

Legislators Quietly Moving to Repeal Longtime Budget Law They Ignore

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By Rick Brundrett - The Nerve

File: 5.66 Legislature these days is proving that the cover-up is as bad as the crime.

Not only have legislators routinely ignored a longstanding state law requiring public hearings on the entire state budget as initially proposed by the governor, they now are moving to get rid of the law itself – without debate.

A House Ways and Means subcommittee this week quickly approved, without discussion, a [bill](#) that would repeal a law requiring the House and Senate budget-writing committees (House Ways and Means, Senate Finance committees) to hold joint public hearings on the governor's proposed state spending plan.

The law – the origins of which date to 1919 – requires the joint hearings to be held “within five days after the budget has been submitted to the General Assembly by the Governor,” and that “all persons interested in the estimates under consideration” be “admitted, with the right to be heard.”

At the end of Wednesday's meeting of the General Government and Legislative Subcommittee of the full House Ways and Means Committee, Rep. Gilda Cobb-Hunter, D-Orangeburg, who is the subcommittee chairwoman, asked if any lawmakers present wanted to discuss the bill, though none responded.

“If I'm not mistaken, this is simply removing an obsolete section of the code, is it not?” asked Cobb-Hunter, who is the first vice chairwoman of the Ways and Means Committee.

“That is correct,” a House staffer replied.

The subcommittee in a quick, unanimous voice vote approved the bill, then adjourned the meeting. The bill is scheduled to be heard Tuesday by the full Ways and Means Committee, chaired by Rep. Murrell Smith, R-Sumter.

The bill was authored by Rep. Brian White, R-Anderson, who was the longtime Ways and Means chairman, but was removed from the committee in 2018 by House speaker Jay Lucas, R-Darlington – several weeks after The Nerve [revealed](#) multiple apparent conflicts of interest while he was the chairman.

The Nerve on Thursday left written or phone messages for Cobb-Hunter and three other subcommittee members who were present at Wednesday's meeting: Reps. Bruce Bannister, R-Greenville; Dennis Moss, R-Cherokee; and Mark Willis, R-Greenville. Only Moss responded by publication of this story.

Asked why he voted to repeal the budget law, Moss said House staff in handouts provided several

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Reasons to support the repeal
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“We got an antiquated law that is unenforceable and unconstitutional off the books,” he said. “We supposedly have an open and transparent budget process, and one General Assembly can’t bind another,” adding he was informed the repeal bill was “just a clean-up bill.”

Asked why the budget law would be considered unconstitutional compared to a separate 2011 law requiring legislators to cast recorded roll-call votes on the budget, Moss replied: “I don’t know. Brian (White) was the former chairman of Ways and Means, and apparently he saw something that needed to be done.”

White didn’t respond Thursday to a written message from The Nerve seeking comment.

In January, Gov. Henry McMaster submitted to the Legislature his proposed nearly [\\$30.8 billion state budget](#) for fiscal year 2022, which starts July 1. The Nerve last month [revealed](#) that McMaster’s spending plan contains a number of pricey, questionable items.

The House passes its version of the state budget first; the Senate typically changes it, and differences are worked out in a joint conference committee before a final version is sent to the governor. Both chambers have to agree to override any budget vetoes by the governor.

The total budget includes state, federal and “other” funds, such as fees and fines, college tuition, lottery proceeds, state gasoline taxes, and a portion of the state sales tax earmarked for K-12 education.

In recent years, much of the budget process in both chambers has been handled in multiple subcommittee hearings during regular weekday business hours, leaving little opportunity for many working citizens to directly participate – or get a clear understanding of the total state budget.

Contacted Thursday by The Nerve, Armand Derfner, a longtime civil rights attorney based in Charleston, said although subcommittee hearings on the budget are supposed to be open to the public, “they don’t take the place of giving the public a chance to weigh in on the more fundamental questions of budget priorities, and what things are more important than others.”

“The consideration of the budget as a whole plays a role that’s different from what this specific agency should get for this specific line item,” he said.

The law requiring open, joint legislative hearings on the governor’s proposed state budget at the start of the process is important because the public has “a right to speak on the whole budget, not just be spoken to,” Derfner said.

Unless lawmakers repeal the law, they have to comply with it, Derfner said, though he acknowledged it doesn’t specify a remedy if they ignore it.

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Following the budget law is part of an [eight-point reform plan](#) published in 2012 by the South Carolina Policy Council, the parent organization of The Nerve.
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