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South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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House Week in Review

With six weeks to go before the end of the session, House members continued cleaning out the House calendar last week, putting two bills on special order and designating Wednesday as the time for Family Court and 5th Circuit judgeship elections.

Compliance Review

The Compliance Review Act was ratified last week. This bill authorizes the State Reorganization Commission to follow up on recommendations made by the Legislative Audit Council to state agencies. This development should delight editorial writers from one end of South Carolina to the other since the Compliance Review Act was one of their favorite bills this session. (For more, see "Editorial Commentary on the Legislative Session" in this week's Update.)

Although, it was only introduced in the House early last week, S.1417 already was enrolled for ratification. This bill exempts the printing of the legislative screening transcripts of the 9th Circuit judgeship candidates in the House and Senate Journals. Although a copy of the full transcript will be available to each House member from the clerks of the House and Senate, printing the lengthy documents in both journals would be cost prohibitive. Screening Committee chairman Sen. Tom Smith said it would cost \$140,000 to print the transcript in the two journals.

Special Orders

Two bills were set by special order to be taken up Wednesday at 3:30 p.m. The first bill on special order is S.1062, which would re-authorize the existence of the State Board of Examiners in Speech Pathology and Audiology for six years. Following action on this bill, S.1140 is set for special order consideration. This joint resolution would delete the requirement that members of grand and petit juries be registered voters. Instead, S.1140 would require jurors to be South Carolina residents and have "other qualifications

as the General Assembly may prescribe." If passed, this joint resolution would be submitted to the voters on the November general election ballot.

Conference Committee

The Home Instruction bill, S.457, is heading for a conference committee. Speaker Sheheen has appointed Reps. Shelton, McGinnis and Haskins to represent the House on the conference committee. Senate appointees are Sens. Garrison, Giese and Pope.

More Judgeship Elections Set for Wednesday

The House and Senate will meet in a noon joint assembly Wednesday to elect members of the Family Court and select a successor to the retiring 5th Circuit Judge Owens Cobb. Candidates for these seats include:

For the 5th Judicial Circuit bench: James C. Harrison Jr. and J. Ernest Kinard Jr.

For the Family Court bench:

In the 1st Circuit, Seat 2: Incumbent Judge Alvin C. Biggs.

In the 2nd Circuit, Seat 1: Incumbent Judge Peter R. Nuessle

In the 3rd Circuit, Seat 1: Frances C. Matthew and Incumbent Judge B.J. Warshauer.

In the 4th Circuit, Seat 1: Incumbent Judge Jamie F. Lee.

In the 5th Circuit, Seat 1: Incumbent Judge Robert H. Burnside.

In the 5th Circuit, Seat 2: Melvin D. Bannister, Richard Giles Whiting and Joseph A. Wilson II.

In the 5th Circuit, Seat 4: Incumbent Judge William M. Campbell.

In the 7th Circuit, Seat 3: Incumbent Judge Stuart H. Hall.

In the 8th Circuit, Seat 2: W. Frank Partridge Jr., Gary Tusten Pope and John M. Rucker.

In the 9th Circuit, Seat 1: Incumbent Judge L. Mendel Rivers.

In the 9th Circuit, Seat 3: Incumbent Judge Judy Cone Bridges.

In the 9th Circuit, Seat 4: Waynes M. Creech and David A. Soderlund.

In the 10th Circuit, Seat 2: Incumbent Judge Robert H. Cureton.

In the 11th Circuit, Seat 1: Incumbent Judge W. Frank Rogers Jr.

In the 12th Circuit, Seat 3: Incumbent Judge Wylie H. Caldwell Jr.

In the 13th Circuit, Seat 3: Incumbent Judge Willie T. Smith Jr.

In the 13th Circuit, Seat 4: Incumbent Judge Judge Joseph W. Board.

In the 14th Circuit, Seat 2: Incumbent Judge Albert L. Kleckley.

In the 15th Circuit, Seat 2: Incumbent Judge Kaye G. Hearn.

In the 16th Circuit, Seat 1: Incumbent Judge David N. Wilbur Jr.

Bills Introduced

Here is a sampling of the bills introduced in the House during the past week. Not all House bills introduced during that period are featured here. The bills are organized by the standing committees to which they were referred.

Education and Public Works Committee

School Principal Evaluations (S.1382, Education Committee) This bill from the Senate Education committee addresses the evaluation of school principals by the State Board of Education. The bill would change the frequency of the evaluation of principals from four years to three years. Also, principals who fail this evaluation will be required to take an approved training program and will be reevaluated one year after completing the program.

Ways and Means Committee

House Trailer Laws (S.1220, Sen. Land) This bill from the Senate concerns the fees and transportation of house trailers. The annual fee for house trailers would be increased from six dollars to twelve dollars under the bill. Also, the bill increases the fee for one trip from five to ten dollars, and allows house trailer owners to purchase a permit for transportation of oversize mobile homes or modular home units.

Without Reference

Testimony from the Ninth Judicial Circuit Candidate Screening
(S.1417, Sen. T.E. Smith) This joint resolution would exempt the testimony from this year's screening of candidates for the Ninth judicial circuit from the provision that all such testimony will be published in the journals of both houses. The testimony would instead only be retained by the clerk of each house, and verbatim copies would be made available to each member of the General Assembly before the election.

Editorial Comment on Legislative Issues

There's no topic that South Carolina editorial writers like better than the activities of the General Assembly. Each month, the House Research Office receives bags of news clippings -- articles and editorials -- focusing on issues before the Legislature. As has been done in the past, here is a summary of editorial commentary on a number of issues pending before the General Assembly. Again, House members are reminded the opinions summarized here are those of the cited newspaper, not the House Research Office.

This commentary has been arranged by issue. Editorials are from both daily and weekly newspapers and were chosen not just for their commentary, but also to reflect viewpoints from different parts of the state.

Beachfront Management

No issue before the General Assembly this session has prompted as many editorials as the pending Beachfront Management legislation. Editorial writers have been unanimous in their calling for a tough beachfront management bill.

In urging passage of a strong beach protection bill, The Greenville News wrote:

"The beach legislation is controversial because of the controls it would place on coastal development. It would establish mandatory construction setbacks, ban new hard erosion control structures such as sea walls, and limit -- and in some cases prohibit -- the rebuilding of storm damaged structures.

"But the bill is a wise approach to the management of the state's coastal resources. It recognizes that natural forces are at work on the beaches and that man must live with those forces because he can't ultimately control them."

The (Myrtle Beach) Sun News sees tough beachfront management legislation as way to avoid public versus private interest feuds:

"Quibblers, johnny-come-lately bankers, selfish property interests and pure politics threaten to leave the public beachless and tourism in a high dive into a shallow tidal pool.

"Indeed, without a stern beachfront management law, the day is coming when the state, on behalf of its residents, will be forced to sue private property owners for desecration of public property. Further, the day is coming when the erection of one seawall causes the erosion of a neighbor's property. And there will come a time, if it is not already here, when private landowners demand tax dollars to protect their private property. Without a solid beachfront plan, can taxpayers be expected to continue to subsidize flood insurance?"

"It will not be easy, but a sturdy beachfront management plan -- such as that in the House Agriculture and Natural Resources Committee -- can forestall legal suits between neighbors. It can forestall a pitched battle over private vs. public property."

While The Charleston News and Courier staunchly backed the need for a strong beachfront management bill, it questioned the need for beach renourishment:

"The key question in the upcoming beach management debate won't be whether or not a long-term withdrawal from the shoreline should be undertaken. We must do that. The key question will be, should government-subsidized beach nourishment be included in upcoming legislation?"

"We don't think so. This legislation should not become a money bill. If additional funding for beach nourishment becomes necessary, it should be considered later -- on a case-by-case basis."

Some editorial writers took off after the special interest groups opposed to what the writers felt was a strong protection bill. The Anderson Independent-Mail wrote:

"Powerful special interests, including banking and insurance lobbyists, are fighting the proposal for long-range beachfront protection that includes a new setback line."

"Counterproposals by developers and property owners envision constant 'renewal' of the beaches by hauling in sand and constructing more seawalls and other temporary expédients at an annual cost of millions of dollars."

"Who would pay for this futile effort? The developers? The banking industry? The property owners? Of course not."

"If the present legislation or something similar or stronger fails of early passage, all the state's taxpayers would be called upon to bail out those foolish and greedy enough to risk building structures in unsafe places."

Following House passage of the beachfront management bill, The Newberry Observer wrote:

"Wednesday's 84-12 passing of a beachfront management bill in the state House of Representatives marks a new beginning for environmental action in South Carolina."

"Although the compromise bill eliminates the retreat policy and allows damaged oceanfront buildings to be rebuilt to their original size, it is far better than no bill at all."

But The Columbia Record wasn't satisfied with the House version of the bill and called on the Senate to strengthen it:

"The reasonable protections that had been included in a bill to reduce the erosion of South Carolina's coastline were all but washed away in the version that finally passed the state House last week.

"As Charleston Rep. McKinley Washington pointed out, the legislation is 'a step forward, but I don't think it's the kind of step the General Assembly should settle for....If we don't do something meaningful, there won't be any beaches for the developers or anybody else to develop.'

"The Senate should restore the tougher controls included in the original beach-protection bill. Otherwise, this fragile natural resource, and the billions of tourism dollars it brings to this state annually, eventually will wash away."

Now that the bill is before the Senate, The Charleston Evening Post is protesting a Senate amendment exempting Folly Beach from the bill:

"Sen. John R. Russell reasons that Folly's erosion problems are caused by jetties at the entrance to Charleston Harbor. He contends that Folly ought to be permitted to keep its seawalls and revetments as protection.

"Sen. Russell's heart doubtless is in the right place. Folly might have special problems. The fact remains that once legislators begin exempting this beach and that, the result is going to be a patchwork law that won't accomplish its primary purpose, and will serve only as a means to obtain state funds to underwrite expensive experiments in renourishment."

And at least two newspapers are wary of renourishment provisions. The News and Courier again wrote of the renourishment issue:

"All taxpayers in South Carolina should know that the renourishment package would cost them dearly from the day it is approved and again and again, year after year after year.

"Although the House bill provides that property owners must renourish the beach in front of their holdings on a yearly basis with an amount of sand equal to 1 1/2 times the annual volume of sand lost due to erosion, it should be noted that the property owner can be exempted from the renourishment requirement 'if the structure is in an area landward of an ongoing federal, state or local government renourishment project.' In other words, the stage is being set for a publicly financed bailout for investors in houses and condos built where they should never have been allowed and whose seawalls are increasing the rate of erosion instead of controlling it."

Headlined "A \$12 million rip-off. The beachfront renourishment bonds take from the poor to protect the rich," The Anderson Independent-Mail wrote:

"All beach renourishment can do is buy a little time. The waves kicked up by winter storms will claim the new sand, and more will have to be trucked in next spring. If we get into beach renourishment, we will be into an open-ended expenditure of tax money.

"Some people will claim that this \$12 million is money to save our priceless beaches. That is false. The beaches are going to be there. The money is spent to protect the houses and condos that were built too close to the water. It is being spent to protect the financial investments of persons who are far more affluent than the average South Carolina taxpayer who must pay off the bonds.

"The bond issue for beach renourishment is a classic case of Robin Hood politics in reverse -- taking from the poor to help the rich."

Local Government Finance Act

Many editorial writers already are shoveling dirt over what they believe to be a now-dead issue -- local option sales tax legislation.

From The Greenville Piedmont:

"A bill that would give local governments a modicum of financial home rule is languishing in the state Senate, apparently the victim of election year politics. A healthy bill that would have given local governments a half-dozen alternatives to the property tax was introduced more than a year ago.

"Originally the idea behind the bill, called the Local Government Finance Act, was to give local governments methods of generating revenues in addition to, or in place of, the property tax. Local governments, which their name implies are closer to the people they serve, should have the financial options at their fingertips that state lawmakers do.

"But legislators don't see it that way. And many fear that voters will see support of the bill under debate as approval of a tax increase. So they are scared to vote on the bill this year, which is an election year.

"Meanwhile, local governments are treated like children too irresponsible to be entrusted with the financial well-being of their communities."

The Lancaster News is equally discouraged about passage of the legislation this year. It wrote:

"Prospects for passage of a local-option sales tax bill to help financially strapped local governments are not encouraging.

"The legislators' attitudes are unfair. If state government needs money it raises it, from gasoline taxes to sales taxes. Yet local governments are expected to provide services and are limited as to how they can raise revenue.

"True home rule would be to allow elected councils to raise revenues by means other than the highly unpopular and regressive property taxes. It would seem that senators, of all people, would recognize this."

From across the Savannah River, The Augusta Chronicle added its voice to those urging some action on the issue:

"South Carolina and Mississippi are the only two of the eight Southeastern states which do not allow a local option sales tax. The other states have found the local tax option a useful way to recoup local federal revenue sharing funds without placing the entire tax burden on property owners.

"The central issue for the General Assembly isn't higher taxes, but local communities' rights to control their own tax policies. Right now their only route is to load even higher taxes on property owners. Other options should be allowed."

The Low Country Weekly wrote that passage of a local option sales tax would be an economic boom for Jasper County:

"It (local option sales tax) would permit us to shift a significant portion of our tax burden onto the travelers and tourists who stop here and spent money -- and who should, in fact, be paying for the services they receive.

"As the legislative session goes on, Jasper Countians should keep a close eye on the fate of these ...tax bills because our economic fate may be tied to them."

Commentators for The Florence Morning News wrote they are having difficulty seeing the advantage of the Senate's proposal over the House-passed bill.

"It's hard to see much advantage for anybody if the conditions for enacting local-option sales tax legislation is a dollar-for-dollar rollback in property taxes, as state Sen. Hugh Leatherman of Florence says he will insist on.

"It would be a matter of swapping a local tax that isn't deductible on income taxes (property taxes) for one that no longer is (sales taxes).

"The local option sales tax faced tough sledding in the Legislature from the start. Now that the state associations of cities and counties have fallen into squabbling over divvying it up, its prospects are getting dimmer."

And The Greenwood Index-Journal suggested that the Senate ought to come up with a better name than the one it now has for the

legislation. The Index-Journal wrote:

"Taxpayers have to believe, not doubt, and to help rebuild their beliefs, it might be in order to call the tax legislation what it is...and not the Property Tax Reform Act. Taxpayers know better."

The Rock Hill Evening Herald agreed. Under the headline, "A Real Need By Any Name," the Evening Herald wrote:

"What's in a name? Plenty, judging from the approach some city and county leaders in South Carolina have taken to a proposed law to boost tax revenues for their communities. The bill, previously known as the Local Government Finance Act, has been redubbed the Property Tax Reform Act."

"It's tempting to suggest that the sponsors go ahead and call the proposal the Mom and Apple Pie Act, while they're at it. Even though we appreciate that few lawmakers would want to be perceived as opposing property tax reform, we think proponents of this bill ought to concentrate on the selling the merits of their plan, not on semantics."

"Financing local government is nothing to be skittish about; it's a necessity. By any name, this is an issue that demands the General Assembly's attention."

Comprehensive Health Education

Most editorial writers applauded the efforts of the General Assembly to pass sex education legislation. While many decried the need for it, they took the view that passage of the Comprehensive Health Education bill was a practical route in light of the high rate of teenage pregnancy and the alarming spread of AIDS.

That is the position The Abbeville Press & Banner took when it congratulated the Legislature for its work on the bill. They wrote:

"The State Legislature has demonstrated a stronger fibre than some might have expected in passing a bill requiring health and sex education in the public schools of South Carolina. The need has been demonstrated in this state by the number of teen pregnancies and the increasing rate of spread of the fatal AIDS disease. Some have felt we have a choice, but actually we do not."

"The extent of promiscuity during teen-age years depends in major part on what is taught within the home and the churches; we would think that accurate health and sex education would further support the advantages of abstinence rather than encourage experimentation at an earlier age. We can be sure, however, that experimentation will not be eradicated, that teen-age pregnancies will not be eliminated, that the spread of social diseases will not be halted no matter what. We are, even so, convinced that much can be accomplished toward that end and that all of society will be benefited."

"We think the members of the General Assembly have earned a vote of thanks."

The Beaufort Gazette took the same approach:

"We agree that parents should be instructing their children about the problems of sex at such a young age. And we agree that the morality of sex should be taught by the parent and the church.

"However, we believe that is not happening and that children should be taught sex education in the public schools. As school systems statewide struggle to find solutions to the problem, the law should be on the side of enlightenment. That's what the new law attempts to do.

"The law has its flaws, but it is the biggest step toward enlightenment that the state has ever experienced in sex education. It can't get out of the House and Senate and into law soon enough."

The Myrtle Beach Sun News came out against strengthening language in the bill regarding homosexuality. They wrote:

"Yes, homosexuality is against the law in South Carolina. That should be taught. Homosexuality is also unhealthy; homosexuals are at the highest risk in contracting AIDS, a deadly disease. That should be taught. Teaching law and health, then, is perfectly acceptable, even expected.

"But laws and health are completely different from morals for morals are determined within families, within the souls of individuals. Laws may reflect morals, but they can be enforced by the courts; morals cannot be adjudicated. The rules of good health may also be moral, but they define what is and is not a risk to life; morals usually don't of their own accord.

"Yes, teach sex education that includes what is and is not legal and what is and is not healthy. But don't teach what is moral and immoral, because no one wants someone else making that determination for himself or his children."

Columbia Record columnist Katherine King reminded her readers of what the polls show regarding the public's feeling on sex education.

"A statewide poll, conducted last month for The State newspaper by Metromark, Inc., showed that 81.7 percent of the respondents favored school-based sex education programs, 12 percent opposed them and 6.2 percent had reservations or no opinion. The poll, with a sample of 513 respondents, had an error margin of plus or minus 4.3 percentage points.

"Similarly, a former teacher told the Richland District Two school board this week that she had conducted a random survey of 150 parents in the district, and more than 90 percent favored sex education in the schools, including instruction on venereal disease, birth control and family planning.

Will the silent majority, the 81 percent favoring health and sex education, stand up and be counted? Or will they allow state lawmakers to table this issue for another year?"

Separate pregnancy prevention classes for boys and girls was one aspect of the bill The Florence Morning News didn't like. They wrote:

"To argue that sexually integrated sex education classes promote promiscuity borders on silliness.

"This isn't to say, assuming enactment of the sex and health education bill, that there won't be times when the nature of what is being discussed about sexuality can't be handled in sexually segregated classes.

"But for Heaven's sake, leave that to the discretion of teachers and principals. Given them some credit for a reasonable quotient of sensitivity and propriety."

However, the News and Courier took the position that passage of the legislation was no guarantee that the state will be any more successful than parents or churches have been in connection with this issue:

"As the state moves into sex education, replacing parents and churches, it should be expected to accept the responsibility for sex education that goes wrong. Accountability will be as hard to impose on schools in respect to sex education as it is in every other aspect of education. Nobody holds schools responsible when they fail to teach reading, writing and arithmetic. Nobody will be able to hold schools responsible, either, if they fail to indoctrinate students with a distaste for homosexuality or promiscuity. Legislators are to be commended for trying to write into the sex education bill safeguards that will protect against sex teaching gone wrong. Nowhere in public schools, however, are there money-back guarantees. Sex education programs are no exception."

And finally, The Orangeburg Times and Democrat reminded its readers that the bill is just as much about health education as it is about sex education.

"All together, the sorry state of South Carolina's health is argument enough for a program to teach our children how to be healthier. And since teen pregnancy is a big problem in this state -- and teen pregnancy is a contributing factor in keeping poor people poor -- it makes sense to include sex education in the program.

"The potential good that can arise from this bill is unmeasureable. The health of our children cannot help but benefit, and from that, the whole state benefits. And if we can stop so many of our children from becoming parents, then that is major progress, too."

Highway Safety

As the House and Senate debated their Highway Safety bills this session, many editorial writers were urging the Legislature to be as tough as possible with the drunken driver.

Many newspapers liked amendments to the Highway Safety bill that called for DUI bumper stickers and confiscation of vehicles. The Anderson Independent-Mail wrote:

"Who knows whose life might be saved if these provisions frighten at least one drunk driver off the highways.

"As of now, they're not afraid. Drunk driving arrests continue to grow as do the number of alcohol-related highway deaths. The slaughter must be stopped. It is senseless to allow drunk drivers to continue to terrorize our highways.

"We would hope that succeeding sessions of the General Assembly would continue to add sharp teeth to the drunk-driving laws.

"As soon as drunk driving is viewed as painfully costly, the highways are going to get safer."

The Newberry Observer also voiced its support for the confiscation provision.

"Like most laws that are proposed, there are provisions that provide haggling points and this one is no exception. The main obstacle on this one could well be the part about vehicle confiscation involving the third offender. There were only two objections in the House this week to that provision, but it may hit rougher competition in the Senate as that body's version of the highway bill does not include vehicle-confiscation plans.

"If our lawmakers need their questions on the matter of confiscation answered, maybe they ought to turn to the wildlife people and learn how night hunters lose their vehicles when they're caught hunting deer illegally. Ought we not put more value on human lives?"

The Chester News and Reporter urged the Legislature not to let crowded prisons deter efforts to put drunken drivers behind bars:

"Some may question how this state, whose prisons are already crowded, can house the new population influx that such get-tougher legislation creates. The fact remains, however, that one can not allow a tradeoff just because the state neglected its penal facilities for so many years and is now having a problems catching up with needs. We cannot allow the lack of space in prisons and treatment facilities to keep us from cracking down on the major social and economic problems facing society."

With the spotlight on highway safety, The Sumter Daily Item seized the opportunity to push for the passage of mandatory seat belt legislation.

"Too, the state should pass a mandatory seat belt law. One will be offered again this year. With last year's deaths staring legislators in the face, perhaps their closed minds on seat belt can be opened. North Carolina's phase-in of mandatory seat belts has saved 1,300 lives, evidence indicates. Whether less freedom or not, mandatory seat belts saves lives. If the General Assembly won't approve a statewide law, then each municipality, at least, should.

"It's difficult, at best, to put a finger on why South Carolina, a small state, generates so many fatalities. However, if the state doesn't use every legal tool at its disposal and if South Carolinians don't demonstrate their concerns, the state's sorry record on fatal wrecks will continue."

But The Berkeley Democrat took the position that driving under the influence is a moral issue that get-tough provisions will not affect. They wrote:

"Add to the harshness the mistaken premise that morality can be legislated. Getting behind the wheel incapacitated by drugs or alcohol is an immoral act, a violation of the moral law which asks us to assume some responsibility for the well-being and lives of our neighbors.

"Maybe the House bill provisions will discourage potential DUI offenders. But the root of the problem goes deeper than the surface symptoms addressed by man-made law.

"Legislation can't begin to touch the heart of man where moral decisions originate. The true solutions to the DUI problem -- individual maturity, responsible awareness and education -- can't be mandated by General Assembly."

AIDS Legislation

Many of the commentaries on AIDS legislation focused on the rights of individuals versus the rights of society to be protected against this deadly disease.

On this point, The (Myrtle Beach) Sun News recently wrote:

"When South Carolina quarantined a prostitute with AIDS because she refused to stop plying her trade and because she continued to share drug needles, the state did exactly what it had to do.

"Had her case fallen a couple of months from now, when the General Assembly will have made intentional AIDS-infecting a felony, the women might have been sent to prison under the guidance of the legal system. Instead, the state fell back on administrative necessity. Even after a law is passed, however, questions remain: Shall a person charged with intentionally attempting to pass on the

AIDS virus be subject to pre-trial detention? And where shall he or she be imprisoned, when neither the Department of Corrections nor Department of Mental Health is organized to accept quarantined patients?

"That is no criticism of the state. It did what it had to do under the circumstances. There are, however, more questions than answers."

The Anderson Independent-Mail applauded the approach taken by the Joint Legislative Ad Hoc Committee on AIDS which rejected mandatory AIDS testing:

"Even on a one-time basis, AIDS testing would be horrendously expensive. We hope the Ad Hoc Committee holds its ground, and applaud it for recommending \$3 million be spent on AIDS education. That's the best and most cost-effective way of controlling the spread of the disease."

The State newspaper was so concerned about the question of individual versus society rights, that it recommended the governor veto the AIDS bill. Of the legislation, The State wrote:

"We wholeheartedly approve of the stiff criminal penalties, the treatment programs and the provisions for identifying and notifying individuals who have been exposed to the disease.

"But the provisions dealing with quarantines, school exclusion and extended prison time should be revised. In fact, recent court decisions indicate that such measures violate an individual's constitutional due-process rights.

"Because of these legal flaws in the bill, Gov. Carroll Campbell should veto it with a strong message urging passage of a similar measure which provides for the due-process rights of HIV carriers.

"AIDS is a deadly, escalating plague. South Carolina must address the problem with reasonable laws and policies; otherwise, her people will pay an astronomical price in both dollars and lives."

Compliance Review Legislation

There was universal praise for the Compliance Review bill when it was introduced, and editorial writers stuck by their support of the House version after the Senate began to amend the bill.

From the Spartanburg Herald-Journal:

"South Carolina lawmaking often is long on mandate and admonishment, but short on follow-up and enforcement.

"A major function which suffers from such weakness is that of the Legislative Audit Council. Its role is to investigate state agencies to assure that they are spending tax money as intended by the legislature.

"Gov. Carroll Campbell endorsed the Drummond-Kirsh bill in his State of the State message. Its very presence will improve accountability. The Council has earned a reputation for fulfilling its responsibilities, even when it abuses political sensitivities. Now is the time to give it more whack."

Adding its voice of approval was The Anderson Independent-Mail:

"We are not among those who throw stones at state agencies for sport. Making scapegoats out of bureaucrats is too easy. Most of the people working in state agencies are honest, hardworking and competent.

"Yet bureaucracies do take on a life of their own that sometimes causes them to diverge from the job they were set up to do. The agenda of persons in state agencies is not always the agenda of the citizenry. In a democracy, agencies must be held accountable to the people's elected representatives.

"The Drummond-Kirsh bill will improve the accountability of state government agencies. It is a major step in the right direction toward a more open, democratic government in South Carolina and it should be passed quickly by the General Assembly."

However, many editorial writers were quick to take issue when the Senate began proposing changes that would take the bill away from its original premise. The Columbia Record wrote:

"But since the bill reached the Senate, it has become, instead, a referendum on the audit agency.

"As we said in an earlier editorial, the House bill is a good idea provided it does not involve a substantial build-up of the Reorganization Commission. But we agree with Gov. Carroll Campbell that the bill should not become a vehicle 'to destroy the effectiveness of the audit council.' At a news conference, Campbell threatened to veto the bill if it cripples the council's effectiveness. Senators should heed the governor's warning and pass the House version without amendment."

Miscellaneous Issues

School Bus Drivers

While many editorial writers praised the U.S. Labor Department's decision allowing teen-age school bus drivers to continue working until the end of the school year, all urged the Legislature to fund an all adult-driven school bus fleet.

Of the adult bus drivers, The Florence Morning News wrote:

"By the beginning of next school year, an all adult school bus driving force must be hired, trained and ready to operate the buses. Gov. Campbell is on record as pledging precisely that in working out the terms with the Labor Department. The governor and the General Assembly must make certain that sufficient funding is provided to increase bus driver pay and attract qualified drivers.

"Come next September, no more excuses. And there is at least the prospect that come September, school buses will not only be safer but more orderly. Adults, as a general rule, come across as stronger authority figures, and they should not hesitate to make it clear that on the buses they are in charge."

School bus driver pay raises are just the beginning in the words of The Greenville Piedmont, *"The state Legislature should continually strive to improve the working situation for school bus drivers, ever mindful that they are important state employees."*

Snow Days

Excusing snow days for school children brought a mixed response from many newspapers, but thought students should make up the days. Wrote The Anderson Independent-Mail:

"We are glad that South Carolinians are sociable people, but the education of our children must come before beach trips and other social traditions.

"Adults can teach values to the on-coming generation by precept and example. We have been preaching the value of educational excellence. If we forget about making up the snow days, we will undermine all the preaching by an example showing the true priority South Carolinians place on education.

"To thrive in the world of the future, young South Carolinians need all the education they can get, even if they have to postpone their beach trips to get it."

Sheriff's Qualifications

Many newspapers gave their support to efforts to increase qualifications for the state's sheriffs. This excerpt from a Greenville News editorial is typical of many of those commentaries:

"It can be argued that the sheriff's post is an administrative position, so qualified candidates can come from outside law enforcement's ranks. But the sheriff is also a law officer empowered to investigate crimes and make arrests. Such activity demands reasonable fitness, and certainly the minimum training offered by the academy.

"As it's now written, the state Constitution says anyone who can vote can run for sheriff and, if elected, exercise all authority of that office. The Senate should follow the lead set by the House's 102-7 vote and give South Carolinians the opportunity to strengthen the Constitution's weakness on that point."

The State Budget

Editorials on this year's work on the State Appropriations Bill shows that you just can't satisfy some people. While some editorialists praised the House for dealing with the budget with dispatch, a couple decried it as "rubber stamping." Here's a sample.



The Lancaster News wrote:

"What happened in Columbia yesterday proves what can be done when political leaders do their jobs properly.

"Today a \$3 billion budget is headed for the Senate after the House finished its deliberations in record time. Some long-time observers and House leaders are saying that's the fastest a budget has been finished in at least 25 years.

"The Ways and Means Committee and House Speaker Bob Sheheen are being given most of the credit for the speedy work. It is also being conceded that 1988 being an election year had a lot to do with what happened.

"Whatever the reason the House deserves a pat on the back. Maybe a precedent have been set and South Carolinians can expect the same kind of organization in future years.

"The truth is that the House has taken far too long in past years to take care of its business and adjourn. South Carolina does not have full-time lawmakers, though it appeared at times that was the direction in which the state was headed."

The State also praised the House for the dispatch with which it handled the budget document:

"Properly laying the groundwork is important to the success of any enterprise. And that's how the House Ways and Means Committee managed to get the annual appropriations bill through the full House in a record two days.

"Committee members went out to the state agencies last fall to get a first-hand look at the needs. Then, after the usual hearings, the committee put together the bill and briefed the other standing committees with oversight over the various agencies.

"There was no extra money to spend, so there was little debate when the full House took up the measure. It passed by an incredible 110-2 -- a sure sign that the members were as satisfied as they could be. 'What you have seen in the last two days, in my opinion, is a fine example of the committee system of the House working at its best,' said Speaker Robert Sheheen."

However, The Anderson Independent-Mail wrote that the budget process is too antiquated to function properly:

"We believe that the budget will continue to be a mess until major constitutional reorganization takes place in South Carolina. State government today is too big and complex to continue with the strong legislature/weak governor system that is traditional in South Carolina. The governor's powers over state agencies must be strengthened.

"That means consolidating the present 158 separate state agencies into a dozen or so super agencies, with each headed by a member of the governor's cabinet."

And The Greenville News wrote that the speed with which the House debated the budget was tantamount to "rubber-stamping:"

"Members of the state House of Representatives are congratulating themselves all around for the speed with which they reviewed and approved this year's \$3 billion state budget bill. Taxpayers have less reason to be pleased.

"The more than 800-page spending package was put on the desks of House members Monday morning, and before the day was over those legislators had reviewed and approved 95 percent of it.

"Compared with the weeks of haggling which the exercise required in previous sessions -- even the five days of super-efficient time focused on it last year -- the brevity of this year's floor review and approval seems astonishing indeed.

"It's so astonishing that one could believe the complex measure was given mostly rubber stamp approval on the basis of summary recommendations by the House committee that fashioned it.

"The \$3 billion spending package given such quick approval by the House does not remotely represent prudent budgeting, else a more thorough review and discussion of it would have been conducted in order to expose its public serving character."

As a footnote to the above editorial, it is worth reprinting parts of District 22 Rep. Terry E. Haskins reply which appeared in The News' Letters to the Editor the following week.

"I would like to respond to your editorial regarding the fast budget approval in the South Carolina House this past week. While there may be parts of the bill with which you disagree, your allegations that the bill was not adequately reviewed and considered is totally erroneous and misleading.

"You also neglected to mention that the House Ways and Means Committee began working on the budget one year ago, upon passage of last year's budget. All committee meetings have been open to the public and to other members of the House, many of whom have attended many of the committee meetings.

"In addition, in an unprecedented move to foster full understanding, members of the Ways and Means Committee and their staff presented complete analysis of the budget before members of all other committees and invited input into the committee bill over a month ago.

"The fact that only two members voted against the budget this year means that it is either a good tight budget that was well prepared by the committee or it was rubber-stamped, based upon your limited or erroneous understanding of the full process.

"If any part of this process was handled too quickly or without full research and consideration of the facts, it is the analysis in your editorial."