of power in South Carolina by making the judiciary independent of the legislature. Both of these are major elements of our reform agenda. Another set of bills to make the superintendent of education accountable to the governor has been making its way through the legislative process. And remember all the noise about “common-sense gun control” in the months leading up to the 2017 session? As it turned out, the only gun bills that went anywhere actually expanded second amendment freedoms.

As the only publication of its kind, this guide will explain exactly what each bill proposed to accomplish. In many cases, you may be surprised by the sponsors’ brazenness: They either don’t know they’re trying to pass regressive and/or unconstitutional language, or they do know and assume you won’t. But that’s the value of Best and Worst – you’ll learn precisely what your lawmakers are up to, for good and ill.

Our goal is to make South Carolina the freest state in the nation – the state with the most accountable and least powerful politicians; the most protected constitutional rights; the most opportunity to prosper; the most independence from debt and federal dependency; and the most choice in health care and education - and we’ve included the most significant bills that would impact that goal.

The grading system here is simple. Each bill is among the “best” or it’s among the “worst.” Although, inevitably, some bills are worse than others – some of the “worst” are weak rather than destructive, some of the “best” are improvable – we think the simpler grading system works best.

Our hope is that the 2017 Best and Worst will aid citizens in the privilege and duty they bear to better understand their government and hold elected leaders accountable.

E. Ashley Landess
President
How to Read this Analysis

Two thousand seventeen was the first year in a two-year session, meaning the bills that didn’t become law could pass next year. Thus in the “status” line of each of the bills, the phrase “Referred to the Finance Committee” or “Referred to Judiciary Committee” means the bill did not make it out of committee this year, but could do so next year. Similarly, “Passed House, Referred to Senate Education” means the bill passed the House this year and was referred to the Senate Education Committee, which could consider and pass the bill next year. By contrast, a status indicating a bill’s act number (Act No. 252) means the bill passed into law. The term “continued” means that the bill was postponed until the next year’s session.

In the online version of Best & Worst 2017, the words “Passed House” and “Passed Senate” are linked to the respective roll call vote reports so you can see how your legislator voted on each issue. To view the online version, please visit scpolicycouncil.org/best-worst.

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**WORST H.3311 - NEW WORKFORCE PROGRAMS, GRANT FUND**

**STATUS:** Passed House, Referred to Senate Education

This bill would task the Coordinating Council for Workforce Development (CCWD) with advising and reporting on the implementation of the South Carolina Education and Economic Development Act (which mandates that career awareness and exploration be incorporated into the public school curricula from the first grade, culminating in personalized graduation plans depending on the student’s career interests). Last year’s H.4937 would have created a new council to do this; the new bill assigns it to an existing board in addition to its other responsibilities.

The bill also creates two new programs and a grant fund to aid in funnelling students through the educational system and into “high-demand occupations in industry sectors with critical workforce needs” – which means government picks the industries that will benefit. The ordinary term for legislation like this is economic central planning. The goal of education is to empower individuals to pursue their own dreams and goals, not those of government.

▼ Furthers the transformation of education into economic central planning.

**WORST S.58 - JOB CREDITS FOR “PORT ENHANCEMENT ZONES”**

**STATUS:** Passed Senate, Referred to House Ways and Means

This contains a plethora of tax favors for South Carolina’s port areas and industries, including an expansion of the jobs tax credit ($1,000/new full-time job) to businesses in a “port enhancement zone” – narrowly defined both by (among other things) proximity to the port and interstates and the household income levels of the area in question. The bill also expands existing corporate income tax credits to qualifying employers in the port enhancement zones; and raises the aggregate tax credit cap for businesses using the port facilities in South Carolina in any way that increases their port cargo value by at least 5 percent – to name a few of the tax breaks included in this bill.

The trouble with this and similar bills is plainly put: job creation is not a core function of government but of the market. In the market, resources tend to gravitate towards enterprises thought to be high value producers. When this process is disturbed by government favoritism, resources are moved from enterprises that produce high levels of value to those that produce less. The result is a rate of economic growth slower than if the market had been allowed to work. Job creation as a byproduct of economic growth (as companies expand when they are rewarded for creating value through profits) will necessarily be slowed as well.

▼ Another attempt to manipulate the free market with tax favors

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**SPENDING AND TAXATION**

Government has no money that it doesn’t take from taxpayers. That seems like a statement of the obvious, but it’s extraordinary how often state lawmakers don’t seem to appreciate it. The state budget is full of line items for programs and policies that no ordinary taxpayer would consider a function of government. We can’t list all such programs here, but we can list a few bills that give insight into the General Assembly’s fiscal decision-making.

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▼ Furthers the transformation of education into economic central planning.
WORST H.3516 – RAISING THE GAS TAX

STATUS: Passed House, Passed Senate, Vetoed by Governor, Veto overridden by House, Senate, Act No. 40

After three years of effort, lawmakers finally passed a 72 percent gas tax hike. They also tacked on numerous other fine and fee increases. Here's a rundown:

- Gas tax increased by 12 cents (from 16.75/gallon to 28.75/gallon)
- Changed existing vehicle sales tax (5 percent capped at $300) to “infrastructure maintenance fee,” increased cap to $500
- Vehicle registration fee nearly doubled
- Sales tax cap for boats, RVs, etc. increased to $500
- New biennial fee for fuel-efficient cars ($60-$120, depending on the type of car)
- Property taxes for large commercial vehicles collected by DOR became a fee collected by DMV

Worse yet, the bill made the new revenue eligible to be applied to pay down State Transportation Infrastructure Bank (STIB) bonds. The state constitution only permits “non-tax” revenue to be used for revenue bonds, so this legislation reclassified taxes as fees and routed them through the Department of Motor Vehicles (DMV) rather than the Department of Revenue (DOR). This blatantly violates both the constitution and the definition of “fee” in state law.

In fact, 80 percent of the “infrastructure maintenance fee” (formerly the vehicle sales tax) is made available for STIB bonding; the rest of the new revenue generated by the tax increases goes to a new “infrastructure maintenance trust fund” from which funds can be diverted to the State Highway Construction Debt Service Fund – and from there used for debt service on STIB bonds. All these transfers are almost certainly related to – and probably a result of – the debt authorized by last year’s bond bill.

The law also includes a plethora of complicated and narrowly-targeted tax off-sets. While a gas tax bill is hardly the proper vehicle for tax reform, under no circumstances could these off-sets be called meaningful relief. Many taxpayers will not see any benefit at all and the few taxpayers who do benefit will do so at the expense of the rest.

However, the law does remove the initial nominating power over the DOT commission from a handful of legislative leaders by abolishing the Joint Transportation Review Committee. The governor now appoints the commissioners, but they must be confirmed by the legislative delegations in each congressional district. The governor also now has the ability to fire commissioners at will. These tweaks to existing law fall far short of true reform – which would be eliminating both the STIB and the DOT commission and making the DOT accountable directly to the governor.

▼ Raises taxes and fees, makes the money available to pay off bond debt instead of repairing roads.
WORST S.404 - TAX CREDIT FOR AGribusiness OPERATIONS

STATUS: Passed Senate, Referred to House Ways and Means

This legislation provides a tax credit to agribusiness or packaging operations that increase their purchase of certified South Carolina grown products by a certain threshold. The tax is capped at $2 million for claimants, and the Coordinating Council for Economic Development would have sole discretion in doling them out to eligible businesses.

The trouble with this bill is that it would artificially limit consumer options and drive up prices. Where to buy the best raw materials for the best price is a market decision and it varies from situation to situation. If this bill passed, small businesses would have to consider not just ordinary market factors, but whether or not they can continue to compete with other businesses who are able to qualify for the tax credit. This is especially concerning because the tax credit is not first-come, first-serve. It is entirely up to government bureaucrats to determine who benefits from this credit and who does not.

▼ Interferes in free market process through special tax favors

WORST S.214 - IMPOSING SALES TAX ON INTERNET COMPANIES

STATUS: Passed Senate, Referred to House Ways and Means

S.214 is aimed at multi-level marketing (MLM) companies. Under this bill, if a South Carolina resident signed up as a dealer with an MLM company and generated $10,000 of sales in one year from other SC residents, the MLM company would have to obtain a retail license and collect sales and use taxes. This bill is tax policy at its worst - complicated, confusing and very difficult to enforce. Even the state Revenue and Fiscal Affairs Office – based on other states’ results after implementing this tax – says that this bill would be unlikely to increase revenue. In addition, the bill would drive up consumer costs and companies would be likely to end their South Carolina affiliate programs if they found the taxes and regulations too burdensome.

▼ Increases the tax and regulatory burden for internet businesses with affiliate programs

WORST H.3726 - PENSION SYSTEM REFORM (S.394)

STATUS: Passed House, Passed Senate, Act No. 13

This legislation sent more money to South Carolina's broken pension system without reforming it. It increases employer contributions to the South Carolina Retirement System by 70 percent over the next six years, and increases employee contributions by 13 percent. The law also includes minor adjustments to the pension system governance structure.

What does this mean for the taxpayer? This law places a massive new obligation on the general fund with no indicator of where the money will come from. Mandating increased employer contributions may well result in tax increases at the local level as well as the state, since many of the employers are counties and school districts as well as state agencies.

It is impossible to know the exact amount of pension system debt, but estimates have gone as high as $74 billion. The legislation did nothing to address the root problems behind the pension's insolvency. The assumed rate of return – the number around which many of the calculations for the...
Solvency of the retirement system are based — is still under the control of lawmakers.

This rate was set by statute at 7.5 percent, and the new law only lowers the rate to 7.25 percent with future adjustments suggested by bureaucrats and approved by lawmakers. To put this in perspective, last year’s actual return on investment was 0 percent. The assumed rate of return should be set and updated by financial experts who are independent of the General Assembly, not lawmakers or bureaucrats who stand to benefit from a high projected rate of return.

The only reform element — a Senate amendment closing the defined-benefit pension system to new employees when the unfunded liability is ended — was struck in conference committee. Lawmakers have promised to visit structural reforms to the system next year.

▼ Sends more money to the insolvent pension system without reforming the underlying issues.

WORST S.426 - MUNICIPALITIES SALES AND USE TAX

STATUS: Referred to Senate Finance

This bill would allow municipalities to impose a one percent sales and use tax for a limited time if the citizens agree to it by referendum. The revenue could go to fund projects, bond debt, and even tax credits — almost anything, provided the proposed uses are spelled out in the referendum and voted on.

The principle here is simple: South Carolinians are already overtaxed and government — state and local — should be operating within its existing means. Further, imposing a tax to offset the burden of another tax or to pay off debt is poor fiscal policy.

▼ Increases the tax burden on the local level and gives municipalities a way to avoid the necessity of fiscal responsibility.

WORST H.3485 - CONSTITUTIONAL AMENDMENT ELIMINATING THE CAP ON PROPERTY TAX HIKES

STATUS: Referred to House Ways and Means

This joint resolution would add a constitutional amendment, upon approval through referendum, that would eliminate the 15 percent cap on property value increases. In other words, the real value of property could climb without limit, allowing the government to tax that property at a higher and higher rate. The property tax — essentially paying rent to the government in order to keep your property — is a gross infringement on property rights. Lifting the cap would be an open invitation for the General Assembly to increase the tax.

▼ Removes the cap that prevents property tax rates from skyrocketing.

WORST H.3075 - TAX CREDIT FOR EMPLOYERS WHO ALLOW EMPLOYEES TO ATTEND THEIR CHILDREN’S EDUCATIONAL EVENTS

STATUS: Referred to House Ways and Means

This legislation would require state employers to allow their employees eight hours a year to attend their children’s non-sporting educational events. It also creates an income tax credit for private-sector employers with at least 50 employees to provide the same benefit for their employees. The credit would equal 50 percent of base pay of the employee for each hour he is absent to attend the educational activity, and could be carried forward for five years.

While encouraging parents to support their children is a worthy goal, workplace policies are individual employer decisions; the rest of the state should not be compelled to subsidize them. A similar bill was filed last year as well.

▼ Uses tax code to entice employers to follow a specific human resource policy.

BEST S.420 - ELIMINATING ROLL-BACK TAXES

STATUS: Referred to Senate Finance

At last, a bill to abolish the onerous agricultural “roll-back taxes.” These are extra property taxes levied when agricultural property is used for non-agricultural purposes. In essence, these and many similar tax laws enable government to tax the same property at different rates, depending on what that property is used for. That has led to arbitrary and punitive taxes. That S.420 would rid the code of some of these laws — even if the bill went nowhere in 2017 — is cause for encouragement.

▲ Eliminates a particularly burdensome property tax.
**BEST S. 275 - BREWERIES CAN GET LICENSES TO SELL LIQUOR**

**STATUS:** Passed Senate, Passed House, Act No. 50

This bill, now a law, permits breweries to obtain a license to sell alcoholic liquor for on-premises consumption, but only in a restaurant portion of the establishment that is completely separate from the area used for the brewing operation. It is important to note that this bill does not eliminate any red tape or regulation. While the new law slightly expands the available business options for brewery owners, every permission it grants requires another license.

▲ Creates more options for brewery owners.

**WORST H.3137 - REGULATIONS ON MICRO-DISTILLERIES AND BREWERIES**

**STATUS:** Passed Senate, Passed House, Act. No. 62

This law is an excellent example of the heavily protectionist regulatory structure that governs the alcohol industry in South Carolina. H.3137 rewards some businesses and punishes others. It expands freedom for micro distilleries and manufacturers by allowing them to offer free liquor samples with mixers (i.e. cocktails). It also increases the permissible sample amount and allows them to sell their products in different bottle sizes. However, it increases the burden on breweries by prohibiting them from offering free beer samples.

Worst of all, the legislation includes an unconstitutional provision limiting the number of retail dealer licenses issued to three locations per business until April of 2018. That regulation was already in the state code, but was struck down by the South Carolina Supreme Court earlier this year. Re-adding the provision for one year – in direct defiance of the court ruling – appears to be an attempt by the legislature to buy time on this restriction.

▼ Reshuffles protectionist regulations in the alcohol industry, and adds an unconstitutional regulation.

**WORST S.115 - MANDATORY ALCOHOL SERVER TRAINING AND CERTIFICATION**

**STATUS:** Passed Senate, Referred to House Ways and Means

S.115 would require those hired to serve alcohol at locations licensed for on-site alcohol consumption, as well as their managers, to receive alcohol server training by an approved provider and to be certified by the Department of Revenue. The department would be permitted to charge fees for authorized training programs and for alcohol server certificates. This bill also grants the department broad authorization to enact any regulations it deems are needed to enforce this law and establishes penalties for violation.

Individuals should not need government permission to engage in lawful activities. The highly protectionist nature of this proposal may be explained by the additional revenue stream it creates.

▼ Increases the regulatory burden on businesses that serve alcohol.

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When lawmakers hand out special tax credits and economic incentive packages to favored industries and businesses, they never do so at a loss: They simply look elsewhere to make up the lost revenue. The numerous new licensing bills in this section – with their accompanying fees – form the flipside to the tax favor bills in the previous section. This is how the state pays for those favors. State regulation is also a way to insulate currently entrenched businesses from competition under the guise of protecting the public. Government occupational licensing is generally unnecessary, as industry standards and certifications exist to ensure quality of service. Policymakers interested in creating wealth and opportunity – especially for citizens at lower levels of income – should concentrate on removing regulations rather than creating new ones.

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**BEST H.3559 - GROWING AND RESEARCH OF INDUSTRIAL HEMP**

**STATUS:** Passed House, Passed Senate, Act No. 37

This legislation allows South Carolina farmers to grow industrial hemp. Twenty permits will be allocated in the first year for 20 acres of land per permit, increasing to 40 permits for 40 acres the year after. Higher education institutions may work with the Department of Agriculture to conduct research on industrial hemp as an agricultural commodity. The law also contains legal protections and regulations for hemp growers, including mandatory testing for Delta-9 tetrahydrocannabinol amounts.

Many other states have passed similar legislation, as hemp is a crop with many possible uses including the creation of fibers, food, fuel, and oils. While this law expands freedom for farmers, it also includes numerous burdensome regulations, and is based on the faulty assumption that government should have any role in what farmers decide to grow.

▲ Permits farmers to grow a new crop on a limited basis.

**WORST S.185 - PROHIBITING THIRD PARTY FUNERAL SERVICE**

**STATUS:** Passed Senate, Referred to House Labor, Commerce, and Industry

S.185 would prohibit funeral service providers from partnering with internet-based companies that advertise funeral services online, then contract with a local company to provide the actual service.

Current law states that companies may lose their license for “aiding and abetting an unlicensed person to engage in the practice of funeral service.” This bill expands that prohibition to include internet companies as well as unlicensed persons or entities. A similar bill that passed the Senate in 2015 attempted to stifle this business approach by requiring the out-of-state funeral service brokers to be licensed. This particular bill simply prohibits them from operating in South Carolina in the first place.

▼ Suppresses internet innovation in the funeral industry and creates a barrier to competition.

**WORST H.3450 - ELECTROLOGY LICENSURE FOR TEACHING AND PRACTICE**

**STATUS:** Passed House, Referred to Senate Medical Affairs

Another regulation that would create two new occupational licenses: one for the practice of electrical hair removal (electrology) and one for those who teach it. The bill also creates an Electrology Licensure Committee under the Board of Medical Examiners to administer the licensing program and regulations.

Leave aside the bureaucratic bloat and potential for abuse inherent in the structure of this system; licensing laws limit the supply of goods and services, burden small businesses, prevent lesser-income entrepreneurs from entering the industry and drive up prices. They are also very effective ways to generate new revenue streams for government. Lawmakers attempted to pass a similar bill last year as well.

▼ Places new regulatory burdens on electrologists.

**WORST H.3038 - LICENSING FOR LOCKSMITHS**

**STATUS:** Passed House, Referred to Senate Labor, Commerce, and Industry

If H.3038 passes into law, locksmiths will need a license. The bill would create a South Carolina Board of Locksmiths to oversee the required locksmith examinations and other regulations established by the bill. Applicants would be required to undergo a background check, and sex offenders as well as those who lost a previously held locksmith license due to fraud or misrepresentation would be ineligible to obtain a license in South Carolina. Supporters argue that licensing locksmiths is necessary to protect the public from bad or unethical locksmiths. Of course, if that were the only purpose of this bill, it would simply require a background check before issuing a license. But it also requires fees, imposes regulations, and establishes an entirely new licensing board.

▼ Imposes regulations on locksmiths, apparently to protect established businesses rather than the public.
### WORST H.3417 - REQUIRING MOBILE BARBER PERMIT

**STATUS:** Passed House, Referred to Senate Labor, Commerce, and Industry

This bill would require mobile barbershops (in essence, barbers who want to make house calls) to obtain a permit from the State Board of Barber Examiners before operating. Under current law, barbers cannot cut hair outside of a brick-and-mortar barbershop. While this legislation would allow barbers more options in conducting their business, it does so by requiring them to obtain yet another license, which in turn produces another government revenue stream. At the very least, lawmakers could easily have added mobile operations to the existing barber license. Occupational licensing schemes drive up consumer cost and restrict industry competition and growth. Businesses should be able to innovate and grow, but this bill attempts to solve a deep-rooted regulatory problem with further regulation.

▼ Stifles innovation by creating additional burdens on small business.

### WORST S.141 - CONSTITUTIONAL AMENDMENT MANDATING A MINIMUM WAGE

**STATUS:** Referred to Judiciary Committee

This joint resolution would – if approved by the voters – amend the constitution to require a state minimum wage that is at least one dollar more than the federal minimum wage, be adjusted annually for inflation, and provide civil causes of action and legal relief for violation. The proper role of the constitution is to establish the structure of government. Policy approaches should be set in state law where they can be adjusted as needed. This particular policy harms both employers and employees and would hit low-income individuals the hardest, as a minimum wage law would limit the number of available job opportunities that can help them build experience and skills.

▼ Drives up costs for businesses and limits employers’ ability to hire.

### BEST S.247 - REGULATION FROM COMMITTEE NOT REPORTED IN 60 DAYS GETS JOINT RESOLUTION TO DISAPPROVE

**STATUS:** Referred to Senate Rules

This resolution is a proposed Senate rule. Under current law, all proposed regulations must go before the General Assembly for approval, but if a joint resolution to disapprove the regulation is not introduced by the committee to which the regulation was referred, it is automatically adopted. The committee to which the regulation was referred would have to report it to the full Senate within 60 days or file a joint resolution disapproving the regulation. This would stop such regulations from taking effect without at least receiving a vote by lawmakers.

▲ Changes Senate rules to prevent automatic approval of agency regulations.

### DEBT AND FEDERAL CONTROL

A free state is not simply one in which individuals are able to prosper; it is also a state that controls its own policy under the sole direction of its citizens. Two things hinder this in South Carolina: the hundreds of millions of bond debt owed by many state agencies, and lawmakers’ reliance on federal dollars, both of which wield a disproportionate amount of influence in state policy decisions. So far, lawmakers only appear to be interested in perpetuating this system rather than ending it.
**WORST H.3343 - BONDS FOR SCHOOL DISTRICT FACILITIES**

**STATUS:** Passed House, Referred to Senate Finance

This bill would authorize the issuance of up to $200 million of bonded indebtedness every year for school facilities. It would also require the school districts to submit facilities plans to the Department of Education, which in turn submits the plans - along with a facilities study and a prioritization report - to the State Board of Education. The General Assembly would then fund the bonds to pay for the projects either by joint resolution or budget proviso – a highly concerning provision, as passing massive debt increases through budget proviso is an end-run around proper process. Every debt increase should be openly debated and voted on separately. Budget provisos exist merely to explain how the appropriated money must be spent and most provisos are never debated. The bill also mandates the creation of a grant fund for nonrecurring school facility maintenance expenses. The problem with public education isn’t the amount of funding, but rather the waste, bureaucracy, and lack of competition within the system. We certainly don’t need to go deeper into debt in order to boost school funding.

▼ Increases school funding through more debt.

**WORST H.3722 - BOND BILL FOR CAPITAL PROJECTS**

**STATUS:** Debate requested, Debate adjourned until Jan. 2018

This legislation is a $497 million bond bill for various state agency projects (nearly half of which would go to higher education). Many of the agencies requesting bond funding did not see major increases in funding in this year’s budget, and lawmakers repeatedly said during budget deliberations that there was little money to spend. The proposed bond funding would go to building and equipment renovation and maintenance. Maintenance and repair should be funded through the annual budget – not paid for by debt financing. The House Ways and Means chairman stated his intent to file similar bond bills every few years. Debate on the bill was postponed until January of 2018.

▼ Pays for agency projects by incurring more debt rather than through the appropriations process.

**WORST H.3233 - ARTICLE V CONVENTION RESOLUTION**

**STATUS:** Referred to House Judiciary

H.3233 is one of numerous resolutions calling for an Article V convention of states to amend the U.S. constitution in various ways. This one proposes adding limits on federal power and jurisdiction, fiscal restraints, and term limits. While no one would argue that the federal government needs additional restraint, the convention of states approach is dangerous. The Article V method has not been used since the constitution was adopted and Article V places no parameters on either the convention process or the topics for debate. The delegates to the convention would be chosen by our state lawmakers – an alarming

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**CITIZEN-CONTROLLED GOVERNMENT**

South Carolina is often referred to as a “legislative state,” as if that were a legitimate form of constitutional republic. What it means in practice, of course, is that a few legislative leaders – people elected only by a few thousand people in one district – run the entire apparatus of state government. These legislators can’t be held accountable by the entire state, and indeed, the vast majority of the state’s residents don’t even know their names. If South Carolinians are ever going to achieve free market reforms at the state level, they will first have to make their government accountable to taxpayers. That will mean establishing clear lines of accountability for all major decisions, making all agencies fully transparent, and eliminating the vast array of boards by which unaccountable legislative leaders control state government.
thought for anyone familiar with South Carolina state government. Finally, amending the constitution would not solve the root problem of bad governance. Many of the solutions these resolutions call for already exist at the state level, with no effect on high taxes, increased spending, or massive debt. More importantly, no constitutional amendment will stop federal overreach as long as state officials keep requesting, accepting, and spending billions of federal dollars and abiding by the accompanying mandates. This resolution is simply a political gimmick from the same lawmakers who empower and continue the practice of federal control through federal subsidies.

▼ Proposes a questionable solution for major federal problems - although state lawmakers refuse to address those same problems at the state level.

WORST H.3352 – TWEAKING THE FREEDOM OF INFORMATION ACT

STATUS: Passed House, Passed Senate, Passed House with amendments, Act No. 67

This law amends the state’s Freedom of Information Act (FOIA) by tightening the time period during which agencies must initially respond to a request for information. It also limits the fees agencies may charge for the search and retrieval of public records. While this will prevent agencies from gouging the public, the fact remains that we are already paying our public employees. Charging taxpayers twice for a public service in the interests of transparency – when most, if not all, of the documents and records in question should be public anyway – is inexcusable and inevitably has a chilling effect on citizens’ efforts to seek transparency from their government. The law also now allows public bodies to seek relief from “unduly burdensome, overly broad, vague, repetitive, or otherwise improper requests.” The overly broad terminology and lack of definition prompts concern that government agencies may now take recourse against citizens for vague reasons. This legislation is typical of lawmakers’ response to the reform movement: It tweaks the existing law slightly while continuing to undermine the goal of complete transparency and accountability.

▼ Slightly adjusts FOIA laws to resemble reform, but allows agencies to seek “relief” from transparency requirements for vague reasons.

BEST H.3146 - SUPERINTENDENT OF EDUCATION MADE GUBERNATORIAL APPOINTMENT (S.27)

STATUS: Passed House, Referred to Senate Judiciary

H.3146 is a constitutional amendment that would change the superintendent of education from an elected position to a cabinet position appointed by the governor with advice and consent of the Senate. There are two elements to making this change: a constitutional amendment removing the superintendent from the list of generally elected officers, and a bill enacting the necessary statutory changes. H.3146 (the constitutional amendment) and S.27 (the statutory changes) both passed their respective chambers and crossed over to the other, where debate will resume in January.

South Carolina previously had one of the highest number of elected statewide officials in the nation. Over the past few years, citizens have voted for the governor to appoint the adjutant general and select his own running mate to be candidate for lieutenant governor, and bills were filed this year to allow the governor to appoint a number of other officers as well as the superintendent of education. These changes will bring greater accountability and clarity to those offices. Very few people know exactly what the secretary of state or adjutant general does, for instance. These should be appointed and held accountable by the governor.

▲ Makes education superintendent accountable to the governor.

WORST S.261 - CLEAN ENERGY FOR COMMERCIAL PROPERTIES

STATUS: Passed Senate, Referred to House Labor, Commerce, and Industry

This bill would allow counties to establish “clean energy districts” to finance clean energy improvements for commercial properties. Property owners would voluntarily consent to be in the program and would agree to a lien in exchange for project financing, the threshold of which would be a minimum of $100,000. Financing could come from a bank loan or “any legally available funds” (in other words, taxpayer dollars) and the savings from the energy improvements must exceed the amount of money invested.
It is neither the role of government nor sound fiscal policy to loan money to private citizens for anything at all, including energy upgrades.

▼ Allows local governments to finance clean energy upgrades for businesses.

**WORST H.4034 - EXTENDING FOIA EXEMPTIONS TO ALL PUBLIC OFFICIALS AND THEIR STAFF**

**STATUS:** Referred to House Judiciary

At first glance H.4034 seems to narrow the near-total exemption legislators currently enjoy from the Freedom of Information Act (FOIA), but on closer inspection it’s not clear that this exception is being reduced at all. Even worse: it’s being expanded to other members of the government. The bill amends current law by extending the FOIA exemption of “working papers” of legislators and staff to the working papers of any elected or appointed public official or their staff. “Working papers” is also further defined to mean “internally created deliberative precursors to legislation, amendments to introduced legislation, or an ordinance.” Because we don’t know how “working papers” was interpreted before, this new definition may not be restricting the exemption at all.

The legislation would also create a new FOIA exemption for written or electronic correspondence sent from a member of the public to a public official, provided the member of the public isn’t a lobbyist, public official, corporation, partnership, or association. What’s notable about this provision is that it would still allow individuals representing special interests to contact a legislator without public knowledge, provided the individual is acting as a “private individual.” Legislator should eliminate this exemption – not expand or redefine it. An identical bill was filed in 2015.

▼ A complicated ethics “reform” that relaxes transparency for government conflicts of interest.

**BEST H.3703 - ELIMINATING THE DOT COMMISSION**

**STATUS:** Referred to House Education and Public Works

This bill would restructure the Department of Transportation (DOT) by abolishing the DOT commission. The bill would also enable the governor to appoint the agency’s secretary with advice and consent of the Senate, allowing the people of South Carolina to hold the governor responsible for the condition of their roads. Reforming South Carolina’s infrastructure system is much simpler than most lawmakers would like to admit. All it would take is making the system accountable to taxpayers – which means shifting power from lawmakers to the governor as this bill does. Until this happens, no amount of added revenue or cosmetic reform will result in effective change.

▲ Places ultimate responsibility for the Department of Transportation in the hands of a statewide official – the chief Executive.
**BEST S.386 - CONSTITUTIONAL AMENDMENT TO HAVE JUSTICES APPOINTED, ELIMINATING JMSC**

**STATUS:** Referred to Senate Judiciary

This joint resolution would allow the governor to appoint judges and would delete language from the constitution that establishes a Judicial Merit Selection Commission (JMSC) to screen and nominate judicial candidates. Under current law, the Commission is entirely appointed by the legislature, which also elects the judges. In any case, lawmakers shouldn’t simply pick the judges who interpret their laws, and these changes would shift the power away from the General Assembly and institute the judicial process created by our founders for the federal system. This reform would go a long way to restore the balance of power in South Carolina.

▲ Creates better separation of powers by removing lawmakers’ control over the judicial system.

**BEST S.96- REQUIRING JUDICIAL MERIT SELECTION COMMISSION TO SUBMIT NAMES OF ALL QUALIFIED CANDIDATES**

**STATUS:** Referred to Senate Judiciary

This legislation would require the Judicial Merit Selection Commission (JMSC) to submit the names of every qualified judicial candidate to the General Assembly, instead of the Commission’s top three picks. Under current law, the Commission is entirely appointed by the legislature, which is a far cry from the independent judicial selection committee recommended by the American Bar Association. This change would turn the commission into a screening committee instead of a nominating committee, marginally decreasing the power of the unaccountable JMSC. While the previous bill – S.386 – would enact the ideal system, this change would be at least a step in the right direction.

▲ Slightly decreases lawmakers’ power over the judicial system.

**WORST S.110 - LEGISLATIVE DELEGATIONS MAY REMOVE GOVERNOR’S APPOINTMENT POWER OVER SPECIAL PURPOSE DISTRICTS**

**STATUS:** Referred to Senate Judiciary

Special purpose districts are local areas created by the General Assembly to provide certain services (recreation, sewer treatment, etc.) but are basically vehicles for additional taxation. South Carolina has over 500 special purpose districts, and they are often notoriously unaccountable to the districts they serve. Some districts are governed by boards appointed by the governor. This bill would allow the governor’s appointment power to be transferred to the local county council by the county legislative delegations. There is no need for these districts to exist at all, even if they are controlled by local governments, as local governments could just as easily provide the services these districts are responsible for. This bill’s attempt at imposing accountability would simply give more power to legislative delegations - who already hold too much control over their counties.

▼ Shifts the balance of power even more off-center in favor of the General Assembly without making special purpose districts more accountable.

**BEST S.145 - BIENNIAL STATE BUDGET**

**STATUS:** Referred to Senate Judiciary

This bill would enact a biennial state budget to be considered and passed every two years instead of annually. However, the General Assembly would be permitted to enact a supplemental appropriations bill or a capital reserve fund appropriations bill every year. Adopting a biennial budget would be a positive reform, but the possibility for supplemental appropriations bills would likely negate any good this bill would otherwise do.

▲ Attempts to limit lobbying and spending opportunities as well as reducing the need for a lengthy session.

**WORST H.3090 - ADVISORY REFERENDUM TO RAISE MEMBERS’ SALARIES**

**STATUS:** Referred to House Judiciary

This joint resolution calls for an advisory referendum of voters in the election of 2018 asking if legislators’ salaries
should be raised from $10,400 to $42,830 – basically a taxpayer-funded public relations campaign for legislative raises. Lawmakers each receive mileage compensation, free office mailing, in-district payments, per diem, and, arguably the most profitable benefit of all, their pensions. This increases their total compensation far above $10,400. The greatest impediment to ordinary citizens stepping up to serve in legislative office is not the low rate of pay but the length of session - one of the longest in the country. This is because lawmakers insist on not merely passing laws but also running state government. Aside from that, while the amount of the raise is specified in the joint resolution, the amount is not included in the actual ballot question. This deceptive move would allow lawmakers to claim public support for an amount the taxpayers did not approve or even consider.

▼ Allows lawmakers to hide their budget votes.

WORST H.3179 - ROLL CALL VOTING ON GROUPED BUDGET SECTIONS CAN BE AUTHORIZED BY RULES

STATUS: REFERRED TO HOUSE JUDICIARY

This bill would remove the roll-call requirement for each section of the annual budget. Legislators would be able to vote for multiple sections at the same time, with the number of grouped sections determined by individual chamber rules. This bill would largely defeat the purpose of the roll call voting requirement, which is to ensure citizens know how their legislators voted on any one particular measure. Conflict of interest problems would make it more difficult for legislators who have financial interest in one of the sections to abstain from voting on bundled sections of the budget (a doctor who sees Medicaid patients, for example, would have an interest in the Department of Health and Human Services budget).

Roll-call voting on each budget section was an SCPC reform passed in 2011. It was the first time in many years that citizens rose en masse to put a stop to one component of legislative hegemony in South Carolina. The goal was to force lawmakers to debate and vote on the individual elements of the budget rather than rubberstamping the whole thing. Even with this reform in place, there is very little discussion of what is actually in the budget. Lifting the roll-call voting requirement would not only lessen the discussion, but would allow lawmakers to hide their votes on the most important bill passed every year.

▼ Allows lawmakers to hide their budget votes.

WORST H.3529 - ONLY LAWMAKERS CAN REGULATE PLASTIC BAGS

STATUS: Passed House Labor, Commerce, and Industry Committee, Continued by House

If H.3429 passed, local governments would be stripped of the ability to pass taxes, regulations, or bans on the use of plastic bags or other “auxiliary containers” (containers made of styrofoam, cardboard, aluminum, etc.) and these regulations could only be passed by the General Assembly. This bill was filed to overrule a specific plastic bag ban by a coastal local government, although the legislation would extend to the entire state. If the people of a particular area support a plastic bag ban, to override that policy at the state level is to impose the will of the rest of the state on that one area. This is a flagrant violation of representative government - the foundation of our entire system of government at every level.

▼ Usurps local control in an attempt to protect businesses from overregulation.
WORST H.4091 - CHANGES TO THE BOARD CONSTITUTION FOR THE PIONEER RURAL WATER DISTRICT BOARD

STATUS: Referred to House Labor, Commerce, and Industry

This bill targets the Pioneer Rural Water District, the water utility serving parts of Anderson and Oconee counties. Although this is a government-created special purpose district, it is controlled by the people through a ratepayer-elected board. This bill would strip citizens’ ability to control their own water district. The governor would appoint the board members based on the recommendation of the county’s legislative delegations – which would likely result in the legislative delegations handpicking the board members. The bill would also prevent the district from building a water treatment facility – a protectionist provision intended to force the water district to continue buying water elsewhere. Many public utilities are monopolies with little to no citizen control. This particular district is at least accountable to the people it serves. It would be a gross misuse of power give its control to state government.

▼ Usurps customer control over a local water district.

WORST S.354 - EXEMPTING CRISIS STABILIZATION UNIT FACILITIES FROM CON LAW

STATUS: Passed Senate, Passed House, Act No. 10

This legislation exempts mental health facilities (“crisis stabilization unit facilities”) from the onerous Certificate of Need (CON) process, although it would still require them to be licensed. The CON process requires medical providers to obtain government approval (a proof of “need”) before offering new medical services, etc. In other words, it allows government to stifle competition in the medical industry. Exempting only one type of medical facility from the CON process works much like a tax favor in that the government is essentially picking winners and losers in an industry by determining who is subject to the regulation and who is not. Accordingly this type of approach is one way government attempts to stimulate business, which is not the role of government in the first place. A bill to completely abolish the CON (H.3131) was filed this year although it did not pass out of committee.

▼ Attempts to manipulate growth in a specific area of the healthcare industry with special regulatory favors.

BEST H.3132 - LICENSING FOR MULTIPLE HOSPICE LOCATIONS

STATUS: Passed House, Passed Senate, Act No. 61

This law allows hospice licenses to be expanded to include multiple locations. While no fee for registering a new location is mandated, existing law does allow the Department of Health and Environmental Control to charge whatever fees they deem necessary. The multiple locations are subject to the same regulations and inspections the primary hospice facility is subject to. While this is still an occupational licensing law, it does expand freedom as much as possible within the existing regulatory structure and does not mandate a fee for doing so.

▲ Allows more freedom for hospices to grow and expand.

WORST H.3809 - REQUIRING HEALTH INSURANCE TO PAY FOR 12-MONTH CONTRACEPTIVE SUPPLY

STATUS: Passed House, Referred to Senate Banking and Insurance

Health insurance policies providing contraceptive coverage would be required under this bill to provide
reimbursement for a 12-month refill of contraceptive drugs. It would also require that all Medicaid health plans include the same 12-month supply. Micromanaging mandates like this is one reason healthcare costs have skyrocketed.

▼ More regulation for health insurance companies.

BEST H.3353 - EXPANDING SCOPE OF PRACTICE FOR PODIATRISTS

STATUS: Referred to House Medical, Military, Public and Municipal Affairs

This legislation would expand the authorized scope of practice for podiatrists to the ankle as well as the foot. Ideally these regulations should be the sole purview of the industry, not state government.

▲ Expands freedom for podiatrists.

BEST S.345 - DUTIES OF NURSE PRACTITIONERS AND REGISTERED NURSES

STATUS: Referred to Senate Medical Affairs

If S.345 passed, nurse practitioners, certified nurse midwives, and clinical nurse specialists would be allowed to practice independently, subject only to a collaborative practice arrangement with a physician. Current law requires them to work under a doctor’s supervision.

The healthcare industry is one of the most over regulated industries in the country, which serves to both drive up costs, decrease innovation, and limit patient access to care. This reform would be an excellent step in the right direction and has been passed by a number of other states.

▲ Allows more freedom for nurse practitioners.

WORST H.3443 - MEDICAID EXPANSION

STATUS: Referred to House Ways and Means

H.3443 would expand Medicaid to cover adults sixty-five years of age and younger who are at or below the specified income level. This expansion is one that legislators have attempted to pass before in various forms.

Government healthcare in general is both bad policy and impractical, but Medicaid expansion is particularly so. The incentive to expand Medicaid is the promised federal funding to cover the initial expansion. However, that funding will be reduced to 10% of cost by 2020, leaving states to shoulder most of the newly-increased financial burden themselves. Medicaid expansion would be one more financial drain that South Carolina cannot afford.

▼ Expands government-funded healthcare.

BEST H.3546 - DIRECT PRIMARY CARE CONTRACTS ARE NOT INSURANCE CONTRACTS

STATUS: Referred to House Labor, Commerce, and Industry

This bill exempts direct primary care agreements (an alternative healthcare payment model) from regulation by the Department of Insurance. This bill would encourage innovation in the healthcare industry and provide more flexibility for South Carolinians choosing their healthcare plans.

▲ Protects alternative healthcare approach from government regulation.

BEST S.212- MEDICAL MARIJUANA

STATUS: Referred to Senate Medical Affairs

This legislation would allow cannabis to be produced and distributed by authorized facilities to authorized patients and their caregivers for treating debilitating medical conditions. All production, distribution, purchasing, and usage would be heavily regulated by the Department of Health and Environmental Control, with strict penalties for violation. The bill also contains legal protection for anyone acting under its provision.

While the heavy regulations in the bill are quite burdensome, this legislation would still be a step in the right direction. Medical professionals and patients, not the state, should be the primary judges of appropriate medical treatment.

▲ Allows the production and distribution of medicine.
After decades of funding increases, why does South Carolina’s education still perform poorly relative to those of other states? The answer: What improves educational performance isn’t money; it’s choice. Where there is no choice, there is no competition: and where the vast majority of citizens are limited to only one educational product, the producers of that product have no incentive to improve it. When that changes – when South Carolina taxpayers are given more choices in how they use the resources they’ve paid for – South Carolina schools will improve. As long as it remains the same, they won’t.

**WORST H.3220 - REINSTITUTING THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL**

**STATUS:** Passed House, Passed Senate, Act No. 35

Act No.35 creates the Education and Economic Development Coordinating Council, a 29-member board comprised of various agency heads and education representatives. The council’s role would be to advise and report on the implementation of the South Carolina Education and Economic Development Act which mandates that career awareness and exploration be incorporated into the public school curricula.

This law reflects the General Assembly’s push toward workforce development, which is a euphemism (at least when used by elected officials) for statewide central planning. Setting aside the question of how effective a 29-member board will actually be, the state already spends tens of millions of dollars on existing workforce training programs every year. Attempts by the government to mold and direct the labor force will result in a misallocation of resources and hinder economic growth. Interestingly, state law formerly required an Education and Economic Development Coordinating Council, but it was repealed in 2005.

▼ Furthers the transformation of education into economic central planning.

**WORST H.3427 - COMPUTER SCIENCE PUSH IN HIGH SCHOOLS**

**STATUS:** Passed House, Referred to Senate Education

This bill would require all public high schools to teach a computer science course. This course must meet the standards the State Board of Education is instructed to develop. The bill also authorizes the “South Carolina Computer Science Education Initiative” as a push toward workforce development in the computer science industry. Finally, the bill instructs the governor to develop criteria and a process for designating a STEM (science, technology, engineering, and mathematics) community or region, likely in an attempt to qualify for additional federal funds. Due to the fast-changing nature of the industry, computer science is a field particularly incompatible with government bureaucracy, education standards, and workforce development. The tech industry is not likely to see noticeable growth if this bill passes.

▼ Mandates computer science courses in schools.

**WORST S.339 - CREATING A TECH SCHOOL SCHOLARSHIP PROGRAM**

**STATUS:** Referred to Senate Education

This bill would create a technical college scholarship program. The scholarship would cover the entire tuition cost, but recipients would have to participate in a mentorship program in which they would receive financial planning and develop a “student success plan.” The scholarship would include a stipend of up to $1,500 to cover additional costs such as textbooks.

The state is already funding colleges and universities and existing scholarship programs at astronomical levels. Further increasing the taxpayer burden is both unwise and unnecessary.

▼ Increases higher education spending with another taxpayer-funded scholarship program.
BEST H.3053 - LIMITS HIGHER EDUCATION TUITION INCREASES

STATUS: Referred to House Ways and Means

This proposed legislation would prohibit higher education tuition rate hikes during the four years following a student’s initial enrollment, or for eight semesters. Part-time undergraduate students would be eligible for a prorated per-credit amount based on their fixed tuition rate. This bill would be a simple, equitable and effective way to limit the soaring costs of higher education for students and their families.

▲ Prevents college tuition from skyrocketing on students.

WORST S.33 - WIFI IN SCHOOL BUSES AND BUS AVAILABILITY ON NON-SCHOOL DAYS

STATUS: Referred to Senate Banking and Insurance

If this bill passes, the state would have to permanently fund internet at every K-12 school in the state, and on every single school bus. The school buses would have to be available to students year-round, including during the summer and on weekends. This is a low priority expenditure. Students have long received an education without access to wireless internet, and there’s no reason to believe it is vital to receive an education today. If school districts wish to have access to wireless internet, its installation and maintenance should be funded at the local level.

▼ Imposes an ill-advised, costly, and burdensome mandate on the education system.

WORST H. 3945 - SEAT BELTS ON SCHOOL BUSES

STATUS: Referred to House Education and Public Works

This legislation mandates that all school buses put into service after August 1, 2020, must be equipped with lap seat belts, which must be fastened on each passenger at all times during vehicle operation. The bill states that the driver must make sure all children are buckled, but that no claim for damages can arise if the driver fails to do so. The only thing that can be said for this bill is that it’s feel-good legislation that “does something.”

▼ Mandates an unenforceable regulation on school districts.

WORST H.4182 - CREATION OF ENTERPRISE DIVISIONS

STATUS: Referred to House Ways and Means

H.4182 would allow college and university boards of trustees to create new government entities within their public universities. These mini-governments (called “enterprise divisions”) would have numerous broad powers with very little state oversight or accountability, including bond issuance, acquisition of property and capital project construction. Most of these powers are specifically exempted from state oversight - including the oversight of the Commission on Higher Education (CHE) - and are solely accountable to the boards of trustees. Worse, these broad powers of procurement include eminent domain.

The enterprise divisions could use revenue from athletic programs as bonding streams, but only if the university’s athletic program generates at least $40 million per year – clearly targeting South Carolina’s largest universities. Universities already have substantial bonding power, but are subject to the oversight of the state and the CHE. The creation of an enterprise division would allow a university to bond for capital projects completely independent of CHE oversight. Some universities may find that provision welcome in light of the CHE’s recent pushback to higher education spending and debt proposals, but it has alarming implications for the taxpayers who fund the public universities and would likely be forced to pick up the tab for a university that defaults on its debt. Even more troubling is the idea of handing eminent domain powers to university boards of trustees. Lawmakers attempted to pass a similar bill in 2013 that would have created an enterprise division just at Clemson University.

▼ Creates unaccountable bonding entities within the higher education system.
INDIVIDUAL & CIVIL LIBERTIES

Wherever possible, South Carolinians should enjoy freedom from government coercion. Unnecessary coercion inhibits economic dynamism, compromises citizens’ quality of life, and always costs more than public officials anticipate. If the argument for limiting individual freedom isn’t obvious and overwhelming – that is, if the argument for doing so is speculative or has reference to some dubious goal like “jobs” or “more revenue” or “economic development” – our elected officials should reject it.

BEST H.3240 - CWP RECIPROCITY

**STATUS:** Passed House, Referred to Senate Judiciary

H.3240 is a reciprocity bill that would require South Carolina to recognize concealed weapons permits (CWPs) from every state that recognizes South Carolina’s CWP. Under current law, South Carolina recognizes out-of-state CWPs only if that state imposes training and background check requirements as part of their CWP application process. Keeping and bearing arms is a right and not a privilege, and citizens should not require permission from the government to exercise this right. This bill would be a step in the right direction as it allows more freedom to gun owners from out of state.

▲ Acknowledges carry permits from all reciprocal states.

BEST H.3930 - PERMITLESS OPEN CARRY

**STATUS:** Passed House, referred to Senate Judiciary

H.3930 would allow individuals to carry handguns in public without a permit, either openly or concealed.

WORST S.88 - INCREASED REGULATIONS ON GUNS

**STATUS:** Referred to Senate Judiciary

This legislation would make property owners who prohibit concealed carry on their premises liable for any injury that CWP holders may suffer during the commission of a crime on those premises. This measure is both unjust and ill-advised due to the voluntary nature of CWP holders’ presence on gun-free premises. This bill also allows permitless carry by individuals being mandatorily evacuated during a state of emergency and creates a new “institutional carry permit” which would enable holders to carry in schools, hospitals, etc. Finally, the bill requires identifying stickers to be placed on CWP holders’ vehicle license plates. The latter provision would clearly identify CWP holders, negating the reason for concealment.

▼ A plethora of new gun regulations, including a new carry permit.

WORST H.3181 - UNIVERSAL BACKGROUND CHECK ON GUN TRANSFERS AND PURCHASES

**STATUS:** Referred to Senate Judiciary

This is one of a number of bills filed this year that would require more background checks for gun purchases. This particular bill would require a background check for every single firearms purchase or transfer (including those at gun shows), and the gun could not change hands until the background check is completed with no flags for the would-be purchaser.

▼ Infringes on personal liberties while doing little or nothing to reduce violent crime.
WORST H.3183 - INCREASED PENALTIES FOR HANDGUN OFFENSES

**STATUS:** Referred to House Judiciary

H.3183 is a plethora of attacks on the second amendment. The bill would ban assault weapons (after defining them). It would drastically increase the penalties for selling a gun to someone legally prohibited from owning one and make possession or carrying violations a felony offense. It would also make it a felony offense to sell a gun to someone on the consolidated terrorist watch list administered by the FBI - a backdoor way to force universal background checks. A number of other bills containing some of these elements were also filed, although none made it past committee.

▼ Chips away at second amendment rights instead of protecting them.

WORST H.3217 - PENALTIES FOR FAILING TO REPORT STOLEN OR LOST FIREARM

**STATUS:** Referred to House Judiciary

This bill would require any firearm dealer or owner to immediately report the loss or theft of a firearm to law enforcement. How this law would be enforced is unclear. If law enforcement finds a lost or stolen gun, it would be very difficult to prove that the original owner willfully failed to report the loss of the weapon and wasn’t simply unaware of the loss. It would also be difficult to trace back any lost or stolen gun to an individual absent a mandatory statewide gun registry.

▼ Places undue burden on lawful gun owners by making it a crime to not report stolen guns.

WORST H.3239 - PROPERTY OWNERS LIABLE FOR INJURIES OF CWP HOLDERS

**STATUS:** Referred to House Judiciary

H.3239 is a poor attempt to promote second amendment rights at the expense of property rights. Under this bill, if an owner posts a sign prohibiting concealed weapons on his or her property, and a concealed weapons permit (CWP) holder is injured on the premises, the owner would be liable for the injuries. This approach fails to factor in the fact that the CWP holder’s presence in a gun-free location was entirely voluntary. Equally ridiculous is the fact that of all the injuries sustained in this imaginary situation, the property owner would only be liable for those of the CWP holders.

▼ Penalizes citizens for prohibiting concealed carry on their own property.

BEST H.3248 - CWP ON COLLEGE CAMPUSES

**STATUS:** Referred to House Judiciary

This bill would allow concealed weapons permit holders to carry on college campuses. Government should not hinder citizens from exercising their constitutional rights in any location unless there is a strong and compelling reason involving another inalienable right – such as the lack of permission of a property owner. No such compelling reason exists for college campuses.

▲ Removes unwarranted restriction of second-amendment rights on college campuses.

WORST H.3205 - CERTAIN GOVERNMENT OFFICIALS CAN CARRY WHERE CITIZENS CANNOT

**STATUS:** Referred to House Judiciary

Under this bill, judges, magistrates, solicitors, clerks of court, and workers’ compensation commissioners could carry concealed anywhere in the state, whether they are active in their positions or retired. Current law only allows most of these officials to carry concealed anywhere in the state when they are carrying out the duties of their office. It’s difficult to see any justification for giving public officials, whether active or retired, a special privilege denied to other citizens.

▼ Ensures firearm freedom…but only for certain public officials.

WORST S.310 - CAMDEN ANNEXATION

**STATUS:** Passed Senate, Passed House, Vetoed by Governor, Committed to Kershaw County delegation

This legislation would permit the town of Camden to annex a specific commercial property by ordinance upon a finding that the property constitutes a danger to the safety and health of the community due to dilapidation, lack of ventilation, light, and sanitary facilities, etc.
Allowing the seizure of private property by ordinance regardless of the consent of the owner is a flagrant violation of property rights and would set a very dangerous precedent in South Carolina. In addition, this bill is targeting a specific piece of property (a strip mall). This is a violation of one of the most basic principles of good government – that legislation (at any level) should never target specific individuals or businesses. Two other annexation-by-ordinance bills were filed, although neither made it out of committee. Local bills like this one are usually sent to the appropriate county delegation in lieu of the normal committee process. After the governor vetoed this bill, it was sent back to the appropriate county delegation – normally an indicator that the bill will not proceed any further in the legislative process.

▲ Expands the already substantial powers of government entities to exercise eminent domain.

WORST H.3896 - PROPERTY OWNERS MUST KEEP PROPERTY ACCEPTABLE

STATUS: Referred to House Judiciary

This bill is a blatant attempt to regulate private property. It gives county government the power to enact an ordinance requiring residential and commercial property or lots to be free of trash. Anything that is deemed as a public nuisance must be cleared from the premises. County government can notify an owner if her property must be cleaned up. A county official could even clear the debris or unsightly material from the property himself. This “service” could then be charged to the property owner as a county tax. This is another piece of legislation that chips away at property rights. The government should not be permitted to trespass on private property in the name of a good clean-up.

▼ Allows local governments to dictate maintenance of private property.

BEST H.3210 - RETURNING SEIZED PROPERTY AFTER 30 DAYS WITH NO CHARGES

STATUS: Referred to House Judiciary

Currently, when property is seized through civil asset forfeiture, law enforcement is permitted to keep the property indefinitely. This bill would require seized property to be returned after thirty days, if no criminal charges have been filed against the property owner. Also, the bill would not require the owner to prove they obtained the property legally or to sign a liability waiver protecting law enforcement before the property is returned.

▲ Prohibits police from holding seized property indefinitely without due process.

WORST H.3003 - CONTENT BLOCKING FOR ALL INTERNET DEVICES

STATUS: Referred to House Judiciary

This legislation would prevent computers from being sold or distributed in South Carolina without an active filter for obscene content. The filter could be deactivated by the consumer after payment of a $20 fee, provided the consumer is not a minor. The fees would go to the Human Trafficking Task Force and the Internet Crimes Against Children Task force.

This bill is the first step down the slippery slope of limiting the free access to information. Further, it betrays a fundamental lack of understanding of how internet technology works. If enacted, it would accomplish nothing except to establish a dangerous precedent and create a new revenue stream for government.

▼ Attempts to regulate individuals’ internet access.

WORST S.255 - DONOR DISCLOSURE

STATUS: Referred to Senate Judiciary

S.255 is a direct attack on free speech – particularly political speech, or the right to speak up in criticism of government and politicians. Specifically, the bill would require groups engaging in “election communication” – broadly defined as communication that supports or opposes a candidate, ballot initiative, or influences an election – to disclose not only their top donors but also the donors’ mailing address, occupation, and employer. Groups that aren’t currently required to disclose their donors, moreover, would face tougher reporting requirements at the state level than full-on political action committees that are directly involved in elections. Unlike other recent attempts to regulate free speech, which would have applied only in the run-up to an election (30 days before a primary election, 60 days before a general), this bill would apply year round. This legislation would have a profound
chilling effect on criticisms of politicians and citizen involvement. Lawmakers have attempted to pass similar legislation for several years now, and will likely attempt to pass this one next year.

▼ Regulates citizens’ right to criticize public officials, and runs directly counter to numerous court rulings.

WORST S.147 - PROHIBITION OF HATE CRIMES

STATUS: Referred to Senate Judiciary

This is one of several hate crimes bills filed this session, none of which made it past committee. This particular bill would make it a felony to assault, intimidate, or threaten a person because of his race, religion, color, sex, age, national origin or sexual orientation. Hate crime laws violate freedom of speech by punishing an individual not for something he or she did, but for something felt or thought or said. Second, the federal government already has hate crime laws; state equivalents would be redundant.

▼ Creates and penalizes thought crimes.
To see how your legislator voted on bills in Best & Worst 2017, please visit scstatehouse.gov/votehistory.php.

The state appropriations bill does not include federal money funding the food stamp program (SNAP). In 2013, SNAP funds (estimated at $1.5 billion for fiscal year 2013-14) were moved “offline” into an unbudgeted account and have been unaccounted for in state budget documents since then. It’s unknown how much money the federal government will disburse to South Carolinians through the SNAP program in fiscal year 2017-18, but the total for fiscal year 2016-2017 was $1,004,848,930 (not counting the month of June, for which the numbers have not been reported).
To see how your legislator voted on bills in Best & Worst 2017, please visit scstatehouse.gov/votehistory.php.
To see how your legislator voted on bills in Best & Worst 2016, please visit scstatehouse.gov/votehistory.php.

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