



C V S C
Conservation Voters of South Carolina



2005-2006

Conservation SCORECARD

Conservation Voters is the bi-partisan, political voice of South Carolina's conservation community whose mission is to educate voters and hold elected officials accountable. This scorecard provides citizens with information for separating true stewards of the State's environment from those that just talk that way.

Good News from the State House

HOUSE SCORES IMPROVE 8 POINTS
IN TWO YEARS FROM 41% to 49%

35 Democrats score above average **29** Republicans score above average

FRESHMEN CLASS AVERAGE IS 66%,
17 POINTS ABOVE THE OVERALL AVERAGE

DEMOCRATS

61% average score for 2005-06
(DOWN 5 points)

35 Democrats are ABOVE average
(1 more than in 2004)

15 are BELOW average
(no change since 2004)

Democratic scores drop the most
in the Midlands and in the Lowcountry

REPUBLICANS

42% average score for 2005-06
(UP 18 points)

29 Republicans are ABOVE average
(15 more than in 2004)

45 are BELOW average
(16 less than in 2004)

Republican scores gain the most
in the Midlands and in the Upstate

MAJOR VICTORIES

Environmental Grand Jury – S.22

Full funding for the Conservation Bank in 2005 and 2006

Restoration of Conservation Trust Funds and Barnwell Fund

Heritage Trust Bonding to acquire two major timber tracts – S.1061

Regulations to limit private bridges to small marsh islands – R.3006

Eminent Domain Amendment “clean” of Regulatory Takings – S.1031

Retail Facilities Revitalization Act – H.3841

Redevelopment of Brownfields – H.3650

Administrative Reform Act (DHEC Permitting) – H.3285

Reinstating the Automatic Stay

Francis Marion Trail Act – S.184

Hybrid Vehicle Act – H.4312

Mercury Switch Removal Act – H.3922

Stopping “rollbacks” such as the Municipal Water/Sewer Bill (H.3525)
and Special-Interest Pool Bill (H.4660)

MAJOR DEFEAT

Billboard Protection Act – H.3381

MAJOR COMPROMISE

Amendment of Right to Farm Act – S.1205

Distinguished Senate Deeds

It's difficult to measure when a Senator goes the extra mile on an issue, when a timely objection stops an unwise bill or when committee action makes a critical difference. That's why we are highlighting certain actions of both our "Conservation Champions" and our allies.

Senator John Courson (R/Richland) annually sponsors the "Conversations with Conservationists." Half of the Senators and some staff attended this year's forum to learn about our priorities.

Senator Chip Campsen (R/Charleston) fathered the Conservation Bank, co-sponsored the Isolated Wetlands Protection Act, and provided due diligence on the Priority Investment Area legislation.

Senator Joel Lourie (D/Richland) built upon his 100% voting record in the House and brokered tough compromises, such as the amendment of the Right to Farm bill (cosponsored by Senator Grooms). He was also the only Senator on the Judiciary Committee to vote against the Billboard Protection Act.

Senator Larry Martin (R/Pickens) set the Priority Investment Area legislation in a special status on the Senate Calendar during the last few days of the session which ensured debate on the bill.

Senator Larry Grooms (R/Berkeley), Agriculture & Natural Resources Committee Chair, insisted on a compromise between realtors and conservationists, which led to his sponsorship of the Isolated Wetlands Protection Bill. This bill was not introduced until the spring, however, and did not move beyond the Senate.

Senator Greg Gregory (R/Lancaster) chaired the Fish, Game & Forestry Committee and led the way to acquire timber tracts and to limit bridges to marsh islands. He also represented the conservation community's position while chairing the Eminent Domain Subcommittee.

Senators Phil Leventis (D/Sumter), Scott Richardson (R/Beaufort), Gerald Malloy (D/Darlington) and John Matthews (D/Orangeburg) have been steadfast in defending the rights of local communities to pass ordinances protecting clean air and water and appearance standards.

Sen. Yancey McGill (D/Williamsburg) worked with conservation, forestry and farming interests to find a compromise on the proposed Isolated Wetlands Protection Act and helped ensure full funding of the Conservation Bank Act.

Senator Hugh Leatherman (R/Florence), Chairman of the Senate Finance Committee, fought successfully to create and fund the Francis Marion Trail in the Pee Dee and has ensured full funding of the Conservation Bank.

Senator Jake Knotts (R/Lexington) sponsored and championed passage of the bill establishing an Environmental Grand Jury in 2005.

Senators Glenn McConnell (President Pro Tempore), Harvey Peeler (Senate Majority Leader), Greg Gregory, Chip Campsen, Vince Sheheen, Phil Leventis and John Courson worked tirelessly to ensure that legislation aimed at reforming the use of Eminent Domain remained free of language to expand "regulatory takings."

We especially thank the 13 Senators who voted to sustain the Governor's veto of the special interest Billboard Protection Act: Chip Campsen, John Courson, John Drummond, Greg Gregory, Wes Hayes, Brad Hutto, Phil Leventis, Joel Lourie, Gerald Malloy, Yancey McGill, Scott Richardson, Vince Sheheen, and Linda Short. The Senate failed by only one vote to sustain the veto.

Senate Champions

SENATE

"Unless a roll call of the Senate is ordered or a division is ordered, the decision of the Senate on any question other than unanimous consent shall be taken by all members voting 'viva voce.' When there is a request for a roll call on any question, and it shall be required by five Senators, the question shall be decided by the ayes and noes..." Senate Rule # 16

While the venerable rules of the Senate promote consensus building and contemplative action, or inaction, they also thwart direct accountability. We have had only a few substantive, **recorded** votes on conservation issues in the last four years. As a result, it's difficult for conservation-minded citizens to know how their Senators stand on these matters.

Instead of presenting a Scorecard, we are recognizing 13 Senators as "CONSERVATION CHAMPIONS" for proving inside and outside the Chamber, over several sessions, that they will protect our land, air and water.

CONSERVATION CHAMPIONS

Senator Chip Campsen (R/District 43/Charleston)

Senator John Courson (R/District 20/Richland)

Senator John Drummond (D/District 10/Greenwood)

Senator Greg Gregory (R/District 16/Lancaster)

Senator Wes Hayes (R/District 15/York)

Senator Phil Leventis (D/District 35/Sumter)

Senator Joel Lourie (D/District 22/Richland)

Senator Gerald Malloy (D/District 29/Darlington)

Senator Larry Martin (R/District 2/Pickens)


Senator John Matthews (D/District 39/Orangeburg)

Senator Glenn McConnell (R/Charleston)

Senator Scott Richardson (R/District 46/Beaufort)

Senator Vince Sheheen (D/District 27/Kershaw)

House Honor Roll 80-100%



100% Representative Paul Agnew* (D/Abbeville)
100% Representative Joan Brady* (R/Richland)
100% Representative Robert Brown (D/Charleston)
100% Representative Laurie Funderburk* (D/Kershaw)
100% Representative Ben Hagood, Jr. (R/Charleston)
100% Representative Cathy Harvin* (D/Clarendon)
100% Representative Herb Kirsch (D/York)
100% Representative Walton McLeod (D/Newberry)
100% Representative Vida Miller (D/Georgetown)
100% Representative Thayer Rivers (D/Jasper)
100% Representative James E. Smith (D/Richland)
86% Representative Bill Cotty (R/Richland)
86% Representative Jimmy Neal (D/Lancaster)
86% Representative Denny Neilson (D/Darlington)
86% Representative B.R. Skelton (R/Pickens)
83% Representative Carl Anderson* (D/Williamsburg)
83% Representative Jim Battle (D/Marion)
83% Representative Eldridge Emory (D/Lancaster)
83% Representative Bill Herbkersman (R/Beaufort)
83% Representative Chip Limehouse (R/Charleston)
83% Representative David Weeks (D/Sumter)
83% Representative Bill Whitmire (R/Oconee)

* denotes freshmen legislators

Above Average 60-80%

75% Representative Harold Mitchell* (D/Spartanburg)
71% Representative Nathan Ballentine* (R/Richland)
71% Representative Lester Branham (D/Florence)
71% Representative Floyd Breeland (D/Charleston)
71% Representative David Hiott* (R/Pickens)
71% Representative Gene Pinson (R/Greenwood)
71% Representative Donald Smith (R/Aiken)
71% Representative J. Roland Smith (R/Aiken)
67% Representative Kenny Bingham (R/Lexington)
67% Representative William Bowers (D/Hampton)
67% Representative Grady Brown (D/Lee)
67% Representative Joe Brown (D/Richland)
67% Representative Creighton Coleman (D/Fairfield)
67% Representative Chip Huggins (R/Lexington)
67% Representative Doug Jennings (D/Marlboro)
67% Representative Ken Kennedy (D/Williamsburg)
67% Representative Bob Leach (R/Greenville)
67% Representative Seth Whipper (D/Charleston)
60% Representative Phil Sinclair (R/Spartanburg)

ZERO'S

0% Representative Dwight Loftis (R/Greenville)
0% Representative Fletcher Smith (D/Greenville)
0% Representative Daniel Tripp (R/Greenville)

Most Improved

Representative Bill Whitmire
(R/Oconee)
10% to 83%
(73 points)

Representative Jim Battle
(D/Marion)
22% to 83%
(61 points)

Representative J. Roland Smith
(R/Aiken)
10% to 71%
(61 points)

Representative Herb Kirsch
(D/York)
40% to 100%
(60 points)

House of
Representatives
VOTES

Scorecard Bill Index	House District	2005-2006 Final Score	2003-2004 Final Score	Conservation Bank Funding	Billboard Protection	Water & Sewer Service	PIA Approval	Conservation Bank Funding	Regulatory Takings	Regulatory Takings
House Members				A	B	C	D	E	F	G
				81/28	90/24	59/38	62/41	91/10	54/63	31/77
				2005 Vote			2006 Vote			
Agnew, Paul (D-Abbeville)	11	100%	—	★	★	★	★	★	★	★
Allen, Karl (D-Greenville)	25	17%	25%	●	↓	○	★	○	○	↓
Altman, John Graham (R-Charleston)	119	33%	11%	★	↓	↓	★	○	○	↓
Anderson, Carl (D-Williamsburg)	103	83%	—	★	★	★	★	★	E	↓
Anthony, Michael (D-Union)	42	43%	80%	★	↓	↓	↓	★	★	↓
Bailey, George (R-Dorchester)	97	33%	40%	●	↓	↓	★	★	↓	↓
Bales, Dr. Jimmy (D-Richland)	80	33%	50%	★	↓	●	↓	★	↓	↓
Ballentine, Nathan (R-Richland)	71	71%	—	★	↓	↓	★	★	★	★
Bannister, Bruce (R-Greenville)	24	50%	—	—	—	—	↓	★	★	↓
Barfield, Liston (R-Horry)	58	17%	0%	↓	↓	●	↓	★	↓	↓
Battle Jr., Jim (D-Marion)	57	83%	22%	★	★	●	★	★	★	↓
Bingham, Kenny (R-Lexington)	89	67%	10%	★	↓	↓	★	★	★	●
Bowers, William (D-Hampton)	120	67%	90%	●	○	○	★	★	★	★
Brady, Joan (R-Richland)	78	100%	—	★	★	★	★	★	★	★
Branham, Lester (D-Florence)	61	71%	78%	★	★	★	↓	★	★	↓
Breeland, Floyd (D-Charleston)	111	71%	89%	★	↓	★	★	★	★	↓
Brown, Grady (D-Lee)	50	67%	63%	●	↓	↓	★	★	★	★
Brown, Joe (D-Richland)	73	67%	55%	★	↓	★	★	●	★	↓
Brown, Robert (D-Charleston)	116	100%	67%	★	★	●	★	★	★	★
Cato, Harry (R-Greenville)	17	33%	0%	★	↓	↓	↓	★	↓	●
Ceips, Catherine (R-Beaufort)	124	17%	33%	★	↓	E	●	↓	↓	○
Chalk, Richard (R-Beaufort)	123	33%	—	★	↓	↓	●	↓	★	↓
Chellis, Converse (R-Dorchester)	94	25%	11%	E	↓	↓	★	●	E	↓
Clark, Ken (R-Lexington)	96	50%	0%	★	↓	↓	↓	★	★	●
Clemmons, Alan (R-Horry)	107	29%	10%	↓	↓	↓	★	↓	↓	★
Clyburn, Bill (D-Aiken)	82	57%	100%	★	↓	★	★	★	↓	↓
Coates, Marty (R-Florence)	60	17%	22%	★	↓	●	↓	○	↓	↓
Cobb-Hunter, Gilda (D-Orangeburg)	66	33%	78%	★	↓	↓	★	○	↓	↓
Coleman, Creighton (D-Fairfield)	41	67%	89%	★	↓	●	○	★	★	★
Cooper, Dan (R-Anderson)	10	29%	0%	↓	↓	↓	↓	★	★	↓
Cotty, Bill (R-Richland)	79	86%	60%	★	★	★	↓	★	★	★
Dantzler, Tom (R-Berkeley)	117	33%	10%	★	↓	↓	●	★	↓	↓
Davenport, Ralph (R-Spartanburg)	37	33%	44%	↓	↓	↓	●	★	★	↓
Delleney Jr., Greg (R-Chester)	43	50%	22%	★	↓	●	★	★	↓	↓
Duncan, Jeff (R-Laurens)	15	29%	11%	↓	↓	↓	★	★	↓	↓
Edge, Tracy (R-Horry)	104	29%	25%	★	↓	↓	↓	★	↓	↓
Emory, Eldridge (D-Lancaster)	45	83%	78%	●	★	★	↓	★	★	★
Frye, Marion (R-Lexington)	39	16%	0%	↓	↓	↓	E	★	↓	↓
Funderburk, Laurie (D-Kershaw)	52	100%	—	★	★	★	★	★	★	★
Govan Jr., Jerry (D-Orangeburg)	95	50%	89%	●	↓	★	○	★	★	↓
Hagood Jr., Ben (R-Charleston)	112	100%	78%	★	★	★	★	●	★	★
Haley, Nikki (R-Lexington)	87	57%	—	★	↓	↓	★	★	↓	★
Hamilton, Glenn (R-Greenville)	20	29%	22%	★	↓	↓	↓	★	↓	↓
Hardwick, Nelson (R-Horry)	106	14%	—	↓	↓	↓	↓	★	↓	↓
Harrell, Bobby (R-Charleston)	114	29%	11%	★	↓	↓	★	↓	↓	↓

LEGEND
★ Pro environment vote
↓ Anti-environment vote
E Excused absence
● Not voting (no penalty)
○ Not voting (scored as anti-environment vote)
— Not a House member at the time of the vote

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					A	B	C	D	E	F	G	
					81/28	90/24	59/38	62/41	91/10	54/63	31/77	
					2005 Vote			2006 Vote				
House Members												
Harrison, Jim (R-Richland)	75	33%	10%	●	↓	●	★	★	★	↓	↓	
Harvin, Cathy (D-Clarendon)	64	100%	—	—	—	—	●	★	★	★	★	
Haskins, Gloria (R-Greenville)	22	33%	22%	★	↓	↓	●	★	★	↓	○	
Hayes, Jackie (D-Dillon)	55	43%	44%	★	↓	↓	★	★	★	↓	↓	
Herbkersman, Bill (R-Beaufort)	118	83%	67%	★	↓	●	★	★	★	★	★	
Hines, Jesse (D-Darlington)	62	57%	80%	★	↓	★	★	↓	★	★	↓	
Hines, Mack (D-Florence)	59	33%	25%	★	↓	★	●	○	↓	↓	↓	
Hinson, Shirley (R-Berkeley)	92	43%	30%	★	↓	↓	★	★	★	↓	↓	
Hiott, David (R-Pickens)	4	71%	—	★	↓	★	↓	★	★	★	★	
Hodges, Kenneth (D-Colleton)	121	33%	—	—	—	—	○	↓	★	★	↓	
Hosey, Lonnie (D-Barnwell)	91	43%	80%	↓	↓	↓	★	★	★	★	↓	
Howard, Leon (D-Richland)	76	17%	89%	●	↓	↓	○	★	↓	↓	↓	
Huggins, Chip (R-Lexington)	85	67%	11%	★	↓	↓	★	★	★	★	●	
Jefferson, Joe (D-Berkeley)	102	50%	—	★	↓	★	★	●	↓	↓	↓	
Jennings, Doug (D-Marlboro)	54	67%	86%	★	↓	●	★	★	★	★	○	
Kennedy, Ken (D-Williamsburg)	101	67%	44%	★	●	○	★	★	★	★	○	
Kirsh, Herb (D-York)	47	100%	40%	★	★	★	★	★	★	★	★	
Leach, Bob (R-Greenville)	21	67%	11%	★	E	↓	★	★	★	★	↓	
Limehouse, Chip (R-Charleston)	110	83%	55%	★	★	↓	★	●	★	★	★	
Littlejohn, Lanny (R-Spartanburg)	33	57%	40%	★	↓	↓	★	★	★	★	↓	
Loftis, Dwight (R-Greenville)	19	0%	0%	↓	↓	↓	↓	●	↓	↓	↓	
Lucas, Jay (R-Darlington)	65	57%	55%	★	★	★	↓	★	↓	↓	↓	
Mack, David (D-Charleston)	109	50%	100%	★	↓	★	●	★	↓	↓	↓	
Mahaffey, Joe (R-Spartanburg)	36	57%	40%	★	↓	↓	★	★	★	↓	★	
Martin, Becky (R-Anderson)	8	14%	22%	↓	↓	↓	↓	★	↓	↓	↓	
McCraw, DeWitt (D-Cherokee)	29	57%	33%	★	↓	↓	★	★	★	★	↓	
McGee, Jim (R-Florence)	63	33%	55%	★	↓	★	↓	●	↓	↓	↓	
McLeod, Walton (D-Newberry)	40	100%	100%	★	★	★	★	★	★	★	★	
Merrill, Jim (R-Charleston)	99	33%	60%	↓	↓	●	★	★	★	↓	○	
Miller, Vida (D-Georgetown)	108	100%	100%	★	★	★	★	★	★	★	★	
Mitchell, Harold (D-Spartanburg)	31	75%	—	—	—	—	★	★	★	★	↓	
Moody-Lawrence, Bessie (D-York)	49	57%	89%	↓	★	★	↓	★	↓	★	★	
Neal, Jimmy (D-Lancaster)	44	86%	100%	★	★	★	↓	★	★	★	★	
Neal, Joe (D-Richland)	70	29%	71%	↓	↓	↓	★	★	★	↓	↓	
Neilson, Denny (D-Darlington)	56	86%	44%	★	★	★	★	★	★	★	↓	
Norman, Ralph (R-York)	48	29%	0%	↓	↓	↓	↓	★	★	★	↓	
Ott Jr., Harry (D-Calhoun)	93	50%	22%	★	↓	↓	★	★	★	↓	○	
Owens, Phil (R-Pickens)	5	29%	0%	↓	↓	★	↓	★	↓	↓	↓	
Parks, J. Anne (D-Greenwood)	12	43%	89%	★	↓	★	↓	★	↓	↓	↓	
Perry, Skipper (R-Aiken)	81	14%	0%	↓	↓	★	↓	↓	↓	↓	↓	
Phillips, Olin (D-Cherokee)	30	33%	13%	★	↓	↓	↓	★	★	★	○	
Pinson, Gene (R-Greenwood)	13	71%	22%	★	★	★	↓	★	★	★	↓	
Pitts Jr., Ted (R-Lexington)	69	29%	22%	★	↓	↓	↓	★	★	↓	↓	
Pitts, Michael (R-Laurens)	14	17%	22%	↓	↓	↓	●	★	★	↓	↓	
Rhoad, Thomas (D-Bamberg)	90	25%	11%	E	↓	↓	●	★	E	○	○	

Voting is a key responsibility of legislators and not voting may be a decisive factor in the outcome. We therefore count not voting as an anti-environment vote (○), but because other legislative responsibilities may have been the cause, the first non-vote (●) is not penalized.

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House Members				A	B	C	D	E	F	G
				81/28	90/24	59/38	62/41	91/10	54/63	31/77
				2005 Vote			2006 Vote			
Rice, Rex (R-Pickens)	26	14%	40%	↓	↓	↓	↓	★	↓	↓
Rivers, Thayer (D-Jasper)	122	100%	78%	★	★	●	★	★	★	★
Rutherford, Todd (D-Richland)	74	17%	44%	↓	★	●	○	★	●	↓
Sandifer, Bill (R-Oconee)	2	14%	10%	↓	↓	↓	↓	★	↓	↓
Scarborough, Wallace (R-Charleston)	115	50%	44%	★	↓	●	○	↓	★	★
Scott, John (D-Richland)	77	57%	78%	★	↓	★	★	★	★	↓
Simrill, J. Gary (R-York)	46	50%	57%	★	↓	★	↓	○	★	↓
Sinclair, Phil (R-Spartanburg)	35	60%	22%	★	↓	E	○	★	★	○
Skelton, B. R. (R-Pickens)	3	86%	30%	★	↓	★	★	★	★	★
Smith, Donald (R-Aiken)	83	71%	22%	↓	★	★	↓	★	★	★
Smith, Fletcher (D-Greenville)	23	0%	0%	●	↓	○	○	○	↓	○
Smith, G. Murrell (R-Sumter)	67	57%	55%	★	↓	★	★	★	↓	↓
Smith, Garry R. (R-Greenville)	27	50%	25%	★	↓	●	○	★	○	★
Smith, J. Roland (R-Aiken)	84	71%	10%	★	↓	↓	★	★	★	★
Smith, James E. (D-Richland)	72	100%	100%	★	★	●	★	★	★	E
Smith, W. Doug (R-Spartanburg)	32	33%	13%	★	●	↓	★	○	○	↓
Stewart, Jim (R-Aiken)	86	17%	0%	↓	E	↓	↓	★	↓	↓
Talley, Scott (R-Spartanburg)	34	33%	60%	★	↓	●	↓	★	↓	↓
Taylor, Adam (R-Greenville)	16	57%	13%	★	↓	↓	★	★	★	↓
Thompson, Michael (R-Anderson)	9	43%	40%	↓	↓	★	↓	★	★	↓
Toole, Mac (R-Lexington)	88	50%	30%	★	↓	↓	★	●	★	↓
Townsend, Ronald (R-Anderson)	7	43%	0%	↓	↓	★	↓	★	★	↓
Tripp, Daniel (R-Greenville)	28	0%	0%	↓	↓	↓	↓	●	↓	↓
Umphlett, David (R-Berkeley)	100	33%	11%	↓	●	↓	★	★	↓	↓
Vaughn, Lewis (R-Greenville)	18	33%	20%	●	○	↓	○	★	★	↓
Vick, Ted (D-Chesterfield)	53	50%	—	●	↓	↓	★	★	★	↓
Viers, Thad (R-Horry)	68	29%	11%	★	↓	↓	★	↓	↓	↓
Walker, Bob (R-Spartanburg)	38	14%	0%	★	↓	↓	↓	↓	↓	↓
Weeks, David (D-Sumter)	51	83%	100%	★	↓	★	★	●	★	★
Whipper, Seth (D-Charleston)	113	67%	89%	★	★	●	★	○	★	○
White, Brian (R-Anderson)	6	29%	0%	↓	↓	★	↓	★	↓	↓
Whitmire, Bill (R-Oconee)	1	83%	10%	★	↓	●	★	★	★	★
Witherspoon, Billy (R-Horry)	105	17%	10%	↓	●	↓	↓	★	↓	↓
Young, Annette (R-Charleston&Dorchester)	98	17%	20%	★	↓	↓	↓	●	↓	↓

Unfinished Business

Permitting for Isolated Wetlands – S.1206
 Priority Investment Areas (growth management) – H.3881
 Energy Efficiency Bill/LEED – H.4317
 Solid Waste Management – H.4556
 Electronic Waste Recovery and Recycling – H.4510
 Saltwater Regulatory Authority – S.672
 Expansion of Mitigation Trust Funds – S.1064
 Removal of MTBE from Motor Fuels – H.4713

These bills will have to be re-introduced in the new 2007-08 session.

Bill Descriptions

VOTE A- Raiding Conservation Bank Funds '05 (H.3716) - 3/15/05

Rep. White led an attempt to remove \$5 million from the \$15 million earmarked the second year of the Conservation Bank's operation. Speaker Harrell and Rep. Rivers defended the Bank's record and the motion was soundly defeated 81-28.

The correct vote was yes.

With Senate support the Conservation Bank was fully funded in 2005.

VOTE B -Billboard Protection (H.3381) - 3/2/05

Reps. Brady, James Smith, Emory, Hagood, Battle and McLeod spoke against the bill, but it received second reading on a 90-24 vote. This Act requires local governments to compensate billboard owners and landowners based on a sign's potential speculative earnings, essentially preventing communities from enforcing appearance standards.

The correct vote was no.

H.3381 became law after the Senate failed to sustain the Governor's veto by 1 vote.

VOTE C- Water and Sewer Service (H.3525) - 3/15/05

The bill moved quickly and received second reading with a 59-38 vote. Reps. Scott, Brady, and Pinson spoke against the bill, which would undermine local planning. Municipalities would be required to provide water or sewer to property owners who are willing to pay the cost of extending the services.

The correct vote was no.

Attempts in the Senate to attach H.3525 to similar legislation in 2006 failed.

VOTE D- Priority Investment Areas (H.3881) - 2/16/06

This good planning bill received second reading in a close 62-41 vote. It would require local governments to coordinate with school districts, the DOT and public utilities to determine where to build new roads, sewers and schools, thereby maximizing tax dollars. Unnecessary planning provisions were deleted and fast track permitting were included to speed up approval of certain development projects in order to leverage private dollars and accommodate growth while preserving the very qualities which attract new residents and businesses to SC. This relatively uncontroversial bill was derailed for the third consecutive year.

The correct vote was yes.

Objections by Sen. Knotts and Elliot delayed it for several months. When Sen. Elliot removed his objection on the session's final day, the bill was approved and attached as an amendment to a similar bill, H.3915 which was killed in the final moments of the House by an objection from Rep. Loftis.

VOTE E - Raiding Conservation Bank Funds '06 (H.4810) - 3/28/06

The House overwhelmingly rejected (91-10) an attempt led by Rep. Ceips to divert all of the Bank funds to educational shortfalls in Charleston and Beaufort Counties. The Bank is a widely supported tool for protecting historic and natural lands.

The correct vote was yes.

The Conservation Bank received full funding for the third consecutive year.

VOTE F & G - Expanding Regulatory Takings

As a result of the U.S. Supreme Court's "KELO" decision, legislation was enacted in 2006 to clarify the use of eminent domain and to ease property owners' concerns about the possible condemnation of private property for private gain. Local governments and conservationists successfully opposed repeated attempts to attach "regulatory takings" language to these bills in order to protect community planning and zoning.

VOTE F- H.4502 - 3/15/06

Rep. Scarborough sponsored a good amendment that removed takings language from H.4502, Rep. Edge's Eminent Domain/Takings bill. Edge's motion to table the amendment failed on a 54-63 vote. Neither H.4502 nor H.4503 were enacted.

The correct vote was no.

VOTE G - S.1031 - 5/30/06

Reps. Edge and Joe Neal proposed an amendment to attach regulatory takings to S.1031, an Eminent Domain constitutional amendment. An effort to table this bad amendment failed on a 31-77 vote.

The correct vote was yes.

The General Assembly finally passed S.1031 to place a constitutional amendment clarifying the use of Eminent Domain on the November ballot. Debate will continue next year since S.1029 created a study committee on Eminent Domain, Regulatory Takings and the use of condemnation for 'blighted' areas. The committee begins work this November and will report its findings in March, 2007.

House Honorable Mention

The Conservation Scorecard is an incomplete measure of a legislator's record, particularly in a body as large as the House of Representatives, so we also recognize floor leadership, committee actions and bill sponsorships. Some of these good deeds are highlighted below.



Rep. Ben Hagood (R/Charleston) championed an innovative planning bill (PIA) and steering it through the House and Senate, only to be stopped by one colleague before final passage.

Rep. Paul Agnew (D/Abbeville) led a bipartisan effort to secure approval of compromise regulations limiting private bridges to small marsh islands in the House Agricultural, Natural Resources & Environmental Affairs Committee. **Reps. Joan Brady, Robert Brown, Jeff Duncan, Laurie Funderburk, Davey Hiott, Kenneth Hodges and Mike Pitts** also gave critical support for these regulations in Committee.

Rep. Creighton Coleman (D/Fairfield) questioned the impact of regulatory takings at every turn – in subcommittee, committee and on the conference committee. Without his leadership regulatory takings could not have been defeated in the final days of the session.

Rep. Bill Herbkerman (R/Beaufort) sponsored an amendment at a critical point in the House Judiciary Committee's debate of Eminent Domain reform, to keep S.1030 "clean" of regulatory takings. **Reps. Clemmons, Coleman, Hagood, Jennings, McLeod, Rivers, Scott, Sinclair, Weeks and Whipper** supported the amendment in a close 11-10 vote.

Rep. Wallace Scarborough (R/Charleston) led the contentious floor fight opposing the expansion of regulatory takings.

Rep. Chip Limehouse (R/Charleston) spearheaded the successful bonding of the Heritage Trust Program to allow the purchase of large, private timber tracts.

Rep. Joan Brady (R/Richland) sponsored a gutsy bill to require green building standards for large state construction projects. (H.4317 died in the Senate Agriculture Committee)

Rep. Laurie Funderburk (D/Kershaw) sponsoring a much needed bill to require recycling and disposal of electronic waste. (H.4510 died in the House)

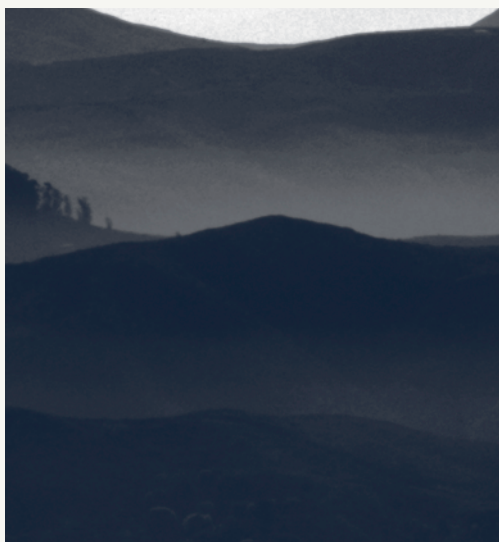
Rep. Jim Merrill (R/Charleston) sponsored successful legislation providing incentives to purchase and drive hybrid vehicles and also a mercury resolution that died in the House.

Rep. Michael Thompson (R/Anderson) attempted to address a public health problem by sponsoring a bill requiring the removal of the MTBE additive from motor fuels by 2008. (H.4713 died in committee)

Rep. Scott Talley (R/Spartanburg) worked steadily for adoption of economic incentives encouraging communities to revitalize "Big Box" stores that have been abandoned.

Finally, we will miss **Reps. Eldridge Emory (D/Lancaster and Thayer River (D/Jasper))**, who consistently supported habitat protection, the Conservation Bank and community rights.

Visit www.scstatehouse.net for more information on bills and actions of the House.



Conserving Communities...

Naturally*



The continuing debate over “regulatory takings” is about WHO PAYS WHOM for protecting your neighborhood.

An issue with ‘9 lives’: Between 1995 and 2003, bills were introduced each year to force local governments to pay landowners for their property if a regulation reduced that property’s value. Proponents of ‘regulatory takings’ call this “just compensation,” which sounds pretty good to most of us. That is, until we look at the TRUE cost and motive. An independent study in 1998 concluded that in the first year alone, the cost to state taxpayers would be \$126 million, with only about a fifth of that total going to compensate property owners and the remaining four-fifths going to legal and administrative costs. These “PAY TO OBEY” measures failed because citizens rightly opposed the idea that developers deserved to be paid for obeying protective regulations, such as tree or zoning ordinances.

The 2003 “compromise”: Senator Glenn McConnell appointed a panel to draft a bill to address concerns about property rights; this bill passed in 2003. Private property rights advocates considered it a victory since the bill allowed owners to seek pre-litigation mediation while retaining the right to file a court action. Conservationists supported the legislation because it addressed the real issues—costly litigation and the appeals process—in a financially responsible way.

The confusion with Eminent Domain reform: The U.S. Supreme Court’s Kelo decision tested the use of a Connecticut town’s power of condemnation to take private homes and turn the property over to developers. Last year the conservation community supported legislation to clarify the use of Eminent Domain in South Carolina but opposed efforts to attach “regulatory takings” language to these reform bills. Kelo reform has nothing to do with takings legislation.

The bottom line: The very same development interests that precipitated the Kelo case are now pushing takings legislation. In the case of Kelo, developers, in bed with government officials, were able to use government condemnation powers to further their private development goals. In the case of takings, developers are pushing for legislation to prevent communities from setting standards for growth. Citizens count on their local government to protect their property from undesirable uses. If taxpayers had to pay for a landowner’s claimed loss of value from an ordinance enacted to protect the common good, communities could not take actions to manage growth, protect trees, control unsightly sprawl or reduce traffic congestion. If your legislator talks about protecting property rights by supporting takings, don’t get ‘taken.’ YOU SHOULD NOT HAVE TO ‘PAY TO OBEY.’

** Protecting the ability of communities to manage for quality growth is one of the priorities of the Common Agenda, which is supported by 22 conservation organizations representing more than 30,000 members. While each organization retains its unique mission, the shared vision of “Conserving Communities...naturally” is helping conservationists garner legislative support for measures which will protect South Carolina’s water, land and ‘way of life’ and ensure a healthy future for all citizens. For more information, visit www.makeconservationcount.org*

Executive Report



In his first term Governor Mark Sanford has demonstrated his personal commitment to conservation stewardship and has made a strong case for not taking South Carolina's natural landscape for granted. Whether standing up to special interests or working behind the scenes, the Governor's record is commendable:

Upholding the ability of local communities to manage growth and preserve their unique character. Sanford's veto of the controversial Billboard Protection Act in the face of tremendous lobbyist pressure was a bold move and serves as an example of his firm commitment to the principle of Home Rule.

Recognizing the importance of protecting natural resources while encouraging economic development. Sanford questions 'growth for growth's sake' and insists that the Department of Commerce evaluate projects for positive returns for taxpayers and real, long-term benefits.

Appointing a Quality of Life Task Force to address sustainable growth and to seek ways to work with developers for the benefit of taxpayers and communities.

Advocating for full funding of the Conservation Bank and other programs, resulting in more of South Carolina's special places being protected. More acreage has been protected under Sanford's administration than in any previous administration.

Petitioning the U.S. Department of Agriculture to keep more than 7,600 acres of national forest land "roadless" and restricted from needless road building and timber harvesting. Sanford was the first Republican Governor in the nation to take this action.

Insisting on financial accountability, opposing raiding designated trust funds and successfully advocating for the repayment of the \$90 million dollars taken from the account set up specifically to maintain and monitor the Barnwell nuclear waste dump. Governor Sanford also promises to stand up and honor the terms of the tri-state Atlantic Compact which will limit the burial of out-of-state nuclear waste beginning in 2008.

Appointing conservation-minded individuals to key positions.

Governor Sanford sums up his philosophy when he states, "Quality of life means many things to many people. None would dispute that the natural beauty of our woods and waters distinguishes us from a number of our competitors in the global marketplace. In a time of transformative change, we cannot afford to take one of our strongest economic development tools—South Carolina's natural landscape—for granted."



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