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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Appellate Case No. 2015-001443

South Carolina Public Interest Foundation and Edward D. Sloan, individually, and on behalf of
all others similarly situated,Petitioners,

v.

James H. "Jay" Lucas, as Speaker of the S.C House of Representatives, Henry D. McMaster, as
President of the S.C. Senate, and The State of South Carolina.....Respondents,

and

Hugh K. Leatherman, as President Pro Tempore of the South Carolina Senate....Respondent-
Intervenor.

ANSWER OF STATE AND HENRY MCMASTER

The Respondents Henry McMaster and the State of South Carolina, answering the
Complaint herein, allege the following:

FOR A FIRST DEFENSE

1. The Respondents McMaster and State (these Respondents) deny each and every
allegation of the Complaint not hereinafter specifically admitted.
2. These Respondents are without knowledge or information sufficient to form a
belief as to Paragraph 1 of the Complaint and therefore deny that paragraph except that the State

admits, on information and belief, only that the Foundation is a not for profit organized and existing under State law.

3. These Respondents admit the first sentence of Paragraph 2 and as to the second sentence admit only that Petitioner brings this action individually. The State admits that Petitioner alleges that he brings this action in his representative capacity, but denies that he has brought this action as a class action.

4. These Respondents admit Paragraph 3.

5. As to Paragraph 4, these Respondents admit only that this Court has jurisdiction to consider this matter. The citations included in this paragraph address questions of law, and these Respondents are not required to admit or deny their applicability to this case.

6. As to Paragraph 5, although these Respondents do not object to the Court's hearing this case, they deny that the issues Petitioners have raised satisfy standing based upon great public importance under *ATC S., Inc. v. Charleston Cnty.*, 380 S.C. 191, 195, 669 S.E.2d 337, 339 (2008) because resolution is not needed for future guidance and for the other reasons set forth herein.

7. As to Paragraph 6, these Respondents reserve the right to take the position that the Petitioner lacks standing. They do not admit that Petitioner has standing.

8. As to Paragraph 7, these Respondents crave reference to the cited section.

9. As to Paragraph 8, these Respondents admit only that the General Assembly ratified the Appropriations Act on June 23, 2015. The President of the Senate did not vote on the Act because the voting did not result in a tie.

10. As to Paragraph 9, these Respondents crave reference to the cited proviso.

11. As to Paragraph 10, these Respondents crave reference to the cited provision of the Constitution.

12. Paragraphs 11 and 12 set forth conclusions of law to which no response is required. To the extent that, *arguendo*, responses are required, these Respondents deny those allegations

13. The Prayer for Relief sets forth conclusions of law to which no response is required. To the extent that a response is required, these Respondents deny those allegations.

FOR A SECOND DEFENSE

14. No violation of the Constitution has occurred.

FOR A THIRD DEFENSE

15. Petitioners have failed to state facts sufficient to constitute a cause of action

WHEREFORE, having fully answered the Complaint, these Respondents pray as follows:

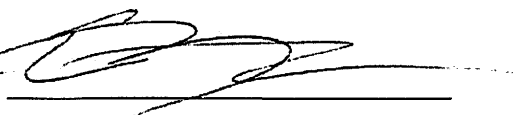
1. That judgment for them be entered as to the Complaint and that the relief sought by the Petitioners be denied.

2. For such further relief as the Court deems just and proper.

ALAN WILSON
Attorney General

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

J. EMORY SMITH, JR.
Deputy Solicitor General
S.C. Bar No. 5262

BY: 

ATTORNEYS FOR HENRY MCMASTER
AND THE STATE

October 2, 2015