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Over the years, when talking about what goes on inside the South Carolina State House, I’ve learned not to say the words “They can’t do that.” It’s often tempting to say it because what lawmakers frequently propose looks obviously illegal – or at least, let’s say, legally irregular.

The temptation, though, is to assume that the clear meaning of the law should hinder South Carolina lawmakers, and we’ve seen too many times that, for the state’s all-powerful legislature, the law just doesn’t get in the way.

- Recently, for example, we’ve watched as the state Senate introduced and debated a tax increase – this despite the clear wording of the state constitution allowing only the House to introduce bills that raise revenue.

- We’ve seen both House and Senate repeatedly engage in a practice called “bobtailing.” That happens when members can’t get a bill passed on its own merits. Instead of conceding defeat or trying again, they slip the text of the legislation into a larger unrelated bill and hope nobody notices. The state Supreme Court has repeatedly struck down the practice as unconstitutional, but the legislature keeps doing it – and getting away with it.

- After years of SCPC calling attention to it, lawmakers still disregard state law mandating joint open session on the executive budget at the beginning of every legislative session. It’s not that lawmakers cut corners on the law, or merely gesture at following it. They simply ignore it. And if you ask legislative leaders why they don’t follow it, they call the law “antiquated.” (Try that the next time you’re stopped for speeding!)

- Once again in 2016, the legislature elected a round of immediate family members to powerful university boards – despite a state law banning such nepotistic appointments.

- South Carolina has far and away the weakest financial disclosure laws in the country, but it does require elected officials to disclose government contracts. Many of them simply don’t do it.

I could bore you with this stuff for the entire newsletter, but you get the point. Any time those of us find ourselves saying, “But they can’t do that!” – it’s probably better to back up and assume they can and will.

That brings us to the subject known as “ethics reform.” I’ve begun to dislike that term, mainly for two reasons. First, it’s boring. Hands up, who wants to have a long debate about ethics reform? Right – didn’t think so.

Second, the term fails to convey the seriousness of what we’re up against. The problem is full-on corruption, not a few “ethical” lapses. We’re not talking about a few lawmakers failing to file their campaign disclosure reports on time, or accepting donations over the limit. We’re not talking about a few lawmakers technically violating a House or Senate rule.

What we’re talking about is lawlessness.

The attitude among many lawmakers, and particularly among legislative leaders, is that the legislative body does what it wants. Of course, they won’t put it like that. They’ll admit, for sure, that ours is a “legislative state” (as if that term somehow makes it okay that one branch dominates the other two branches of a republic). But South Carolina lawmakers honestly believe – and many of them will say this, or something like it, openly – that since the General Assembly consists of lots of officeholders instead of just one, it’s therefore safe to invest unilateral, unaccountable power in the legislature. But as John Stuart Mill argued in 1832, tyranny is tyranny – whether it’s in the executive or the legislature. “How absurd to say that the same check which is required by a king, is not required by a House of Commons. Have a hundred despots ever been found to be less evil than one?”

The general attitude of lawlessness that exists in the legislature – an attitude cultivated by decades of unchecked power – simply has to be stopped before we can move forward on genuinely needed reforms in education, taxes, regulation, and state spending.

So as you consider what we’ve accomplished so far, I’m asking you to stay with us. Thanks to your constant support and encouragement, we’re closer than we’ve ever been to tearing down the system of unaccountable power and legalized corruption. As you’ll see in the following pages, we’re on the verge of something special in South Carolina.

Thank you, and let us hear from you.

Ashley Landess

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**Up from Tyranny**

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The South Carolina Policy Council was founded in 1986 as an independent, private, non-partisan research organization to promote the principles of limited government, free enterprise, and individual liberty and responsibility in the state of South Carolina.

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For several years the Policy Council has advocated a shorter legislative session. South Carolina’s session is among the nation’s longest, stretching from January to June. When lawmakers spend more time in Columbia, they spend more time with lobbyists and other special interests, and less with their constituents. We’ve proposed ending session on the second Friday in April or capping the session at no more than 45 legislative days.

When we first proposed shortening session, the idea fell on deaf ears. For the last three years, though, session shortening bills have made headway. Finally, this year the legislature passed one and the governor signed it. The problem? It only shortens session by three weeks, and a glaring loophole will allow legislative leaders to use two of those weeks if they “need” to. In other words, lawmakers shortened the state’s half-a-year session by . . . one week.

Something similar happened on restructuring the Department of Transportation. As you probably know, South Carolina’s road funding system is crippled by the fact that it’s run by a coterie of legislators and their appointees – most of whom you haven’t heard of – and no one statewide official is accountable for much of anything. Feeling three years’ worth of pressure to reform the system, they finally passed a bill – mainly, it seems, to say they passed something. The bill reshuffles the current arrangement but does nothing to make the governor accountable for it, and indeed gives lawmakers more power over the system. Despite stating numerous misgivings, Gov. Haley signed the bill. But the system will still be run by legislative leaders you can’t vote for. Unfortunately, the fight will have to continue.

The 2016 session did see a few small victories, however. One was a “right to try” bill that allows terminally ill patients to bypass regulations and try medications that haven’t yet received government approval. Another mandates that the state recognize concealed weapons permits from Georgia. Still another – a bill SCPC first brought to the public’s attention – specifically bans private companies from exercising powers of eminent domain.

Lawmakers will return to Columbia later this summer to take up the governor’s vetoes. Check our website for the latest.
The Nerve, SCPC Spark Major Changes
Changing Behavior, One Agency at a Time

-The 2016 edition of Project Conflict Watch – an attempt to get lawmakers to voluntarily disclose their income, since legally they don’t have to tell citizens who pays them – has gotten a substantial number of lawmakers to participate. Indeed, one senate primary race has become a contest to see who can disclose the most.

-We wanted to know whether and, if so, why the Department of Transportation was using the same poorly performing construction firms. Did it have something to do with the firms’ connections to DOT commissioners, for example? So we submitted Freedom of Information requests for DOT’s rankings of contracting firms, and the end result was that DOT decided to make all its rankings publicly available. As this newsletter goes to press, several mainstream media reports have analyzed the information and put hard questions to DOT policymakers.

-Several reports by SCPC and The Nerve on that secretive state-owned “company,” the South Carolina Research Authority, bore fruit recently when the agency’s “CEO” resigned. His resignation took place the day after The Nerve published a lengthy report on his and his agency’s out-of-control behavior.

-The Nerve’s reporters exposed the truth about a bogus and corrupt “penny tax” scheme that’s illegally enriched Columbia politicians and their friends. The result? The now totally discredited scheme has been frozen by the Department of Revenue, and at least one official has resigned in disgrace.

-At the local level, The Nerve published a report on the Richland County Recreation Commission revealing rife corruption among public officials – bribery, extortion, and outright theft. A few days after the story went live, the FBI announced it had launched an investigation.

-For two years now, lawmakers have tried to pass a bill cracking down on what the bill’s supporters call “dark money.” In reality it’s an unconstitutional attempt to exempt themselves from criticism by forcing nonpolitical organizations to expose their financial supporters to intimidation. We’ve exposed it in several different media, and consequently – so far – the bill has fallen flat.

-And in the aftermath of The Nerve’s report on a gigantic debacle at the University of South Carolina – the university seems to have wasted several million dollars as a result of sheer incompetence and favoritism – the state’s Inspector General launched an investigation.

-Once again, session has ended without an increase to your gas tax, despite constant demands from special interests to raise it. Although the legislature unfortunately got away with passing a “reform” bill that won’t reform anything, South Carolinians at least won’t pay for politicians’ failures with an increase at the gas pump. Now – onward toward the goal.
On Wednesday, March 11, both the South Carolina Inspector General and the University of South Carolina confirmed a formal investigation into procurement and personnel practices centering around the University Technology Services (UTS) Department brought to light through a series of reports published on *The Nerve* in March.

From USC spokesman Wes Hickman:

“In March, President Pastides, in consultation with the Board of Trustees, made the decision to ask the state’s Inspector General to conduct an independent and thorough investigation into several personnel and procurement allegations related to OneCarolina and the Division of Information Technology. Let me be clear, the university has no evidence there was any wrongdoing. The IG’s report will allow us to clear the air or take appropriate action if necessary.”

From Inspector General Patrick Maley:

“I can confirm we are looking into IT procurements at USC based on similar allegations raised in your reporting.”

A source has also confirmed to *The Nerve* that the FBI has been made aware of the allegations and “stands ready” to assist should the IG ask.

To read the stories that led to this decision by the state’s top investigator, go to thenerve.org/onecarolina.

Find *The Nerve* on social media! @thenervesc thenerve.org
At SCPC, we love South Carolina.

Our state could become the most prosperous, safest, and best educated in the nation. What it needs isn’t “better government,” better politicians, or more federal help. **What it needs is the freedom to create and invent in the absence of official dictates.**

If you share our vision of what South Carolina could be, please join us.

If you haven’t already, consider filling out the attached reply envelope with a generous gift, or call us at 803-779-5022, extension 114. Thank you!

Alex Kiriakides
former SCPC board member and current supporter
what our members are saying

Alex Kiriakides
former SCPC board member and current supporter

“I’ve been involved with the Policy Council for over 20 years as a member and former board member. [SCPC is] the best and only source in South Carolina for non-partisan, truthful analysis on state-wide issues. My favorite product/service of the Policy Council? Honestly, it’s impossible to choose one service over another! I’m a big fan of the research team’s ability to analyze how legislation will affect everyday South Carolinians in a tangible way and applaud the investigative reporting of The Nerve.

Roy Plekenpol
SCPC supporter

“I’ve been supporting the Policy Council for over 7 years and learned about your work after seeing Ashley speak at an event. I also had heard about the organization from others whom we admire and support. So much of what’s important happens on the state level. I’m a big believer in policy organizations focused on state issues and this is based on my experience traveling extensively for work around the United States. The Policy Council watches everything closely in the State House and their analysis is helpful and informative. I’m interested in many issues, especially education, and appreciate their research.

Anselee “Angie” McClam
SCPC supporter

“The research you folks do is the best. I’m a big believer that we need checks and balances. SCPC provides a check on politicians by keeping us informed about policy and legislation. Without these updates, it’s almost impossible to be an informed citizen.

Johnnelle Raines
SCPC monthly supporter

“I heard Ashley speak in Easley and my husband and I were impressed immediately. I support the Policy Council on a monthly basis because they’re trustworthy, unbiased and shining a light on what is actually going on. There is so much distrust, and I’ve never had any qualms or concerns about the accuracy or credibility of the Policy Council’s research or publications. As a former educator, I think it’s imperative that we have an educated electorate and the Policy Council provides that service. My regular emails are my lifeline to what is really happening in Columbia. It’s timely, accessible and easy to read and forward to others. I also enjoy following SCPC on social media, especially Facebook.
With the invention of social media several years ago (Facebook, Twitter, etc.) it became briefly fashionable to talk about the demise of email. That hasn’t happened. Email is still the preferred mode of daily communication for people in all parts of the economy. That’s why it’s so important to get on the Policy Council’s email list. Once a week – and when the legislature’s in session sometimes more than that – we let our members know what’s happening at the State House and what they can do to make a difference. Don’t worry – we won’t fill your in-box with useless fluff. We’ll be quick about it and tell you how to find out more if you want to. So if you haven’t already signed up, go to scpolicycouncil.org and click on the green button marked “sign up for emails.”