

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

IN THE ORIGINAL JURISDICTION
OF THE SUPREME COURT

Glenn F. McConnell, President *Pro Tempore* of the South
Carolina Senate, Petitioner,

v.

Nikki R. Haley, Governor of the State of South Carolina, Respondent.

**RETURN OF GOVERNOR HALEY IN OPPOSITION
TO THE PETITION FOR ORIGINAL JURISDICTION AND
TO DISMISS COMPLAINT**

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INTRODUCTION

As the Court is certainly aware, this case has drawn significant media attention in the short time following Governor Nikki Haley's charge to the General Assembly to reconvene for the purpose of addressing four now-pending bills. An article in Saturday's edition of *The State* newspaper, a copy of which is attached as Exhibit A, quoted Senator Joel Lourie as saying, "This is uncharted waters for us all. It's like 'Star Trek,' going where we've never gone before."

With great respect for Senator Lourie and his legislative colleagues, this is simply not so. South Carolina's governors have regularly reconvened the General Assembly to address important legislation that was pending at the time the legislature ceased its business. The Governor's authority derives from the South Carolina Constitution, and in recognition of the independence of each branch of government, her exercise of this power cannot be second-guessed by the General Assembly or reviewed by this Court. Accordingly, the Court should reject the Petition for a Writ of Injunction and dismiss this case.

BACKGROUND

The People of South Carolina have demanded that state government reform itself. For too long, our government has wasted precious resources through myriad inefficiencies, duplication of efforts, and a less-than-accountable, less-than-effective executive branch. The People deserve better.

In November 2010, Governor Haley was elected by the People to rally and lead this reform effort. But she was not the only elected official who recognized these shortcomings and worked to address them. During the 2011 legislative session, the South Carolina House of Representatives passed four bills that would significantly reform and

restructure the executive branch of state government. Under the leadership of Speaker Harrell and others, the following measures passed the House and were sent to the Senate:

Table 1: Reform Legislation Pending Before the Senate¹

<u>Bill Number</u>	<u>Subject Matter</u>	<u>Vote in House of Representatives</u>	<u>Date Sent to Senate</u>
H. 3066	Create a “Department of Administration” within the Executive Branch	96–13	March 3, 2011
H. 3267	Consolidate state probation services into agency overseeing prisons	81–21	March 31, 2011
H. 3070	Amend the Constitution to make the State Superintendent of Education an appointee of the Governor	82–28	March 3, 2011
H. 3152	Amend the Constitution to allow the Governor and Lieutenant Governor to be elected jointly	106–6	March 3, 2011

Although each of these bills carried supermajorities in the House of Representatives, they were not passed in the Senate before the legislators stopped work pursuant to the *Sine Die* Resolution.

In order to give the General Assembly additional time to pass these bills and get them to her desk for final approval, Governor Haley issued Executive Order 2011–13 pursuant to her constitutional authority to call the legislature into special session. A copy of this Executive Order is attached as Exhibit C. Even though the Governor’s decision is not subject to judicial review, the Petitioners filed this suit and have improperly asked the Court to enjoin her directive.

¹ Copies of the legislative history of each these bills are attached as Exhibit B.

ARGUMENTS AND AUTHORITIES

The Governor’s decision to reconvene the General Assembly to take up four transformational bills is unassailable. The South Carolina Constitution gives her, and her alone, absolute power in this regard: “The Governor may on extraordinary occasions convene the General Assembly in extra session.” S.C. Const. art. IV, § 19. Courts uniformly hold that an executive’s judgment in utilizing such authority is beyond the judiciary’s review. Moreover, Governor Haley’s reason for reconvening the legislature—consideration and passage of significant legislation—is consistent with the practices of her predecessors when exercising this same constitutional power. Lastly, her authority to reconvene the General Assembly does not conflict with any other constitutional provisions regarding legislative sessions. For these reasons, the Court should reject the request for a Writ of Injunction and should dismiss the Petition.

I. Because it is a discretionary act, Governor Haley’s decision to reconvene the General Assembly cannot be enjoined or reviewed by the Court.

South Carolina is among the vast majority of states that authorize their governors to convene the legislature on “extraordinary occasions,” a power that parallels the President’s under Article II, Section 3 of the United States Constitution to convene Congress “on extraordinary Occasions.” The South Carolina Constitution does not define this term, nor does it identify guidelines for invoking this executive power. Instead, it commits this authority to the sole judgment and discretion of the Governor. *Cf.* N.C. Const. art. III, § 5(7) (“The Governor may, on extraordinary occasions, ***by and with the advice of the Council of State***, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.”) (emphasis added).

When a state constitution vests its chief executive with the sole authority to convene the legislature for a special session, it is hornbook law that the executive's decision is immune from judicial review. As explained in *Sutherland Statutory Construction*:

Under most constitutions, the governor's power to call a special legislative session is absolute, and his opinion concerning the existence of an emergency or special circumstances demanding immediate legislative attention is unimpeachable by the courts.

¹ *Sutherland Statutory Construction* § 5.5, at 235 (7th ed. 2010). More general treatises are in agreement:

Where the constitution authorizes the calling of such [special] sessions by the governor, he or she is the sole judge as to whether occasion for such session exists, and the exercise of such discretion is not subject to challenge or review by the courts.

81A C.J.S. *States* § 105, at 438 (2004).²

In *Farrelly v. Cole*, 56 P. 492 (Kan. 1899), the Supreme Court of Kansas provided a thorough explanation for this universally-held outcome. Drawing first on the parallel

² In fact, this has been the uniform treatment of constitutional provisions of this type throughout history. See, e.g., 49 Am. Jur. *States, Territories, and Dependencies* § 49, at 263 (1943) (“If in authorizing the governor to convene the general assembly on extraordinary occasions the Constitution does not define what shall be deemed an extraordinary occasion for this purpose, or refer the settlement of that question to any other department or power of the government, the governor alone is the judge, and although he errs, **the courts have no jurisdiction to review his decision or correct his error.**”) (emphasis added); 59 C.J. *States* § 62 (1932) (“Extra or special sessions may be called by the governor under constitutional authority, and where the constitution authorizes the calling of such sessions by him, he is the sole judge as to whether or not an occasion for such session exists, and **the exercise of his discretion is not subject to challenge or review by the courts.**”) (emphasis added); 25 R.C.L. *States* § 14, at 382 (1929) (“The question of the existence of an extraordinary occasion of sufficient gravity to justify a call for an extra session of the legislature is to be determined by the governor alone, in the exercise of his discretion as a sworn officer, and **this discretion is not subject to challenge or review by the courts.**”) (emphasis added).

between a governor's power to convene the legislature and that of a United States President, the court described how presidents had regularly used their constitutional power to convene the Senate for routine matters, such as confirming a postmaster appointment. *Id.* at 496. The court observed that this historical practice “show[s] that the words ‘extraordinary occasion,’ employed in the two constitutions, have been construed by long-continued custom and practical usage not to be synonymous with overpowering and urgent necessity.” *Id.* at 497. Accordingly, even mundane matters could serve as a basis for the governor to call the legislature into an extra session. *Id.* at 496–97.

The *Farrelly* court then described the practical difficulties associated with adjudicating whether the governor had properly exercised this constitutional power:

It would be an unseemly and unprecedented proceeding for this court, or any court, to entertain a controversy wherein, by proof obtained from witnesses sworn in the cause, it sought to ascertain judicially whether an extraordinary occasion existed of sufficient gravity to authorize the governor to convene the legislature in extra session. If jurisdiction be retained of such a cause, what is the rule as to the quantum of evidence necessary to establish that there was no emergency[?] . . . It perverts and destroys the meaning of the word to hold that exercise of discretion may be reviewed or controlled by some other person or tribunal than the person on whom it is conferred.

Id. at 497. The court concluded that the “utter absurdity of such an inquiry” rendered it one in which no court should engage. *Id.* Instead of the judiciary, the *Farrelly* court explained that the check on the executive's power to convene the legislature was through the ballot box or, in extreme circumstances, the impeachment process. *Id.* at 498.³

³ Kansas, of course, is not alone in this reasoning. Courts across the country have universally deferred to their respective governor's judgment when exercising his or her constitutional power to convene the legislature on “extraordinary occasions.” *See, e.g., Gullede v. Barclay*, 84 S.W.3d 850, 855 (Ark. 2002) (explaining that “the call of an

Though this Court has not encountered the precise issue presented here, it has engaged in the same reasoning employed by the *Farrelly* court with respect to judicial review of the Governor's discretionary conduct under other constitutional provisions. For instance, the Court has held that it will not inquire into the Governor's reasons for declaring that a state of insurrection exists when exercising the constitutional power to suspend the writ of habeas corpus. *See Hearon v. Calus*, 178 S.C. 381, 397, 183 S.E. 13, 20 (1936) ("We hold it to be accepted law that the action of the Governor in declaring that a state of insurrection exists may not be enjoined by this Court, nor reviewed by it."). So too with respect to the reasons underlying a Governor's veto decision. *See S.C. Coin Operators Ass'n v. Beasley*, 320 S.C. 183, 186, 464 S.E.2d 103, 104 (1995) (refusing to inquire into "the sufficiency, rationality or validity" of a veto's basis because "[t]o disallow a veto because the Governor's reasons are not 'sufficient' establishes a

extraordinary session is solely at the discretion of the Governor" and holding that "the decision to call an extraordinary session is not subject to judicial review"); *Opinion of the Justices*, 198 A.2d 687, 689 (Del. 1964) ("The decision of the Governor to convene such a special session cannot be subjected to judicial review."); *Bunger v. State*, 92 S.E. 72, 73 (Ga. 1917) (holding that when the governor determines that an "extraordinary occasion" exists to convene the General Assembly, "neither the legislative nor the judicial department of the government has any power to call him to account, nor can they or either of them review his action in connection therewith"); *Diefendorf v. Gallet*, 10 P.2d 307, 314–15 (Idaho 1932) ("The determination as to whether facts exist such as to constitute 'an extraordinary occasion' is for him alone to determine. The responsibility and the discretion are his, not to be interfered with by any other co-ordinate branch of the government."); *Geveden v. Commonwealth ex rel. Fletcher*, 142 S.W.3d 170, 172 (Ky. Ct. App. 2004) (noting that the decision to convene the legislature for an "Extraordinary Session" is "entrusted to the discretion of the Governor" and finding that the separation of powers doctrine does not "permit a court to interfere with the Governor's exercise of this discretion"); *In re Platz*, 108 P.2d 858, 863 (Nev. 1940) ("As to the urgency of the legislation, we think it was to be determined solely by the governor. The section of the constitution invests him with extraordinary powers."); *State v. Fair*, 76 P. 731, 732 (Wash. 1904) ("It was the exclusive province of the governor, under the constitution, to determine whether an occasion existed of sufficient gravity to require an extra session of the legislature, and his conclusion in that regard is not subject to review by the courts.").

subjective standard that invites limitless mischief” (quoting *Romer v. Colo. Gen. Assembly*, 840 P.2d 1081, 1085 (Colo. 1992))).⁴

The Court should follow its own precedent here, as well as the uniform crush of case law from elsewhere, as there is no logical distinction between any of these discretionary gubernatorial acts. The unavoidable subjectivity, impossibility of articulating a controlling standard, and inherent separation-of-powers concerns leave no doubt that the Court should decline to “check behind” the Governor’s decision to reconvene the General Assembly to consider four government-restructuring bills.

II. Governor Haley’s Executive Order is consistent with the reasons previous governors have given for convening the General Assembly.

Although the Court lacks jurisdiction and authority to review or enjoin Governor Haley’s decision to reconvene the General Assembly, it is important to note that her decision is aligned with that of her predecessors. The Court has explained that it will “accord weight to past practices” when examining the Governor’s constitutional authority. *Williams v. Morris*, 320 S.C. 196, 205, 464 S.E.2d 97, 102 (1995); *see also South Carolina Coin Operators*, 320 S.C. at 188, 464 S.E.2d at 105 (“Long established practice has great weight in interpreting constitutional provision relative to executive veto power.”).

⁴ The Petition claims that the Court’s ruling in *Seagers-Andrews v. Judicial Merit Selection Commission*, 387 S.C. 109, 691 S.E.2d 453 (2010), somehow vests the judiciary with the ability to scrutinize discretionary political decisions as long as they are couched in terms of a separation-of-powers violation. That case’s holding, however, stands for precisely the opposite conclusion and confirms the fundamental point that the Court will not “opine on issues where the constitution delegates authority” to a coequal branch of government. *Id.* at 122–23, 691 S.E.2d at 460–61. The Court should reject the Petitioner’s argument on this point accordingly.

Like the President reconvening the Senate for matters as simple as appointing a postmaster, South Carolina’s governors have regularly used their authority to reconvene the legislature for routine matters. As a sampling of recent examples indicates, this authority has typically been used to bring legislation back before the General Assembly after that body has recessed or adjourned:

Table 2: Recent Uses of the Governor’s Power to Reconvene the Legislature⁵

<u>Governor</u>	<u>Executive Order Number</u>	<u>Basis for Convening the General Assembly</u>
Hodges	2002–34	Evaluate possible budget cuts to address shortfall
Hodges	2001–15	Address the absence of an appropriations act
Hodges	99–32	Address then-pending “video gaming legislation”
Beasley	96–11	Address the then-pending Rural Development Act of 1996 and the African-American History Monument Bill
Campbell	91–22	Address the then-pending Ethics, Government Accountability and Campaign Reform Act of 1991 and the State Bond Bill
Edwards	76–33	Address “pending certain necessary legislative matters of urgency,” though they are unidentified
West	Unnumbered; Issued on September 4, 1973	Address then-pending reapportionment of the House of Representatives
West	72–6	Elect leadership of the House of Representatives and the Senate

⁵ Copies of these Executive Orders are attached hereto as Exhibit D.

Governor Haley’s efforts to give the General Assembly additional time to consider four government-restructuring bills is certainly aligned with these prior exercises of gubernatorial power. Accordingly, to the limited extent that the Court believes it should evaluate whether Governor Haley’s conduct is consistent with her authority under Article IV, Section 19, the State’s historical practice makes clear that she is operating well within the bound of her constitutional authority.⁶

III. The Governor has the authority to reconvene the General Assembly at any point when it is not conducting business, regardless of whether it has “adjourned,” “recessed,” or otherwise suspended its work.

As discussed above, the General Assembly has not yet adjourned *sine die*, but has only adjourned pursuant to the *Sine Die* Resolution with a self-imposed directive to reconvene at noon on June 14, 2011. However, this is a distinction that makes no difference to the Governor’s constitutional authority.

Courts have been clear that a governor’s ability to convene a special session of the legislature applies at all times, including when the legislature is in recess of a regular term or before it has adjourned *sine die*. See, e.g., *In re Opinions of the Justices*, 132 So. 311, 312 (Ala. 1932) (“[S]hould there be a lengthy recess of the regular term and an

⁶ In *Arnold v. McKellar*, 9 S.C. 335, 343 (1878), the Court described in *dicta* its view of when an “extraordinary occasion” may occur that would trigger the Governor’s constitutional authority to convene the legislature. That discussion, however, provided only generalized descriptions, not objective standards or any other metric against which Governor Haley’s—or any of her predecessors’—conduct can be evaluated. For instance, although the *Arnold* Court suggested that the Governor’s power could be asserted when “unforeseen” circumstances arise, it gave no indication as to how to measure this abstract term. Unforeseen by the Governor? Unforeseen by the General Assembly? Unforeseen by the citizenry? Indeed, the subjectivity inherent in this analysis is precisely why courts nationwide always have refused to review a governor’s decision to reconvene the legislature. Thus, it is no surprise that the *Arnold* Court never indicated a contrary rule that would give the judiciary authority to second-guess the Governor’s discretion. This *dicta*, therefore, should have no bearing on the outcome here.

emergency or necessity should arise, there is no reason why the Governor cannot convene the Legislature into a special session during the recess of said regular term.”); 72 Am. Jur. 2d *States, Etc.* § 46 (2001) (“A governor has been deemed to have the power to call a special session under such a [constitutional] provision even if the legislature, not having adjourned *sine die*, is still in general session. If one branch of the legislature has already acted, the governor has power to convene the other.”); 81A C.J.S. *States* § 105, at 438 (2004) (“The governor may convene the legislature into a special session during the recess of a regular term or during a recess of a special session the governor had previously called.”). The State Attorney General has twice opined that this rule applies in South Carolina. Op. S.C. Att’y Gen. (June 3, 2011), *available at* <http://www.scag.gov/wp-content/uploads/2011/06/6.3.11-Opinion-Haley.pdf>; Op. S.C. Att’y Gen., 1984 S.C. AG LEXIS 206, at *2–3 (June 22, 1984).⁷

The wisdom behind this position is straightforward. If the governor’s authority to convene the General Assembly were contingent on the legislature adjourning *sine die*, then the legislature could altogether negate the governor’s constitutional power simply by entering into extended periods of recess. Such posturing would nullify a key component to the Constitution’s checks and balances between the executive and legislative branches.

⁷ Of course, the Governor’s ***constitutional*** authority to reconvene the legislature trumps the ***statutory*** language relied on by the Petitioner in South Carolina Code § 2-1-180. Likewise, the notion that “an agreement between the members of each house, and also between the two houses,” somehow undoes the Governor’s constitutional authority finds no support in the law, nor does the Petitioner identify any legal basis for this argument. In short, regardless of any legislative rule, legislative custom, or statute dictating when the General Assembly should meet, the State Constitution’s framers gave the Governor the sole discretion to convene the legislature if the circumstances, in her judgment, warranted it. The legislature cannot bypass this constitutional power through an internal rulemaking process, “agreement between the members,” or even by statute. Only the People, through constitutional amendment, can limit the Governor’s authority on this issue.

See State ex rel. Groppi v. Leslie, 171 N.W.2d 192, 200 (Wis. 1969) (“To deny the governor the power to call a special session while the legislature is in general session would in effect deny the governor the right to call the legislature into session to give priority consideration to those items he claims are of immediate statewide concern. This power of the governor is a part of the checks and balances in our tripartite form of government.”).

Nor does a recent amendment to the General Assembly’s ability to go into recess impact this analysis. That constitutional amendment reads in pertinent part as follows:

After the convening of the General Assembly, ***nothing in this section*** shall prohibit the Senate or the House of Representatives, or both, from receding for a time period not to exceed thirty consecutive calendar days at a time by a majority vote of the members of the body of the General Assembly seeking to recede for a time period not to exceed thirty consecutive calendar days, or from receding for a time period of more than thirty consecutive calendar days at a time by a two-thirds vote of the members of the body of the General Assembly seeking to recede for more than thirty consecutive calendar days at a time.

S.C. Const. art. III, § 9 (emphasis added).

By its very terms, the legislature’s ability to go into extended periods of recess is still subject to ***other*** constitutional provisions, including the Governor’s authority to reconvene the General Assembly under Article IV, § 19. There is certainly nothing in the amendment to suggest that it was intended to cancel or limit the Governor’s authority, and implied repeal—particularly of a constitutional power—is highly disfavored by the law. *B&A Dev., Inc. v. Georgetown County*, 372 S.C. 261, 268, 641 S.E.2d 888, 892 (2007). Accordingly, Governor Haley’s decision to reconvene the General Assembly was not affected by the legislature’s decision to recess, rather than to adjourn *sine die*.

IV. Questions about what type of business the General Assembly may take up during this extra session are not properly before the Court.

The Governor called the General Assembly back into session for consideration of four specific pieces of legislation. At this time, the Governor takes no position as to whether the legislature can consider other bills during the extra session, and respectfully submits that any such analysis by the Court would be an improper advisory opinion, as no such other business is being contemplated.

CONCLUSION

The South Carolina Constitution vests the Governor alone with the power to reconvene the General Assembly, and it commits this decision to her sound judgment and discretion. As a result, courts universally agree that it is beyond the judiciary's authority to review the wisdom of a governor's exercise of this authority. Nevertheless, Governor Haley's decision to reconvene the General Assembly here is consistent with the practices of her predecessors, who brought the legislature back into session to address matters such as video poker and selecting its own leadership. Reforming and restructuring the State's government is unquestionably as critical as—if not much more so—these permitted uses of the Governor's constitutional power. The Petition should be denied accordingly, and the legislature should set about completing the work for which the People elected it.

SIGNATURE PAGE ATTACHED

Respectfully submitted,

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Exhibit A

“Court Battle Brews Over Legislative
Return,” *The State* (June 4, 2011)

Posted on Sat, Jun. 04, 2011

Court battle brews over legislative return

By TIM FLACH
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State Senate leaders are preparing to challenge Gov. Nikki Haley's demand for lawmakers to return to work Tuesday to focus on four government restructuring changes she wants.

Plans call for some lawmakers to ask the state Supreme Court on Monday to overturn her call for the General Assembly to come back a week earlier than it had intended to deal with a package that otherwise would languish until next year.

"It's a very childish reaction to not getting what she wants when she wants it," said Rep. James Smith, D-Richland, who favors most of Republican Haley's package. "So she's calling us back to summer school."

Senate President Pro Tem Glenn McConnell, R-Charleston, contends Haley is overstepping her authority by trying to force lawmakers to come back before June 14 as planned to take up matters not on their list. He promised Friday to be among those asking the court to thwart her.

Other lawmakers say Haley is impatient, attempting to force lawmakers to decide matters before they are ready.

"It's certainly an attempt to embarrass the General Assembly," Sen. Joel Lourie, D-Richland, said. "She's trying to throw her weight around."

But some legislative leaders say Haley is persistent in trying to obtain changes she views as urgent.

"The governor is using every tool at her disposal to deliver issues she feels very strongly about," House Republican Leader Kenny Bingham said.

Attorney General Alan Wilson told Haley on Friday that she can call lawmakers back in the way she wishes.

Although surprised by Haley's move, House leaders plan for the 123 state representatives to return to work Tuesday as she wants.

McConnell instead is notifying senators about the legal challenge planned.

Taking the conflict to court is "regrettable," Haley spokesman Rob Godfrey said, adding that her intent is to give lawmakers "an extended opportunity" to settle on the measures she wants.

Many of the 46 senators are taking a wait-and-see approach on what to do next week, although at least a dozen indicated in a survey taken by legislative leaders that they plan to be at the State House.

Sen. John Courson, R-Richland, faces skipping a family vacation at the coast but will return if told to do so by courts or legislative leaders.

"I'm not happy," he said. "I'd rather be at the beach than the Senate chambers, but I will do that if it is necessary."

The agenda adopted by lawmakers for their return includes settling on a spending plan for the year starting July 1,



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finalizing a handful of measures approved by both the House and Senate and agreeing on lines for legislative and congressional districts.

Proposals that Haley wants considered would:

- Create a state Department of Administration run by a gubernatorial appointee that would take over much of the role of the State Budget and Control Board, now overseen by a five-member panel of officials and legislative leaders
- Let candidates for governor and lieutenant governor run as a team instead of separately on ballots, a change that would go to voters for approval
- Make the state education superintendent a gubernatorial appointee instead of an elected post, another change that would require voter approval
- Merge state probation services into the agency overseeing prisons.

Haley, a former legislator, contends the changes would improve accountability and efficiency.

All easily cleared the House. But her ideas met with skepticism in the Senate, where restructuring proposal often generate objections about giving governors more power at the expense of the Legislature.

The question likely to be at the center of the legal battle over the Legislature's return is whether Haley can force lawmakers to come back when she wants to tackle topics put on the back burner until next year.

"This is uncharted waters for us all," Lourie said. "It's like 'Star Trek,' going where we've never gone before."

But Godfrey said it's much simpler than that.

"If the energy invested in avoiding coming back to work would instead go into passing these important restructuring reforms, South Carolina would be better served," he said.

Reach Flach at (803) 771-8483.

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Exhibit B

Summaries of Legislative History of
H. 3066, H. 3267, H. 3070, and H. 3152

Welcome to the
South Carolina  *Legislature* Online

Session 119 - (2011-2012)

H 3066 General Bill, By G.R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G.M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D.C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge Similar (S 0134, S 0238)

Summary: S.C. Restructuring Act

A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

[View full text](#)

[View Vote History](#)

12/07/10	House	Prefiled
12/07/10	House	Referred to Committee on Judiciary
01/11/11	House	Introduced and read first time (House Journal-page 30)
01/11/11	House	Referred to Committee on Judiciary (House Journal-page 30)
01/12/11	House	Member(s) request name added as sponsor: Long
01/26/11	House	Member(s) request name added as sponsor: Henderson
02/08/11	House	Member(s) request name added as sponsor: Erickson
02/16/11	House	Member(s) request name added as sponsor: Horne
02/16/11	House	Committee report: Favorable with amendment Judiciary (House Journal-page 3)
02/17/11	House	Member(s) request name added as sponsor: Willis, Weeks, McLeod
02/22/11	House	Member(s) request name added as sponsor: Pope, Simrill, Lucas, Norman, D.C.Moss, Clemmons
02/22/11	House	Debate adjourned until Tuesday, March 1, 2011 (House Journal-page 28)

02/24/11 House Member(s) request name added as sponsor: Harrell
 03/01/11 House Member(s) request name added as sponsor: Atwater, Bedingfield
 03/02/11 House Member(s) request name added as sponsor: Funderburk, Edge
 03/02/11 House Requests for debate-Rep(s). Ott, JH Neal, Sellers, Crawford, Cobb-Hunter, Daning, Brantley, King, Williams, Jefferson, GR Smith, Merrill, Hosey, Clyburn, RL Brown, Whipper, Mitchell JR Smith, Bikas, Gilliard, Mack, Taylor, Weeks, Norman, DC Moss, Lucas, Forrester, and Parker ([House Journal-page 21](#))
 03/02/11 House Debate interrupted ([House Journal-page 57](#))
 03/02/11 House Amended ([House Journal-page 80](#))
 03/02/11 House Read second time ([House Journal-page 80](#))
 03/02/11 House Roll call [Yeas-96 Nays-13](#) ([House Journal-page 113](#))
 03/03/11 House Read third time and sent to Senate ([House Journal-page 30](#))
 03/03/11 Senate Introduced and read first time ([Senate Journal-page 13](#))
 03/03/11 Senate Referred to Committee on Judiciary ([Senate Journal-page 13](#))
 03/14/11 Senate Referred to Subcommittee: L.Martin (ch), Ford, Hutto, Campsen, Campbell, S.Martin, Scott
 04/06/11 Senate Committee report: Majority favorable with amend., minority unfavorable Judiciary ([Senate Journal-page 16](#))
 05/25/11 Senate Special order, set for May 25, 2011 ([Senate Journal-page 33](#))
 06/01/11 Senate Read second time ([Senate Journal-page 197](#))
 06/01/11 Senate Roll call [Ayes-39 Nays-0](#) ([Senate Journal-page 197](#))
 06/02/11 Senate Committee Amendment Amended ([Senate Journal-page 31](#))
 06/02/11 Senate Debate interrupted ([Senate Journal-page 31](#))

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Session 119 - (2011-2012)

H 3267 General Bill, By Sellers, G.M. Smith and Pitts

Similar ([H 3469](#), [H 3594](#))

Summary: Department of Probation, Parole and Pardon Services

A BILL TO AMEND CHAPTER 21, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND OPERATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION, PAROLE AND PARDON SERVICES.

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[View Vote History](#)

12/14/10	House	Prefiled
12/14/10	House	Referred to Committee on Judiciary
01/11/11	House	Introduced and read first time (House Journal-page 105)
01/11/11	House	Referred to Committee on Judiciary (House Journal-page 105)
03/03/11	House	Committee report: Favorable with amendment Judiciary (House Journal-page 6)
03/09/11	House	Requests for debate-Rep(s). Hart, Daning, Ott, Howard, JH Neal, Brantley, Williams, Jefferson, RL Brown, Anderson, Hosey, Agnew, Mack, Weeks, King, Sellers, and McEachern (House Journal-page 23)
03/10/11	House	Member(s) request name added as sponsor: Pitts
03/30/11	House	Amended (House Journal-page 44)
03/30/11	House	Read second time (House Journal-page 44)
03/30/11	House	Roll call Yeas-81 Nays-21 (House Journal-page 127)
03/31/11	House	Read third time and sent to Senate (House Journal-page 39)
03/31/11	Senate	Introduced and read first time (Senate Journal-page 4)
03/31/11	Senate	Referred to Committee on Corrections and Penology (Senate Journal-page 4)
05/11/11	Senate	Committee report: Favorable with amendment Corrections and Penology (Senate Journal-page 17)

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South Carolina  *Legislature* Online

Session 119 - (2011-2012)

H 3070 Joint Resolution, By Young, Harrison, G.R. Smith, H.B. Brown, Taylor, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D.C. Moss, Erickson and Edge

Similar ([S 0132](#))

Summary: Constitutional amendment proposed

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

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[View Vote History](#)

12/07/10	House	Prefiled
12/07/10	House	Referred to Committee on Judiciary
01/11/11	House	Introduced and read first time (House Journal-page 32)
01/11/11	House	Referred to Committee on Judiciary (House Journal-page 32)
01/12/11	House	Member(s) request name added as sponsor: Long
01/19/11	House	Member(s) request name added as sponsor: Patrick, Viers
02/08/11	House	Member(s) request name added as sponsor: Funderburk
02/16/11	House	Member(s) request name added as sponsor: Horne
02/16/11	House	Committee report: Favorable Judiciary (House Journal-page 4)
02/17/11	House	Member(s) request name added as sponsor: Willis
02/17/11		Scrivener's error corrected
02/22/11	House	Member(s) request name added as sponsor: Pope, Simrill, Clemmons
02/22/11	House	Debate adjourned until Tuesday, March 1, 2011 (House Journal-page 33)
02/24/11	House	Member(s) request name added as sponsor: Harrell
03/01/11	House	Member(s) request name added as sponsor: Bedingfield, Henderson, D.C.Moss
03/02/11	House	Member(s) request name added as sponsor: Erickson, Edge
03/02/11	House	Requests for debate-Rep(s). Young, Weeks, Hixon, Delleney, Taylor, GR Smith, Bedingfield, Clyburn, Hosey, Hayes, Norman, Parker, Allison, Forrester, and Brantley (House Journal-page 37)
03/02/11	House	Read second time (House Journal-page 116)
03/02/11	House	Roll call Yeas-82 Nays-28 (House Journal-page 117)
03/03/11	House	Read third time and sent to Senate (House Journal-page 31)
03/03/11	Senate	Introduced and read first time (Senate Journal-page 14)
03/03/11	Senate	Referred to Committee on Judiciary (Senate Journal-page 14)
03/14/11	Senate	Referred to Subcommittee: L.Martin (ch), Ford, Hutto, Campsen, Campbell,

S.Martin, Scott
04/20/11 Senate Committee report: Majority favorable with amend., minority unfavorable
Judiciary (Senate Journal-page 10)
04/21/11 Scrivener's error corrected
04/26/11 Senate Minority Report Removed (Senate Journal-page 35)

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Session 119 - (2011-2012)

H 3152 Joint Resolution, By Young, Daning, Harrison, Allison, G.R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge

Similar ([S 0016](#), [S 0024](#), [S 0147](#), [S 0169](#))

Summary: Constitutional amendment proposed

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

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[View Vote History](#)

12/07/10	House	Prefiled
12/07/10	House	Referred to Committee on Judiciary
01/11/11	House	Introduced and read first time (House Journal-page 65)
01/11/11	House	Referred to Committee on Judiciary (House Journal-page 65)
01/12/11	House	Member(s) request name added as sponsor: Long
01/19/11	House	Member(s) request name added as sponsor: Patrick, Viers
02/08/11	House	Member(s) request name added as sponsor: Funderburk
02/16/11	House	Member(s) request name added as sponsor: Horne
02/16/11	House	Committee report: Favorable Judiciary (House Journal-page 4)
02/17/11	House	Member(s) request name added as sponsor: Willis, Weeks
02/17/11		Scrivener's error corrected
02/22/11	House	Member(s) request name added as sponsor: Pope, Simrill, Clemmons
02/22/11	House	Debate adjourned until Tuesday, March 1, 2011 (House Journal-page 33)
02/24/11	House	Member(s) request name added as sponsor: Harrell
03/01/11	House	Member(s) request name added as sponsor: Bedingfield
03/02/11	House	Member(s) request name added as sponsor: Edge
03/02/11	House	Requests for debate-Rep(s). Young, Ott, Delleney, Hixon, JR Smith, Taylor, Weeks, Hearn, Hosey, and Allison (House Journal-page 36)
03/02/11	House	Read second time (House Journal-page 114)
03/02/11	House	Roll call Yeas-106 Nays-6 (House Journal-page 114)
03/03/11	House	Read third time and sent to Senate (House Journal-page 31)
03/03/11	Senate	Introduced and read first time (Senate Journal-page 15)
03/03/11	Senate	Referred to Committee on Judiciary (Senate Journal-page 15)
03/14/11	Senate	Referred to Subcommittee: L.Martin (ch), Ford, Hutto, Campsen, Campbell, S.Martin, Scott
04/20/11	Senate	Committee report: Majority favorable with amend., minority unfavorable Judiciary (Senate Journal-page 11)
04/21/11		Scrivener's error corrected
04/26/11	Senate	Minority Report Removed (Senate Journal-page 36)

Exhibit C

Governor Haley's Executive Order
2011-13

State of South Carolina
Executive Department

FILED

JUN 2 2011

Mark Hammond
SECRETARY OF STATE⁸



Office of the Governor

EXECUTIVE ORDER NO.

2011-13

WHEREAS, the General Assembly of the State of South Carolina has pending before it several matters of great importance, including significant State Government Restructuring reforms, specifically H.3066, H. 3267, H.3070, and H.3152; and

WHEREAS, Article IV, Section 19 of the South Carolina Constitution states in pertinent part that "[t]he Governor may on extraordinary occasions convene the General Assembly in extra session;" and

WHEREAS, understanding the duties and responsibilities placed on me by the Constitution and laws of this State, I have determined that there exists an extraordinary occasion requiring me to convene the General Assembly in extra session prior to the next regular session of the General Assembly.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, and by the power vested in me by Article IV, Section 19 of the Constitution of the State of South Carolina, I hereby call an extra session of the General Assembly of South Carolina to convene at the State House in Columbia on Tuesday, June 7, 2011 at 10:00 a.m.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 2nd DAY OF JUNE,
2011.

Nikki R. Haley
NIKKI R. HALEY
Governor

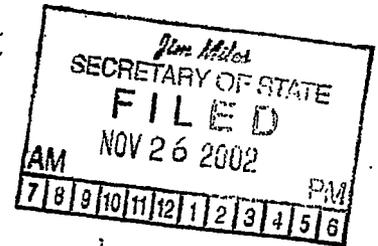
ATTEST:

Mark Hammond
MARK HAMMOND
SECRETARY OF STATE

Exhibit D

Recent Executive Orders Reconvening General Assembly to Address Legislative Matters

State of South Carolina
Executive Department



Office of the Governor

EXECUTIVE ORDER NO.

2002-34

WHEREAS, because of the negative impact of the national economy upon our state's economy, the State of South Carolina is facing a \$348 million revenue shortfall in the current fiscal year; and

WHEREAS, to rationally address this serious budget situation, it is imperative to take immediate action to reduce state government expenditures and maximize existing resources in a manner that responsibly prioritizes and protects critical programs such as education and health care; and

WHEREAS, without legislative action to address the current budget shortfall, the State will have to resort to indiscriminate across-the-board budget cuts, applied blindly to all state agencies without regard to the needs, resources, size, scope, or mission of individual agencies; and

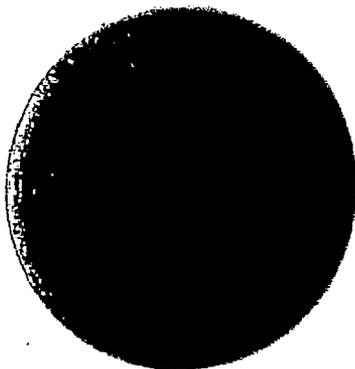
WHEREAS, across-the-board cuts would reverse the recent progress made in public education and other key areas and seriously jeopardize the ability of some agencies to provide basic services to our state's citizens; and

WHEREAS, Article IV, Section 19 of the South Carolina Constitution states in pertinent part that: "The Governor may on extraordinary occasions convene the General Assembly in extra session[.]" and

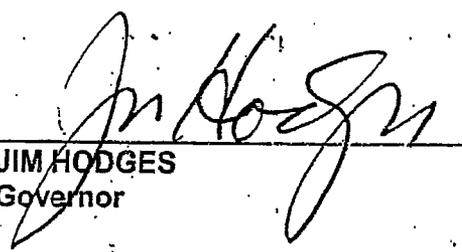
WHEREAS, being mindful of the duties and responsibilities placed upon me by the Constitution and laws of this State, I have determined that there exists

an extraordinary occasion requiring me to convene the General Assembly in extra session prior to the next regular session of the General Assembly.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, and by the power vested in me by Article IV, Section 19 of the Constitution of the State of South Carolina, I hereby call an extra session of the General Assembly of South Carolina to convene at the State House in Columbia on Monday, December 9, 2002, at noon.

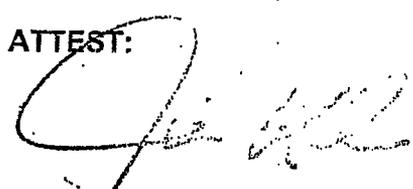


**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 26th DAY
OF NOVEMBER, 2002.**



JIM HODGES
Governor

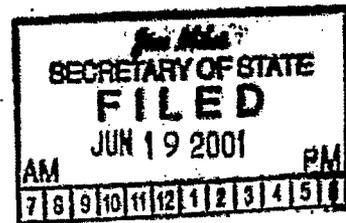
ATTEST:



JAMES M. MILES
Secretary of State

State of South Carolina

Executive Department



Office of the Governor

EXECUTIVE ORDER NO.

2001-15

WHEREAS, in its 2001 regular session, the General Assembly of the State of South Carolina failed to pass a General Appropriations Act to provide for the continued operation of state government for the 2001-2002 fiscal year; and

WHEREAS, the citizens of the State of South Carolina depend on the continued operation of state government for education, health care, public safety and other important governmental services; and

WHEREAS, the absence of a budget for the upcoming fiscal year is a matter requiring immediate action; and

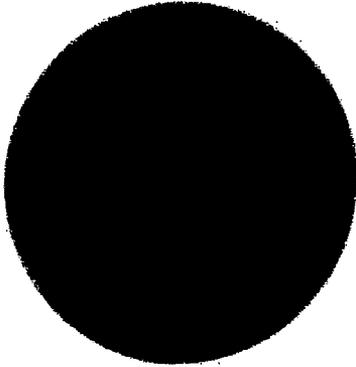
WHEREAS, Article IV, Section 19 of the South Carolina Constitution states in pertinent part that: "The Governor may on extraordinary occasions convene the General Assembly in extra session[;]" and

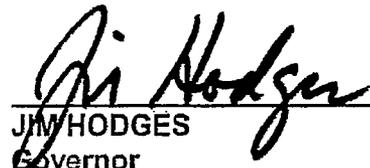
WHEREAS, being mindful of the duties and responsibilities placed on me by the Constitution and laws of this State, and in determining that there exists an extraordinary occasion requiring me to convene the General Assembly in extra session prior to the next regular session of the General Assembly.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, and by the power vested in me by Article IV, Section 19 of the Constitution of the State of South Carolina, I

hereby call an extra session of the General Assembly of South Carolina to convene at the State House in Columbia on Wednesday, June 20, 2001, at noon.

GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 19th DAY
OF JUNE, 2001.





JIM HODGES
Governor

ATTEST:



JAMES M. MILES
Secretary of State

EXECUTIVE ORDER NO. 99-32

WHEREAS, the video gaming legislation pending before the General Assembly of the State of South Carolina is a matter of great importance to the citizens of this State; and

WHEREAS, the General Assembly has been unable to agree on comprehensive video gaming legislation; and

WHEREAS, Article IV, Section 19 of the South Carolina Constitution states *inter alia*:

The Governor may on extraordinary occasions convene the General Assembly in extra session.

and,

WHEREAS, being mindful of the duties and responsibilities placed on me by the Constitution and laws of this State; and in determining that there exists an extraordinary occasion requiring me to convene the General Assembly in extra session prior to the next regular session of the General Assembly.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, and by the power vested in me by Article IV, Section 19 of the Constitution of the State of South Carolina, I hereby call an extra session of the General Assembly of South Carolina to convene at the State House in Columbia on Tuesday, June 29, 1999, at noon.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF JUNE, 1999.

JIM HODGES
Governor

Last Updated: Tuesday, July 7, 2009 at 11:20 A.M.

STATE OF SOUTH CAROLINA
EXECUTIVE DEPARTMENT
Office of the Governor

Executive Order No. 96-11

WHEREAS, the General Assembly of the State of South Carolina has pending before it several matters of great importance, including the Rural Development Act of 1996 and the African-American History Monument bill; and

WHEREAS, substantial agreement has been achieved on matters relating to these bills, but no such consensus has been achieved on other matters before the General Assembly; and

WHEREAS, the South Carolina Constitution empowers me to convene the General Assembly in extra session on such extraordinary occasions; and

WHEREAS, it appears necessary to convene an extra session to deal with those matters on which consensus has been achieved before the next session of the General Assembly.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, and by the power vested in me by Article IV, Section 19 of the Constitution of the State of South Carolina, I hereby call an extra session of the General Assembly of South Carolina to convene at the State House in Columbia on Thursday, June 27, 1996, at 10:00 am.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 26TH DAY OF JUNE, 1996.

/s/David M. Beasley
Governor

Attest:
/s/James M. Miles
Secretary of State

Executive Order No. 91-22

WHEREAS, The General Assembly of the State of South Carolina has pending before it several matters of great importance, including the Ethics, Government Accountability and Campaign Reform Act of 1991 (H. 3743) and the State Bond Bill (H. 3651); and

WHEREAS, substantial agreement has been achieved on matters relating to H. 3743 and H. 3651, but no such consensus has been achieved on other matters before the General Assembly, including reapportionment; and

WHEREAS, the South Carolina Constitution empowers me to convene the General Assembly in extra session on such extraordinary occasions; and

WHEREAS, it appears necessary to convene an extraordinary session to deal with those matters on which consensus has been achieved before the next session of the General Assembly; and

WHEREAS, the leadership of the State Senate and the State House of Representatives has assured me that the first order of business will be to adopt a *Sine Die* Resolution that limits the subject matter in which the bodies will deliberate and set an adjournment date no later than September 25, 1991 at 11:00 A.M;

NOW, THEREFORE, by the power vested in me by Article IV, Section 19 of the Constitution of the State of South Carolina, I hereby call an extraordinary session of the General Assembly of South Carolina, to convene at the State House in Columbia on Monday, September 23, 1991 at 10:00 A.M.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 18TH DAY OF SEPTEMBER 1991.

Carroll A. Campbell, Jr.
Governor

Attest:
James M. Miles
Secretary of State

STATE OF SOUTH CAROLINA

EXECUTIVE OFFICE

COLUMBIA

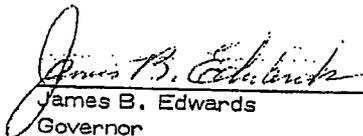
EXECUTIVE ORDER # 76-33

TO: The Honorable W. Brantley Harvey, Jr., Lieutenant Governor and President of the Senate, and The Honorable Rex L. Carter, Speaker of the House of Representatives

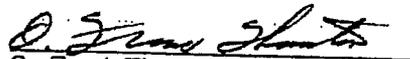
WHEREAS, The General Assembly of the State of South Carolina has pending certain necessary legislative matters of urgency,

NOW, THEREFORE, by the power vested in me by the Constitution of South Carolina, Article IV, Section 19, I hereby call an extraordinary session of the General Assembly of South Carolina, to convene at the State House in Columbia on Monday, December 6, 1976, at 11:00 a.m.

Given under my hand and the Great Seal of the State of South Carolina at Columbia, South Carolina, this 2nd day of December, 1976.


James B. Edwards
Governor

ATTEST:


O. Frank Thornton
Secretary of State

11/17/72

STATE OF SOUTH CAROLINA
EXECUTIVE OFFICE
COLUMBIA

EXECUTIVE ORDER

NO. 6

TO: The Honorable Earle E. Morris, Lieutenant Governor and President of the Senate; the Honorable Solomon Blatt, Speaker of the House of Representatives;

WHEREAS, it appears to my satisfaction that there now exists in both the House of Representatives and Senate a number of vacancies in positions of leadership, and

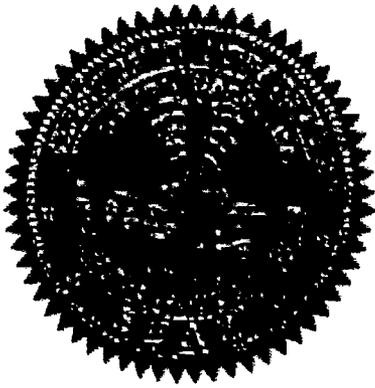
WHEREAS, these vacancies include President Pro Tempore of the Senate, the chairmanship of the Senate Committees on Finance, Education, and Highways, and the chairmanship of the House Committees on Judiciary and Military, Municipal and Public Affairs, and

WHEREAS, these vacancies have impeded the work and progress of certain Boards and Commissions of State Government, including state institutions of higher education, and

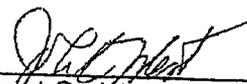
WHEREAS, sufficient information is now available to permit preliminary consideration of the State Budget, thus expediting the orderly process of state government, and

WHEREAS, both the early organization of the General Assembly and preliminary consideration of the State Budget will have the effect of contributing to the overall efficiency of the governmental process;

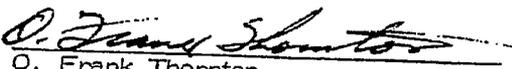
NOW, THEREFORE, by the power vested in me by the Constitution of South Carolina of 1895, Article 4, Section 16, I hereby call an extraordinary one-day session of the General Assembly of South Carolina, to convene at the State House in Columbia on Tuesday, November 28, 1972 at 11:00 a.m. for the purpose of organizing the leadership of both the House of Representatives and Senate and consideration of preliminary information in regard to the State Budget.



Given under my Hand and Seal of the Executive Department at the Capitol, Columbia, this 17th day of November, in the year of our Lord One Thousand Nine Hundred and Seventy-two and the Independence of the United States of America the One Hundred Ninety-sixth


John C. West
Governor of South Carolina

ATTEST:


O. Frank Thornton
Secretary of State

EXECUTIVE OFFICE

COLUMBIA

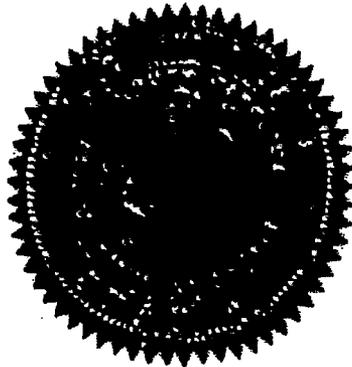
9/4/73

EXECUTIVE ORDER

TO: The Honorable Earle E. Morris, Jr., Lieutenant Governor and President of the Senate, and The Honorable Rex L. Carter, Speaker of the House of Representatives:

WHEREAS, The General Assembly of the State of South Carolina has pending certain necessary legislative matters of urgency including the apportionment of the House of Representatives,

NOW, THEREFORE by the power vested in me by the Constitution of South Carolina of 1895 Article IV, Section 19, I hereby call an extraordinary session of the General Assembly of South Carolina, to convene at the State House in Columbia on Tuesday, September 11, 1973, at 12:00 Noon.



Given under my hand and the Great Seal of the State of South Carolina at Columbia, South Carolina, this 4th day of September, 1973.

Handwritten signature of John C. West in cursive script.

John C. West
Governor of South Carolina

ATTEST:

Handwritten signature of O. Frank Thornton in cursive script.

O. Frank Thornton
Secretary of State

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

IN THE ORIGINAL JURISDICTION
OF THE SUPREME COURT

Glenn F. McConnell, President *Pro Tempore* of the South
Carolina Senate, Petitioner,

v.

Nikki R. Haley, Governor of the State of South Carolina, Respondent.

PROOF OF SERVICE

I, the undersigned Attorney of the law offices of Hall & Bowers, LLC, attorneys for Governor Nikki R. Haley, do hereby certify that I have served the below parties in this action with a copy of the pleading(s) hereinbelow specified by hand-delivering a copy of the same to the following address(es):

Pleading: Return of Governor Haley in Opposition to the Petition
for Original Jurisdiction and to Dismiss Complaint

Parties Served: Michael R. Hitchcock, Esquire
South Carolina Senate
301 Gressette Building
Columbia, SC 29201

HALL & BOWERS, LLC

By: 
Kevin A. Hall
1329 Blanding Street
Columbia, SC 29201
(803) 454-6504

Attorneys for Governor Nikki R. Haley

June 6, 2011