

House Targets Budget Law for Repeal; Other Old Laws Remain Untouched

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By Rick Brundrett - The Nerve

HitSouth Carolina, it's still illegal to challenge someone to a duel with a sword, pistol or other deadly weapon.

Other laws on the books that date to the last century or earlier ban such things as, for example:

- Robbing a train after stopping it;
- Swindling in card or dice games;
- Committing adultery or fornication; and
- Operating dance halls on Sundays

Although a number of old laws are no longer observed or enforced, lawmakers have done relatively little in recent years to revise or repeal them. But they're moving quickly now to eliminate a longstanding law that they routinely have ignored but which supporters say would provide greater transparency in the state budget process.

The House Ways and Means Committee on Tuesday voted 19-0 to approve a [bill](#) that would repeal a law requiring the legislative budget-writing committees – Ways and Means and Senate Finance committees – to hold joint, public hearings on the state spending plan as proposed by the governor early on in the budget process.

The law, the origins of which date to 1919, is important because the public has a “right to speak on the whole budget” at the start of the budget process, longtime civil rights attorney Armand Derfner of Charleston told The Nerve for a [story](#) published last week.

In recent years, lawmakers have split up much of the budget process over multiple subcommittee hearings, leaving little opportunity for citizens to get a clear understanding of the total state budget.

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 state budget includes state, federal and “other” funds.

Under the budget law that legislators have ignored, the House Ways and Means and Senate Finance committees should have held joint, public hearings on McMaster’s budget proposal starting within five days after it was submitted to the Legislature.

In approving the bill to repeal the budget law, Ways and Means Committee members at their meeting Tuesday said they don’t see a need for the law and contended the budget process is transparent.

“Part of the job of all of us is to clean up antiquated statutes that are in the code,” said committee

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Chairman Rep. Murrell Smith, R-Sumter, said. “We’ve done that over the years, and this (the budget law) is apparently one.”
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Smith, who is a lawyer, said according to a 1963 state attorney general opinion dealing with the budget law, legislators “don’t have to participate in it.”

Attorney general opinions, though, don’t have the force of law. As for repealing old laws, the Legislature hasn’t made it a top priority in recent years: In 2019 and 2020, lawmakers passed a total of 10 bills repealing older or more recent laws, according to information provided Thursday to The Nerve by the S.C. Legislative Council, which drafts bills for legislators.

Rep. Gilda Cobb-Hunter, D-Orangeburg, who is the Ways and Means Committee’s first vice chairwoman and head of a subcommittee that last week approved the repeal of the budget law, said at Tuesday’s meeting there is no known record of any joint, public hearings held by the budget-writing committees under the budget law.

Still, Cobb-Hunter said the budget process is transparent, noting that public notices of Ways and Means Committee meetings are provided in advance, and that the proceedings are livestreamed.

“I don’t know a time in the history of South Carolina that we have been more transparent than we are in today’s climate,” said Rep. Gary Simrill, R-York, who is the committees’ second vice chairman.

Committee member Rep. Garry Smith, R-Greenville, said the state constitution requires that all revenue bills originate in the House, and that the constitution takes precedence over a state law if there is a conflict. But Smith, who is not an attorney, didn’t specifically explain why he believes the budget law in question violates the constitution.

The state constitution grants considerable powers to lawmakers, including, for example, allowing each chamber to “punish by imprisonment during its sitting any person not a member who shall be guilty of disrespect” to a chamber by “any disorderly or contemptuous behavior in its presence.”

If the bill to repeal the budget law passes the House, it will go to the Senate – likely first to the Senate Finance Committee, chaired by powerful Sen. Hugh Leatherman, R-Florence.

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.

At Tuesday’s meeting, Ways and Means Committee chairman Smith cited Rep. Brian White, R-Anderson, for introducing the bill to repeal the budget law. White 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.

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Smith was appointed to replace White as the committee chairman.

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Bryce Fiedler, a policy analyst with the South Carolina Policy Council, contributed to this story. Brundrett is the news editor of The Nerve (www.thenerve.org). Contact him at 803-254-4411 or rick@thenerve.org. Follow him on Twitter @RickBrundrett. Follow The Nerve on Facebook and Twitter @thenervesc.