

From: Walker, Trey
To: Veldran, Katherine <KatherineVeldran@gov.sc.gov>
Date: 6/21/2011 9:21:01 AM
Subject: FW: Vetoes: Local School Bonds

fyi

From: Walker, Trey
Sent: Tuesday, June 21, 2011 9:13 AM
To: Walker, Trey
Subject: Vetoes: Local School Bonds
Importance: High

The Governor asked that I share this column with you and respectfully requests that each member of the Senate vote on these vetoes today. If you have any questions, please let us know.

Sincerely,

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Scoppe: The revolt to come

By CINDI ROSS SCOPPE
Associate Editor

STATE SENATORS could vote Tuesday to set in motion the demise of one of the most enduring and destructive vestiges of the Legislative State.

I'm not talking about the bill to dismantle the Budget and Control Board; significant as that is, it would merely abolish a 20th century relic. By contrast, the fight over a trio of other, fairly routine, bills could set off a virtuous cycle that deals a crippling blow to the centuries-old tradition of county legislative delegations setting local policies back home.

On its face, the battle is over Gov. Nikki Haley's vetoes of single-county bills allowing the Hampton 2, Florence 4 and Colleton County school districts to bypass state law and issue bonds to pay for day-to-day operations. Supporters say the districts are in crisis and must make disastrous cuts without this admittedly irresponsible funding mechanism. The governor says the funding mechanism is fiscal folly and shouldn't be allowed regardless of the consequences.

I agree with the governor, although the districts do need help that the state has failed to provide. But the debate is not simply about whether such an extraordinary remedy is justified; it is about whether state legislators finally will accept their responsibility to act as *state* legislators.

By tradition, the only people who vote on a single-county bill are the legislators from that county. Except for school bills, they're almost always unconstitutional. The single-county school bills are simply bad policy, because they buttress our practice of writing different rules for different districts, and prevent the Legislature from making the reforms we need to improve public education. The most obvious example is school district consolidation, which would benefit our state in countless ways; the Legislature refuses to order it because most legislators consider the districts to be the sole province

of the legislators who represent them.

But when it became clear Thursday that local senators would override the governor's vetoes, tea-party senators revolted, insisting that it was not only their right but their responsibility to weigh in. Sens. Kevin Bryant and Shane Martin said they should vote to uphold the vetoes because the bills would affect their constituents who own property in the districts. Sen. Mike Rose said the bills went far beyond such traditional single-district topics as changing selection methods for school boards and pushed the Legislature onto a dangerously slippery slope that eventually would lead to exempting certain districts from, say, state student-teacher ratios. "At what point," he asked, "are we going to step in and say, 'you can't do that'?"

Senate President Pro Tempore Glenn McConnell said the bills likely wouldn't be considered constitutionally acceptable school laws because they made findings in the name of the Legislature and exempted the districts from state law.

The most surprising thing about the debate was who championed the divine rights of local legislators: Senate Rules Chairman Larry Martin, who warned his colleagues to be careful what they did unto others, lest the same things be done unto them: "I want you to stay out of my business in Pickens County, and I'm gonna stay out of yours."

The fact that this perversion of the Golden Rule would be enunciated by one of the most responsible senators demonstrates just how deeply ingrained the idea remains that the Legislature should control all aspects of life in South Carolina.

Mr. Martin said the three districts were being held to a different standard than seven others that had been given the same authority. That's not an entirely illegitimate argument, but it perpetuates one of our Legislature's worst beliefs: We can't do things the right way because we've always done them the wrong way.

When we talked later, Mr. Martin noted that several senators who were in revolt come from counties with multiple school districts. "If we're gonna start getting into other folks' business, that gives me license to start consolidating all these school districts," he said. "I can tell you, the very folks that were arguing today to sustain the veto would not want us arguing about how their board is structured."

While I breathe, I hope.

I am not normally a fan of retaliatory politics, because it puts petty grievances ahead of good policy. But do motives really matter so much, particularly when the target of the retaliation is a bad policy?

The reason the Supreme Court says it's generally OK to pass single-county school bills is that — unlike cities and counties — the schools are the responsibility of the Legislature, created to carry out the Legislature's constitutional mandate to provide public education.

That's also why these bills make such terrible public policy.

Our schools don't adequately educate all children largely because the Legislature has abdicated its responsibility to hold school districts accountable for their performance. The Legislature put Hampton 2, Florence 4 and Colleton County in the position of having to resort to such a fiscally irresponsible "solution" — by providing either inadequate funding or inadequate mechanisms for the state to step in when incompetent local officials mismanage districts, or both.

The Legislature should sustain the governor's vetoes. But the districts do appear to be in crisis — a crisis that would have been mitigated if Gov. Haley had not forced Senate budget negotiators to back away from bringing school funding back up to the level it was at in 2000. Although it's difficult, it's not

too late to fix that. Just as the Legislature can — and should — add the Budget and Control Board bill to its wrap-up session agenda, it should provide extra funding to get these three districts over the hump — along with immediate state intervention in their management.

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