

INSIGHT



Work of the Strom Thurmond Institute

Special Edition

September, 1998

In this Edition:

<u>Farm and Forest Lands Protection Legislation in SC</u>	2
<u>What Is the Cost of Not Protecting Property Rights in SC?</u>	13
<u>Charter Schools Floundering in SC: Should We Worry?</u>	16

Farm and Forest Lands Protection Legislation in South Carolina

By Sean Blacklocke

The members of the recently adjourned 112th General Assembly of South Carolina introduced legislation designed to protect the remaining acreage used for agriculture and forestry in the state from urban sprawl. H.4692, the Farm and Forest Lands Protection Act, and the similar Senate bill, S.1050, sought to create state and county Priority Agricultural Land Boards to establish and protect Priority Agricultural Land Areas from encroaching development.

The catalyst for the government action is the alarming rate at which the state's arable lands are being converted for commercial and residential uses. 1992 United States Census of Agriculture reports show that total land in farms in South Carolina declined from 5.6 million acres in 1982 to 4.5 million acres in 1992.¹ This is consistent with the nationwide decline, where it is estimated that 6 million acres of the country's best farmland were lost in the same period (Figure 1).² The current rate of conversion of land in farms in the United States is estimated to be as high as 1 million acres a year.³

Some of this decline in farmland is certainly attributable to the "agricultural treadmill" that has driven the rapid technological improvement of farming practices in the past 30 years. But, it is widely held that these efficiencies and their coinciding downward effects on the real prices of traditional American farm commodities do not account for the majority of the widespread rural land conversions.

Most feel that the culprit, especially in South Carolina, is the rapid urbanization of the land surrounding densely populated areas. Quite simply, commercial and residential land uses can now yield

higher rents than traditional commodities agriculture on the urban fringe, so the land is being sold and developed. A 1998 study examining the enterprise budgets for cotton, corn, and soybeans identified only four counties in the state in which agricultural land uses were not currently constrained by land prices.⁴ Other recent studies suggest that almost all of South Carolina's agricultural activity is in or adjacent to metropolitan counties (Figure 2).⁵

There is no question that most of South Carolina's farm and forestlands have been lost to or are threatened by urban growth. The issue that must be resolved by future members of the South Carolina General Assembly is whether state government should further intervene in the real estate market to alter land development patterns. If so, state legislators will have to decide whether the legislation as previously introduced is best suited to bring about the desired pattern of land use or whether other institutional alternatives might more successfully approximate this landscape.

The Issues

The proposed legislation is predicated on the classic argument that government intervention is needed because the free market is failing to account for some of the costs that are being externalized by those who profit from these land conversions. Those favoring government intervention are typically farmers and environmentalists. Farmers seek to protect their industry and their heritage, while environmentalists see the legislation as aiding in the preservation of open space, natural resources, and environmental quality. Specifically, proponents point to four reasons for the proposed law.

First, the United States needs to preserve its ability to grow its own food to maintain its independence, and it is incumbent on South Carolina to do its share.

Second, farm and forestland cover is generally more conducive to wildlife habitation than urban land and can be valuable in buffering the human and ecological health effects of urban pollution.

Third, residential and commercial land owners adjacent to agricultural facilities often induce conflicts over land use practices, and reciprocal complaints can come from rural land owners as they share the burden of paying for the infrastructure that facilitates their unwanted neighbors.

Finally, unregulated, market-driven land conversion does not directly account for the value future generations place on undeveloped land. All of these are unquestionably market externalities associated with urban development.

Those opposing the legislation are predominantly land developers and speculators that fear the resulting scarcity of land will result in higher land prices that will raise the price and lower the demand for their services. Organizations providing the infrastructure that accompanies the development are similarly impacted. These opponents contest the fine points upon which the proposed law is premised.

First, opponents of the legislation argue that the effect of losing South Carolina's contribution to the country's food supplies would be negligible. There does seem to be some evidence to support this, as the country's Class I and II farmlands, or private lands best suited for agriculture, are relatively superior and abundant in the heartland region (Figures 3 & 4) and not under threat of development (Figure 5).⁶

Second, there is also some question about the extent to which land in agriculture or silviculture is environmentally "friendly."

Farmers clearly attempt to discourage most wildlife from settling their properties and foraging their fields.

Agricultural enterprises using pesticides can contribute considerably to ground and surface water contamination, and agriculture and silviculture both often cause sedimentation and eutrophication of streams.

One of the most prominent air pollution problems in the United States is particulate matter, and dust from agricultural enterprises has been identified as a contributor to the nonattainment of standards for particulate matter in some airsheds.

Environmental regulations, as implemented currently in South Carolina, scarcely deal with these sources of environmental degradation, whereas habitat protection, runoff, and air emissions are dealt with quite stringently on non-agricultural lands. There is no question that the net effect of increasing urban development on the ecology of the state is negative, but the extent to which protecting modern agriculture and forestry will yield environmental quality may be overstated.

It is unlikely that the opposition would argue that the degree of escalating conflict over land use in rural areas in the state is overstated. South Carolina farmers have already worked to establish statutory protection from nuisance lawsuits and zoning ordinances that infringe on their "right to farm". And, they have sought and obtained relief from the rising land taxes associated with surrounding urban development with differential assessment and deferred taxation laws.

But, land developers in South Carolina do not seem to be terribly averse to these conflicts or obstructed by these statutes. Commercial and residential land developers and owners are having reasonable success in the political arena and in the circuit courts in suppressing some of the less charming attributes of farming on the urban fringe, despite statutory law. There has also been success among the utilities that provide infrastructure to take

advantage of the economies of scale that come with urban sprawl.

In general, the citizens' demand for a nationally competitive, modern economy seems to currently be outweighing the demand for natural resource conservation in South Carolina. Proponents and their opposition would likely both agree that the legislation, if unchallenged in the courts, would reduce landowner conflicts in rural areas. But, for the opposition, given the political climate in the state, development with conflict would likely still be economically preferential to no development at all.

Finally, opponents offer a fairly standard response to the argument to intervene and protect put forth by those who see themselves as stewards of the environment and preservationists of cultural heritage. The opposing view is that the free market will correct for externalities once they are recognized. The counter argument of bill proponents is that in cases such as diminished arable farmland, wildlife habitat, and farming communities, there can be no future correction. They argue that once lost, these things cannot be truly restored, making their present value indeterminable in relation to the present value of more houses, highways, and shopping malls.

If South Carolinians ultimately acknowledge the need for a state Farm and Forest Lands Protection Act based on these or the other arguments, the next issue to be addressed by the South Carolina legislature is whether the bill as it has been proposed is the optimal strategy for achieving the desired outcome.

The Legislation

The mechanics of the proposed law are fairly straightforward. Priority Agricultural Land Areas would be designated by the newly formed County Priority Agricultural Land Boards. The South Carolina Department of Natural Resources and the State Priority Agricultural Land Board would administer a Priority Agricultural Land Trust Fund.

Donations to the fund along with revenues generated from a tax levy would be used for the fee-simple purchase of conservation easements on private farm and forestlands in perpetuity.⁷

Landowners would be compensated at fair market value for the land rights they sign over to the state. Any disparity between private and county assessor determinations of fair market value is resolved by simply compensating at an amount equal to the midpoint of the two estimates. The land is generally protected from future confiscation under eminent domain and land use transformations due to zoning changes.⁸

The strength of the legislation is that it provides a mechanism to preserve land without calling into question a government takings. The obvious weakness is that the trust fund is subject to the free-rider problem, and the tax levy must compete with other important programs requiring tax levies.⁹

The South Carolina legislation can be characterized as one of a number of alternative institutional mechanisms for protecting farm and forestland from urban sprawl, a purchasable development rights plan (PDR).

The Alternatives¹⁰

Among the other alternatives to the PDR strategy for protecting farm and forestlands are agricultural district laws, executive orders, urban growth boundary laws, agricultural zoning ordinances, comprehensive land use plans, and transferable development rights.

Agricultural district laws are what South Carolina and many other states currently have in place to slow the conversion of farm and forestland to urban land. Differential tax assessments for farmers are commonly coupled with right-to-farm laws and statutory protection from confiscation by eminent domain to comprise a package of agricultural district laws. In most states, purchase of agricultural conservation easements, or PACE trust funds, have been included in these packages

pursuant to statutory law.

The problem with agricultural district laws is that the real estate market has simply overpowered the statutes. It is often still beneficial to the farmer to sell his land, even if there is a roll back fee. Right-to-farm laws have been overruled by conflicting nuisance common law rulings and increased environmental regulation. And, PACE funds, originating from voluntary donations, have historically been very scarce in states. These laws have simply not proven effective in most states, as is true in South Carolina.

Governors in ten states in the country have issued executive orders to halt development of farm and forestlands. This is not a likely alternative for South Carolina given the current pro-development political climate.

States such as Oregon have had great success in restricting urban sprawl by establishing urban growth boundaries, or greenbelts around their urban centers. The two predominant problems with the application of this in South Carolina are the timing of the strategy and the potential for takings lawsuits. Oregon set their growth boundaries in 1972, before the growth was able to proxy agricultural lands. South Carolina is well beyond this point currently, as urban land use is already peppered throughout many agricultural regions. Any land use restriction of this magnitude would also raise many takings issues in the current South Carolina environment, something legislators would likely unanimously like to avoid at the present time.

Local agricultural zoning ordinances or comprehensive land use plans are also unlikely to be effective in South Carolina in halting the spread of urban sprawl. It has been the experience of other states that protection by the county through zoning alone lacks the durability to fend off large land conversion interests or state or federal powers of eminent domain. Only half of South Carolina's counties even have comprehensive land use plans currently.

The transferable development rights (TDR) alternative has been tried and has worked successfully in some local areas in the country. The benefit of the system is that a tax levy or trust fund is not needed to gain the desired protection. The obstacle for this proposition for South Carolina is that there has to be a consensus among landowners as to the acceptable density of overall development in the county or region. Proponents of this alternative for South Carolina may find that although no individual takings occur directly in a TDR strategy, the issue is not avoided. In fact, the cumulative resistance to the required initial allocation of development permits may prove as difficult as establishing a greenbelt around urban areas in the state.

In brief, the political climate in South Carolina is likely not currently amenable to executive or legislative mandates further governing the use of private property. Assuming the trust fund will not generate a significant amount of additional revenue beyond what is currently collected via the existing PACE system, the only viable alternative to implement the objectives of the legislation is probably a tax levy for a government buyout of privately held farm and forestlands.

Conclusion

There is only one determination facing the South Carolina legislature concerning farm and forestland protection that is simple. It is clear that South Carolina has lost and will continue to lose farm and forestland to urban development.

It is not clear to what degree this will detract from the nation's food supply or the state's natural resources and environmental quality. It is also not clear whether the net effect of the law would be to calm or escalate contention between land developers and farmers and environmentalists. It is certain that there will be negative impacts on future South Carolinians that place a high value on open space and cultural heritage. But, there is no way to determine how that demand for farm s

and forestland compares with current and future demands for the economic development that comes with urban sprawl.

The more abstract matter of how to best achieve the goals of the legislation is definitive due to a lack of viable alternatives in South Carolina's current political climate. The legislation as written is clearly optimal. Yet, the House and Senate bills died this past session.

The momentum seems to not be in favor of this legislation, and there are several indicators of this aside from the fact the 112th General Assembly did not make it law.

At the federal level, the 1996 Federal Agricultural Improvement and Reform Act, commonly called the Farm Bill, has allocated only \$35 million dollars of federal assistance to states to help purchase these conservation easements over the next five years, not a strong endorsement of the program by most estimates.¹¹ The Farm Bill also brought about marked cuts in federal subsidies to many United States farmers, where the immediate impact is expected to be lower incomes and lower farmland values. This too is suggestive of weak federal support for farmland protection.¹²

In South Carolina, there are signs of surrender by the agricultural community. Most noticeably, the farming supply stores are beginning to vanish from the farming communities as the farmers are being lured away by tax-exempt capital gains or chased away by complaining neighbors. It has thus become more difficult and expensive to farm in these areas.

Another sign of farmer retreat is the recent appearance of an antirollback bill in the South Carolina House of Representatives. H.3488 proposes to amend the South Carolina Code so that rollback taxes will be replaced by a "change of use penalty" for the amount of \$25. This is a clear sign that at least some farmers in the state want to sell instead of stay.

But, probably the most significant factor in preventing the passage of a Farm and Forest Lands Protection Act in South Carolina is the fact that the buyout would have to come from tax revenues. The best current estimate for a South Carolina buyout of remaining farmlands is in the range of \$675 to \$700 million. The same study reports the only applicable willingness-to-pay study to determine demand in South Carolina for preservation of farmland. The study benefit values can hardly be transferred and applied with any certainty, but the figure is a small fraction of the amount needed to justify the cost.¹³

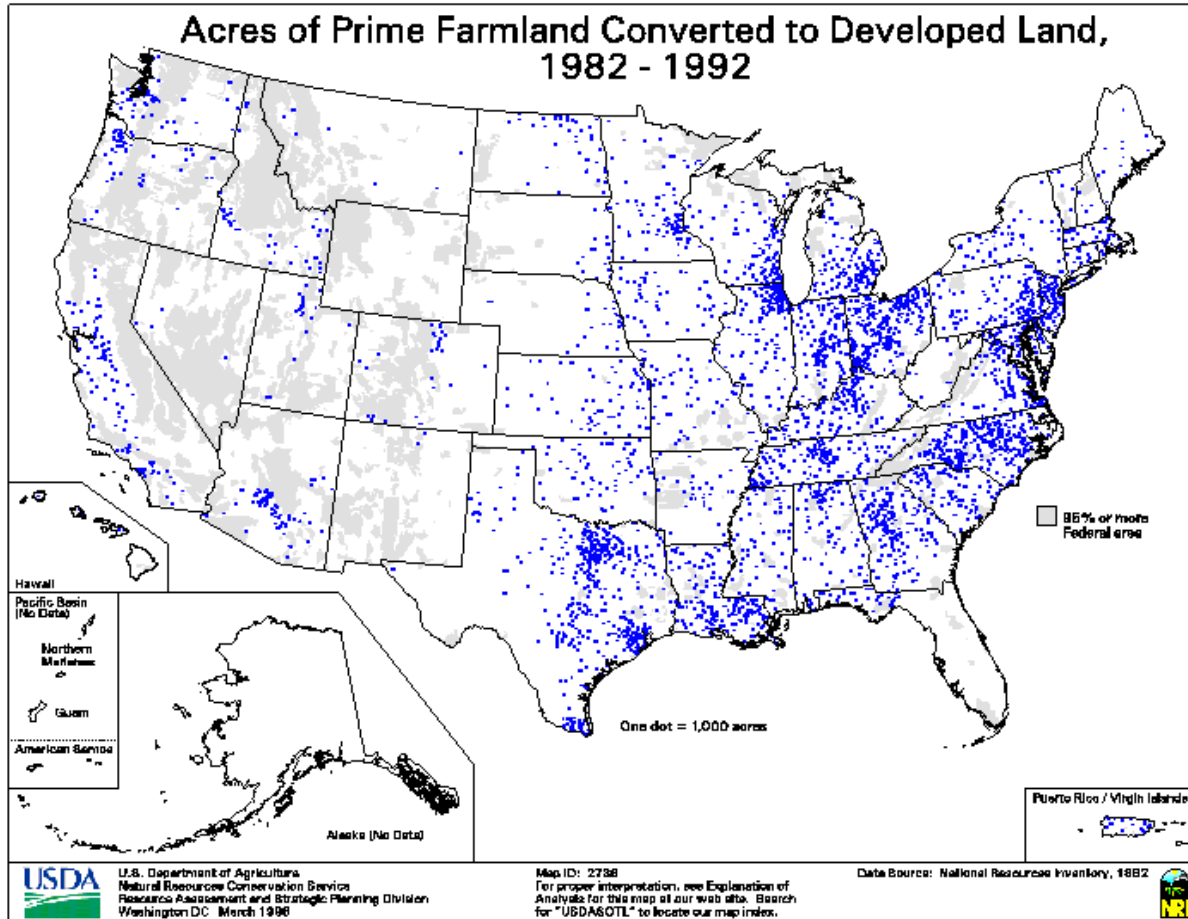
Once again, South Carolinians are faced with a very difficult choice concerning the tradeoffs between conservation and development. And, as usual, information on the cost of conservation in lieu of development is available, but information on foregone benefits associated with the no-action alternative is not. Possibly another more thorough benefit estimation study accounting for bequest values would be helpful in determining the appropriateness of pursuing this legislation in future sessions. In the absence of this better information and the presence of assured continued urban sprawl, hopefully the *laissez faire* argument of market self-correction will hold true.

[Sean Blacklocke](#) is currently pursuing his Ph.D. in Applied Economics under the direction of Dr. Bruce Yandle and Dr. Gary Wells at Clemson University. He is a research assistant at the Strom Thurmond Institute of Government and Public Affairs and the Department of Agricultural and Applied Economics. He worked in water pollution control at the South Carolina Department of Health and Environmental Control for five years and worked with the South Carolina Department of Natural Resources-Marine Resources Research Institute and the National Marine Fisheries Service-Alaska Fisheries Science Center for three years. He earned his B.S. in marine biology at the College of Charleston in 1990 and completed his M.S. in environmental studies in 1996 at the Medical University of South Carolina.

References

1. Oregon State University Government Sharing Project web site, <http://govinfo.kerr.orst.edu/ag-stateis.html>, 1998.
2. United States Department of Agriculture, Natural Resources Conservation Service, National Resources Inventory, 1992.
3. American Farmland Trust web site, <http://www.farmland.org/Farmland/files/protect/why.htm>, 1998.
4. Hite, J.C., *Farming in the Shadow of the City: Urbanization and the Changing Geography of Southern Agriculture*, unpublished draft, 1998.
5. Ibid., 2.
6. Ibid., 2
7. South Carolina House of Representatives - Bill H.4692, 1998.
8. Ibid., 7.
9. Clemson Extension In-service Education, *Purchasing South Carolina's Farmers Development Rights*, Clemson University Department of Agricultural and Applied Economics web site, http://cherokee.agecon.clemson.edu/ext._pubs.htm, 1998.
10. Farmland Information Library Web Site, <http://farm.fic.niu.edu/fic/home.html>, 1998.
The entire section on *Other Alternatives* is based on an American Farmland Trust toolbox for protecting farmland.
11. Rich, M. *S.C. Farmers May Be Getting Paid To Keep Land From Developers*, *Wall Street Journal*, January 28, 1998.
12. Lamb, R.L., *How Will the 1996 Farm Bill Affect the Outlook for District Farm Values?*, *Economic Review*, Fourth Quarter, 1997.
13. Ibid,4.

Acres of Prime Farmland Converted to Developed Land, 1982 - 1992



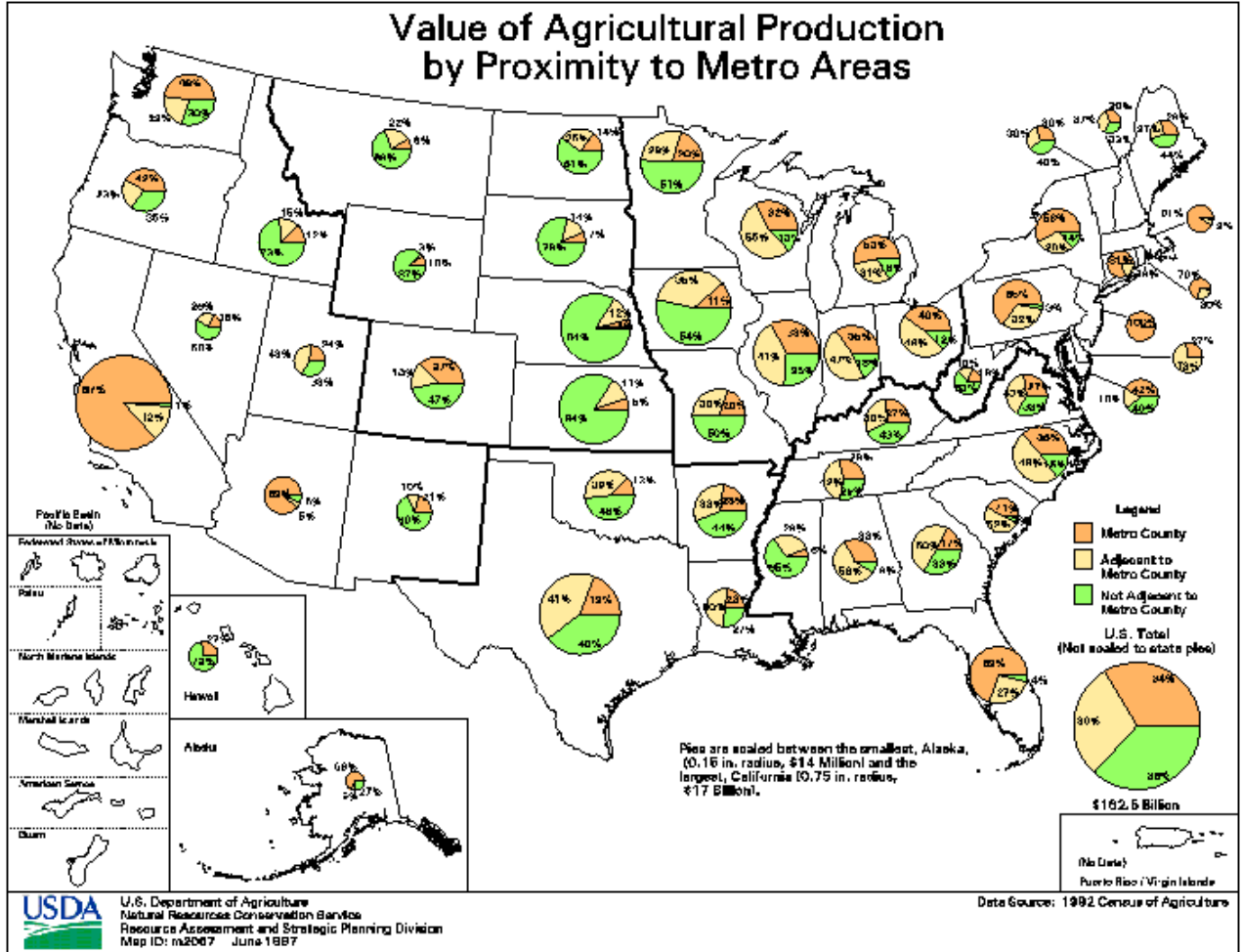
U.S. Department of Agriculture
 Natural Resource Conservation Service
 Resource Assessment and Strategic Planning Division
 Washington DC March 1996

Map ID: 2786
 For proper interpretation, see Explanation of
 Analysis for this map at our web site. Search
 for "USDA&OTL" to locate our map index.

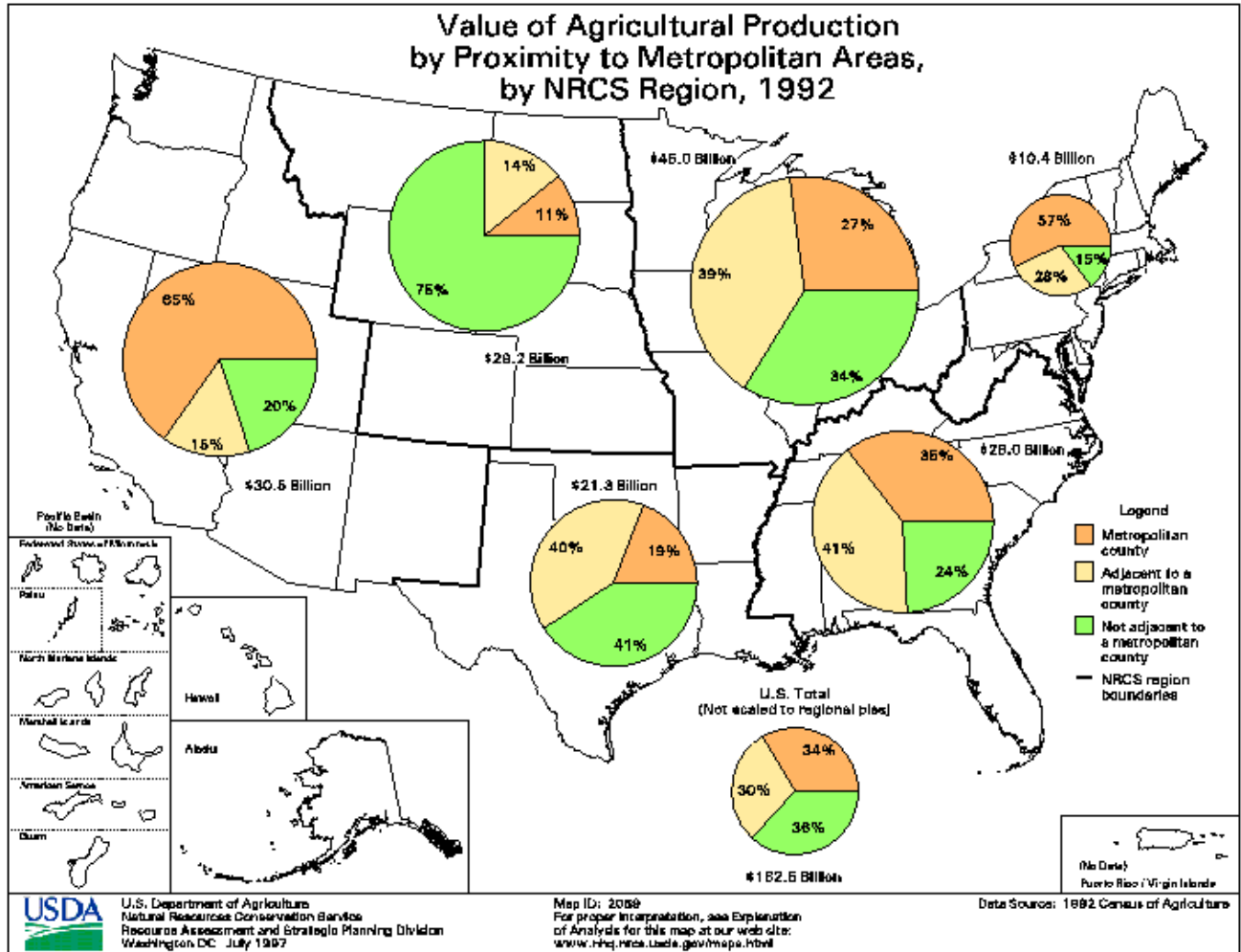
Data Source: National Resources Inventory, 1982



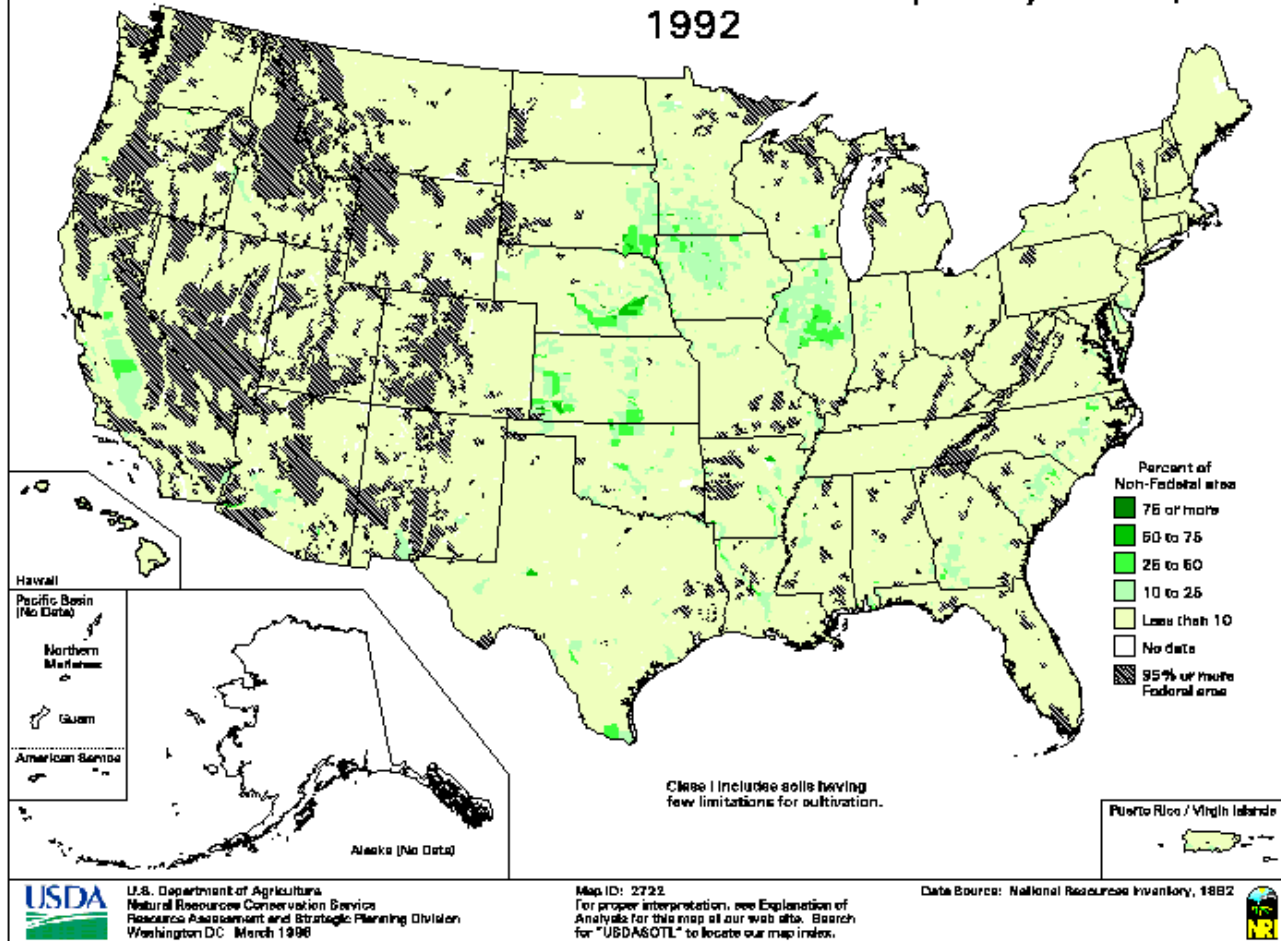
Value of Agricultural Production by Proximity to Metro Areas



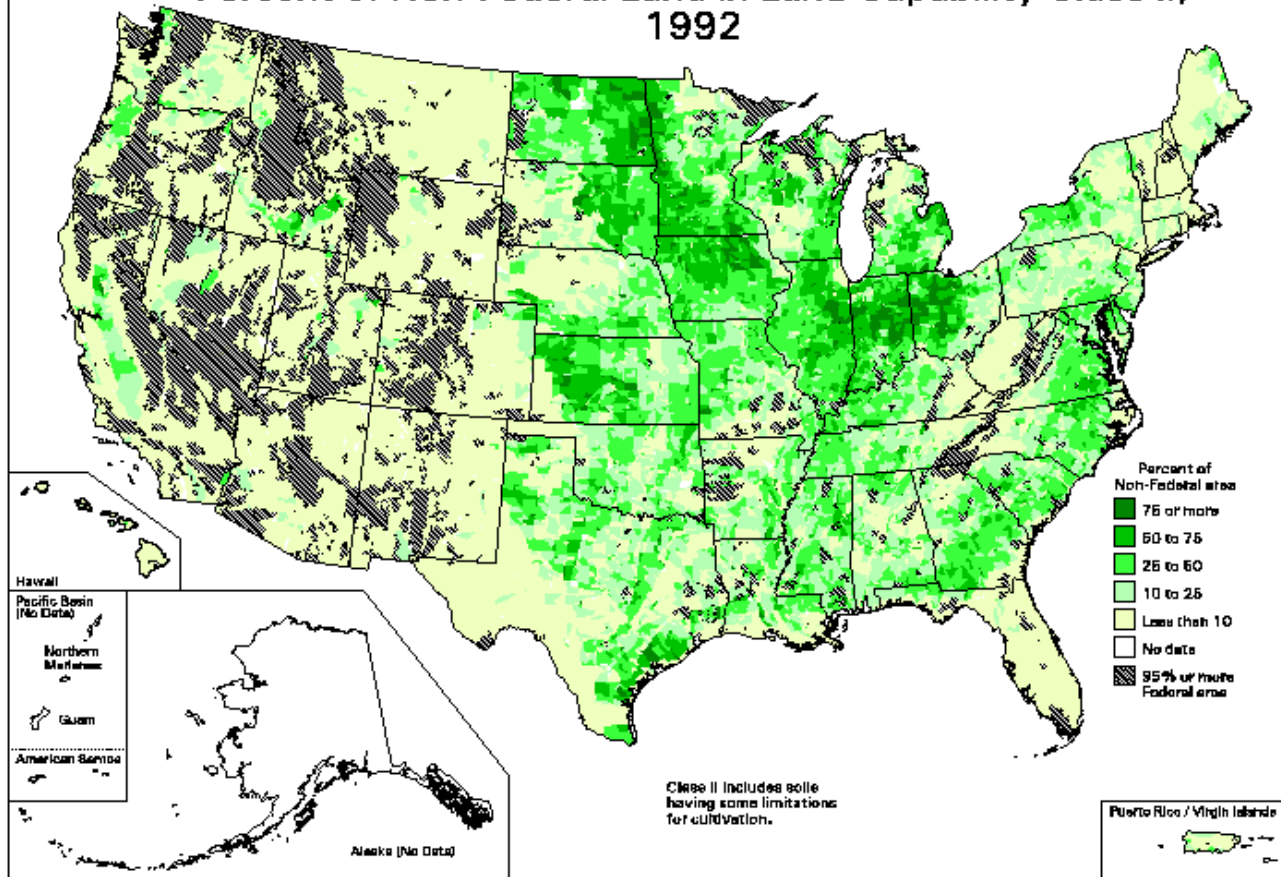
Value of Agricultural Production by Proximity to Metropolitan Areas, by NRCS Region, 1992



Percent of Non-Federal Land in Land Capability Class I, 1992



Percent of Non-Federal Land in Land Capability Class II, 1992



Percent of Non-Federal area

- 76 or more
- 60 to 76
- 26 to 60
- 10 to 26
- Less than 10
- No data
- 95% of total Federal area

Hawaii
Pacific Basin (No Data)
Northern Mariana
Guam
American Samoa
Alaska (No Data)

Puerto Rico / Virgin Islands

USDA U.S. Department of Agriculture
Natural Resources Conservation Service
Resource Assessment and Strategic Planning Division
Washington DC March 1996

Map ID: 2728
For proper interpretation, see Explanation of Analysis for this map at our web site. Search for "USDA607L" to locate our map index.

Data Source: National Resources Inventory, 1982



What is the Cost of Not Protecting Property Rights in S.C.?

By Bruce Yandle

The U.S. Constitution's Fifth Amendment tells us that private property will not be taken for public use without just compensation. These words securing part of the foundation of a free society seem simple and straightforward. Powerful ideas are one thing. Implementation is something else.

Courts and the average person agree that when land is taken by government for a highway or public school, the owner should be compensated. All of the owner's previously held property rights are destroyed. Other Supreme Court interpretations generally declare that if newly imposed government regulations wipe out an owner's previously held rights, taking all economic value of land and improvements, then compensation is due as well.

But what if a developer of a residential subdivision finds that a newly approved county zoning ordinance means that instead of being able to build 10 homes on his land, he can build only five? And what if the previous plan had been approved earlier by the same officials? Should county taxpayers reimburse the developer for the partial loss of his rights, if the land's value falls? Should there be compensation when 90 percent of a person's investment is taken to meet a public purpose? 50 percent? 10 percent? Does it all

depend on the size of the parcel? After all, 50 percent of a large parcel can be 100 percent of smaller ones.

A property rights bill (S.709), passed by the S.C. House and now being considered by the S.C. Senate, hits these and other questions head-on. As with any important legislation, there are strong and vocal interest groups weighing in on both sides. Land owners and developers dread the uncertainties and losses that come when regulators, planners, and government officials revise rules that affect the bundle of rights accompanying land ownership. They tend to favor the property rights bill. Opposition comes from those who see benefits from government efforts to reduce congestion, pollution, and other costs they believe spring from otherwise productive activities. Some see themselves as winners, others as losers, in a struggle over property rights enforcement.

In normal conversations over coffee, most everyone would expect government to respect and enforce property rights. Surely the most dedicated environmentalist expects to be secure at home, to call the sheriff when someone threatens to knock down the door, and to be able to exclude unwanted parties from precious natural resources held in trust for others. Nature Conservancy would not

likely invest millions to secure sensitive habitat if they could not rely on government to protect their property rights. Protection of property rights is not a bad thing. There must be more to the story.

The Senate bill under debate is controversial for three reasons: Paying, protecting, and funding.

Some just oppose the idea of paying private citizens for actions that seem to benefit the larger community. The proposed bill establishes conditions and procedures that require state agencies and governmental units to face the real possibility of paying the market value of rights proven to be taken by government action. If local land-use ordinances are changed so that current owners of real property are denied the right to operate by the original guidelines, the unhappy landowner is provided a procedure for making claims against the local government. And if after exhausting the procedure for dealing with the perceived losses the owner is unsatisfied, he can go to court where the loser pays court costs for both parties. People will no doubt weigh the prospects of losing carefully. Litigation is expensive.

If the law were in force, zoning officials would be more careful and perhaps more creative in developing land-use management schemes, and more people would show up at hearings to learn about any changes in zoning rules.

What about protecting? Some fear that a state property rights law can end all environmental protection. Yet while the proposed

statute provides broad access for unhappy property owners to seek relief, it walls off from action a number of significant government activities. Government rules designed to control nuisances and to promote health and safety are exempt from action. Also, regulations developed by state agencies under delegated authority from the federal government are not, and cannot be, covered. Enforcement of federal rules that relate to water and air pollution, endangered species, wetlands, hazardous waste sites, and a host of other federally mandated actions are excluded. Whether state interpretations of federal rules that go beyond the limits of federal law are exempt or not seems open to question.

Another more fundamental form of property rights protection is available for those who may still be troubled. The ancient law of land, common law, protects owners and occupiers of land from unwanted harms generated by others. Long before there was an Environmental Protection Agency, courts imposed the cost of damages and placed injunctions on polluters who disregarded the common law rights of others. At common law, no person has the legal right to impose unwanted environmental costs on owners and occupiers of land. That is, unless a political body rules otherwise, and sometimes they do. To some extent, the proposed statute embodies some common law thinking.

Paying and protecting. What about budgets? How much will it cost? Many quite logically wish to know more about the budgetary impact of the proposed law. A recent

study commissioned by a group opposing the law provides insights and raises questions. The authors of the study compare the S.C. statute with an almost identical Florida law that has been in place for some time. They make assumptions about land transactions and use a range of numbers to proxy the likelihood of controversies on a county-by-county basis and apply estimates of the costs of litigation to these predicted property rights controversies. They arrive at a mid-point estimate for the first year—\$127 million. They indicate that budget effects will fall later. Of this, some \$24 million would be paid to property owners after a determination that their property rights were taken. We usually think of payments for property rights as part of the cost of getting things we value more than the price paid. The remainder is litigation and transaction costs. The report suggests that together all state citizens will lose. This seems like an unhappy outcome.

This large estimate, which is driven primarily by litigation costs, assumes that community rule making and cost avoidance is not affected by the prospects of paying when a court rules that property rights have been taken. In other words, the estimate seems to assume that yesterday's world will continue just as if property rights protection

had not changed. The effect of the law on community behavior is zero.

Those opposing the law seem to think the financial impact of the law is too large. Those in favor seem to believe that whatever the cost, payment should be made when private property rights are taken in the interest of providing benefits to other people.

Paying, protecting, and funding. There is no way to estimate accurately the cost of protecting our constitutional rights. Surely, no one can tell us the cost of protecting freedom of speech, religion, and our civil rights. We would likely be amazed and angered if federal officials refused to protect constitutional rights because of the budget deficit. Yet we all know that budgets affect actions. We also understand that basic freedoms and property rights protection, broadly speaking, form the basis for life as we know it. Instead of asking what is the cost of protecting rights, we might more logically ask — what is the cost of not protecting rights?

Bruce Yandle is Alumni Professor of Economics & Legal Studies, Clemson University, a Senior Fellow of the Strom Thurmond Institute and editor of Land Rights: The 1990s' Property Rights Rebellion, Lanham, MD: Rowman & Littlefield, 1995.

Charter Schools Floundering in South Carolina : Should We Worry?

By James Hite

Like many states, South Carolina now has a law on the books allowing for the formation and tax support of charter schools. Citizens or organizations can bind together, set up their own school and run it more or less independently of the public school establishment. The idea, borrowed from the Thatcher government in Britain, is to encourage competition in public schools on the reasoning that competition is a good thing and will lead to overall improvements in education. But as recent experiences in Beaufort, Charleston and Greenville counties show, the charter schools movement is floundering in South Carolina.

Charter schools are a controversial idea. Once a charter is granted, the new school is entitled to the same per-pupil allocation of tax dollars as ordinary public schools. Some worry that they will only drain resources away from already underfunded public schools. Some worry that the charter schools will fall under the control of groups who do not want children taught anything that might cause them to question traditional values. Some worry they will result in a return to racial segregation in education. Some worry that charter schools will hire unqualified teachers. School boards and teacher organizations, particularly, often see charter schools as an unacceptable threat to the existing order.

Whether charter schools are a good idea or a bad one is a matter we cannot resolve here. Yet it is increasingly clear that the existing law in South Carolina allows those who oppose charter schools to throw roadblocks in the way or their organization, and unless that law is changed we are unlikely to have much growth in charter schools in this state.

If we assume charter schools are desirable,

it defeats the whole purpose if they can be formed and operated only at the sufferance of those who have bureaucratic reasons to oppose them and would rather they go away. If charter schools serve any purpose, it is in introducing competition and innovation into education. That means they must have a way to come into existence even when the local school board and teacher organizations oppose them. Current law which requires those proposing a charter school to get approval from the local school boards is the big stumbling block to their formation in South Carolina that must be removed.

There are several options. One approach is to make it easy to obtain a charter and get a school in operation, but evaluate performance of the schools based on how their students do on standardized tests. Such an approach would endorse the idea that we care much more about results than how those results are achieved. That would mean charter schools could operate in all sorts of non-traditional ways, including hiring non-certified teachers, and continue to get funding if their students met some threshold in performance on standardized tests. The test scores of chartered and traditional schools would be published and available to the public and those schools that fail to prepare students would presumably eventually die as parents took their children elsewhere.

Another approach is to establish a statewide citizen group empowered to grant charters independent of the existing public school establishment. Clearly, there are good arguments for insisting that if public tax money is to be used by charter schools they should not discriminate on the basis of race, and perhaps on the basis of certain types of physical disabilities. There may also be good arguments for insisting that a charter school be a real school

with a building and other appropriate facilities, not just a consortium of home schoolers. The chartering board could make those wanting a charter jump through whatever hoops it considered desirable and necessary so long as the board has no vested interest in preventing charter schools free of bureaucratic redtape from becoming a reality.

There are many good and sincere people on both sides of the charter schools controversy. Yet if we are to have laws purportedly allowing

for charter schools, it must be a workable law, and what is now on the books in South Carolina is not workable. As the problems Greenville Tech has had obtaining a charter for a school show, it is time to fish or cut bait on this matter. The current law on the books is a joke.

James C. Hite, Ph.D, is a senior fellow of the Strom Thurmond Institute of Government and Public Affair at Clemson University where he is alumni professor of agriculture and applied economics. .