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Subject: One Subject Rule - For Budget Vetoes

For Budget Veto Cover Letter:

Like you, I am well aware of the recent decision by the South Carolina Supreme Court that struck a proviso the Court interpreted to not reasonably and inherently relate to the raising and spending of revenue. During my Administration, each of my Executive Budgets have recommended that dozens of provisos become permanent law, and even the Rules of the Senate require that a proviso codification bill precede the budget. While these efforts have borne little fruit over the years, I look forward to working with the General Assembly to comprehensively rectify any potential issues that might be contained in provisos for the next budget cycle beginning later this year.

For Talking Points:

Q. In light of the recent Supreme Court decision striking down the DOT Secretary proviso, did you veto any provisos that you thought were unconstitutional under the One Subject Rule?

- I'll be honest – that ruling was a surprise to me and, I'm sure, to the General Assembly as well, because everyone thought that that proviso was constitutional.
- The last time the Supreme Court ruled on this subject, they struck the entire bill, but this time, they struck just the proviso.
- What we realize now is that the Supreme Court is changing the rules as cases come before them, but that's entirely their prerogative.
- I'm interested in good government and in good policies, and I'm sworn to uphold the Constitution so I will do that.
- As my Executive Budgets have done every year, I've recommended that certain provisos be codified, because it's bad policy to legislate through proviso.
- I certainly look forward to working with the General Assembly to make sure we protect the budget from future litigation, because rulings like this can be so disruptive – government should be stable, and our operations and services shouldn't be so fragile and subject to change.
- If we need to take a deeper dive into the analysis of these provisos, then we will.

Q. Did you veto any proviso based the One Subject Rule? If not, then why didn't you?

- No, I did not, but that's absolutely something we'll look at going forward.
- Let me remind you, my office takes a full 12 months to work on the budget – we begin in July and then sign it the next June, so we literally start on next year's budget next week.
- With the Court's ruling just coming down in May, we certainly have enough time to make any changes that may be needed in next year's budget.
- There are also approximately 1,200 provisos in the budget each year, so that is a lot of new analysis that the legislature and I will do, and I am optimistic that there will be a lot of good clean-up that come from it.

REMINDER: The State Constitution requires that every bill be related to only one subject. For the Appropriations Act, the Court found that "one subject" means that provisos must be "reasonably and inherently related to the raising or expenditure of revenue". In May, the Court found that the proviso allowing gubernatorial appointment of the DOT Secretary was not related to the budget and therefore violated the One Subject Rule.