

From: Whitsett, Adam <awhitsett@sled.sc.gov>
To: Pisarik, HollyHollyPisarik@gov.sc.gov
Date: 5/24/2016 8:42:14 AM
Subject: RE: Proviso Review

Not a problem.

Adam

Adam L. Whitsett, Esquire
General Counsel
South Carolina Law Enforcement Division
Office: (803) 896-0647
Cell: (803) 206-4636



From: Pisarik, Holly [mailto:HollyPisarik@gov.sc.gov]
Sent: Monday, May 23, 2016 2:20 PM
To: Toomey, Bob; Karen Manning - Commerce; Boone, Susan; Avant, David; Salley Elliott (C057924); Byron Roberts - HHS; Gwen McGriff - DOI; Elizabeth Hill - DJJ; Melina Mann - LLR; Frank "Val" Valenta - DMV; Emily Johnson - PRT; Matthew Buchanan - PPP; Warren Ganjehsani - DPS; Milton Kimpson - DOR; Tony Catone - DSS; Linda McDonald; Whitsett, Adam
Cc: Taylor, Richele
Subject: Proviso Review

Good Afternoon GCs,

As you are likely aware, the SC Supreme Court recently issued a ruling striking down a 2015-2016 budget proviso as unconstitutional. I've attached that case for your review and summarized its holding below.

***The "test" for provisos under the one subject rule appears to be whether the proviso reasonably and inherently relates (not directly relates) to the raising and spending of tax monies – it must be a monetary matter, not an administrative or procedural matter. E.g. reenacting tort claims caps, requiring local governments to remit real estate fees to state, creating a committee to negotiate new contracts and fees, altering definition of machines subject to licensing fees, etc. Examples where content was not germane: permitting referendums in SPDs to decide nature of budget, amending an act creating Court of Appeals, and giving state custody of certain unclaimed property.

In light of this case, please review provisos contained in your 2016-2017 agency budget, and let me know if you think any of them violate the one subject rule. Although the budget is not yet final, we have begun our review, so please reply to me with your analysis by no later than this Thursday (May 26th). Even if you find no problems, please respond. Let me know if you have questions.

Thanks, Holly

Holly G. Pisarik
Chief Legal Counsel
Office of Governor Nikki R. Haley
O: 803-734-8465 C: 803-322-6255