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**May 17 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM BARNWELL COUNTY  
In the Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge  
Clifton B. Newman, Circuit Court Judge

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Lower Case No. 2013-CP-06-0059  
Appellate Case No. 2019-000599

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Lorenda Robinson, Elaine Nix, Archie Patterson  
and Tami Bollerman, .....Plaintiffs,  
Of Whom, Archie Patterson and Tami Bollerman are Respondents/Appellants,

v.

South Carolina Department of Employment and  
Workforce,.....Appellant/Respondent.

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MOTION FOR LEAVE TO FILE JOINT AMICI CURIAE BRIEF OF PRESIDENT OF THE  
SOUTH CAROLINA SENATE AND SPEAKER OF THE SOUTH CAROLINA HOUSE OF  
REPRESENTATIVES

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Pursuant to Rule 213 of the South Carolina Appellate Court Rules, Thomas Alexander, in his capacity as President of the Senate, and G. Murrell Smith, in his capacity as Speaker of the House of Representatives move for leave to file an amicus *curiae* brief in support of the Department of Employment and Workforce's position that the circuit court erred in holding that the Department was required to promulgate regulations prior to implementing a proviso related to the SC Works Online System contained in appropriations acts between 2012 and 2015. Other issues have been raised on appeal. However, this motion and the conditionally filed brief address only the discreet issue concerning the Proviso and the promulgation of regulations.

Each year, the General Assembly sets the state's budget by passing the annual appropriations act. The appropriations act is arguably the most important legislation the General Assembly enacts because through it and the provisos contained therein, the General Assembly provides funding to meet the ordinary expenses of state government and regulates the expenditure appropriated funds. The appropriations act is divided into three sections, and when enacted, those sections provide funding, regulate state expenditures, and simultaneously suspended any statutes in conflict with the provisions or provisos contained within the appropriations act.

The circuit court's holding that the Department of Employment and Workforce was required to promulgate regulations prior to implementing the proviso at issue in this case directly impacts the General Assembly's ability to regulate the expenditure of appropriated funds and demonstrates a misunderstanding of the annual appropriations act, the manner in which the three sections must be read as one in order to correctly interpret the General Assembly's instructions, and its intended effect on the governmental agencies it regulates.

As the elected leaders of the Senate and the House of Representatives, respectively, *amici* have an interest in clarifying the nuances of the appropriations act and in preserving the

legislature's plenary legislative authority to direct the manner in which appropriated funds are spent by state government.

The proposed *amici* respectfully submit that this brief, conditionally filed together with this motion, as permitted by Rule 213, will aid the court's resolution of the issue concerning whether the Department was required to promulgate regulations prior to implementing a proviso related to the SC Works Online System contained in appropriations acts between 2012 and 2015.

Respectfully Submitted,

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