

House of Representatives passes budget

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The House spent the second week of March debating the budget. The \$7.3 billion budget passed by a vote of 112-1, and has been sent to the Senate for debate. As is usually the case, the budget will end up in a Conference Committee, assigned to work out the differences in the spending plans of the two bodies.

Some important items in the budget bill include:

- Full funding of the Education Finance Act (EFA) for a base student cost of \$2,267. The total average funding per pupil, including state, federal and local funding, is projected to be \$10,566.
- The Student Health and Fitness Act is funded to complete the reduction of the student to physical education teacher ratio to 600-1. This year's funding will also begin the process of funding grants to school districts to hire full-time licensed nurses at elementary schools.
- Second-year funding of the 4-Year Old Pre-Kindergarten Child Development Education Plan pilot program in districts that were plaintiffs in the school funding lawsuit.
- Purchase of new school buses and service vehicles to implement the 12-year replacement cycle previously approved.
- Continued funding for LIFE Scholarships.
- \$2 million in Rural Hospital Grants to ensure access to quality health care services across the state in the areas of preventive health programs, physician recruitment and retention activities.
- Additional funding to expand the eligibility of children up to 200 percent of the prevailing federal poverty level to participate in the State Children's Health Insurance Program (SCHIP).
- A 3 percent base pay increase for state employees, along with no premium increases or changes in benefits to participants in the State Health Plan.
- The Attorney General's Office receives funding for a Civil Environmental Attorney to represent South Carolina in multi-state litigation over water supply issues. This position is vital to S.C.'s stand against the Concord/Kannapolis Interbasin Transfer request granted by the State of North Carolina earlier this year that will take water out of the Catawba chain and discharge it into the Pee Dee chain.
- Funding for Smart-Ride. This program provides mass transportation for commuters from Camden to Columbia and Newberry to Columbia.

However, in addition to the allocation of revenues, this year's budget included two Part II provisos that would have the effect of permanent law. These provisos pertained to the reduction of the top marginal rate for income tax and Department of Transportation (DOT) restructuring.

The Senate will not likely include these Part II provisos in its version of the budget. Article III, § 17 of the SC Constitution states that, "Every Act or resolution having the effect of law shall relate to but one subject, and that shall be expressed in the title." As does bobtailing, Part II provisos appear to violate this provision of the Constitution. Additionally, Part II provisos have earned a nefarious reputation as the means by which video poker was legalized.

Disdain for this practice grew to a point where leadership in the House passed numerous resolutions over consecutive years that no permanent law (i.e. Part II provisos) be included in the General Appropriations Budget. This practice, according to the resolutions, "has sometimes had the effect of increasing appropriations above what they would otherwise be if the permanent law measure had been fully vetted and debated in the committee process." Past House Republican leadership condemned and abandoned the practice of Part II provisos in an effort to be fiscally responsible and use conservative budget practices. However, this year the Republican majority decided that it was okay to resume this practice and passed the two Part II provisos.

The two Part II provisos may eventually pass in separate legislation, but that does not relieve legislators of the responsibility to act in accordance with the State Constitution. In March of 2000, just before his retirement from the House, former Representative Bob Sheheen took the podium to speak against the Part II provisos being offered and passed during that year's budget debate. He said, "The only true measure of your success is whether or not people respect this institution a little bit more because you served in it and in the way you operated while you were here. And that's really important, maybe not for you and maybe not for your re-election and maybe not for your party, but it is important for your constituency and important for the State of South Carolina."

I hope that we, as leaders, do not falter in our duty to uphold the Constitution of this State and to deserve the confidence of the citizens of South Carolina.

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