

From: Taylor, Richele
To: Philpott, Katie <KatiePhilpott@gov.sc.gov>
Date: 9/14/2016 5:29:24 PM
Subject: RE: Steve Moore

No, I think the answer is that we found out after recess...I want to say the date was March that she resigned, but it was faxed to us after session was out. I didn't save the paperwork. Let's look at in the morning. I think that is why I came up with that answer. A resignation doesn't count until we receive it.

SC Code § 1-3-210 (2014)

During the recess of the Senate, vacancy which occurs in an office filled by an appointment of the Governor with the advice and consent of the Senate may be filled by an interim appointment of the Governor. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session.

If the Senate does not advise and consent thereto prior to sine die adjournment of the next ensuing regular session, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.

From: Philpott, Katie
Sent: Wednesday, September 14, 2016 5:17 PM
To: Taylor, Richele
Subject: Fwd: Steve Moore

This is a recent one, but not a magistrate so it could be completely different.

Sent from my iPhone

Begin forwarded message:

From: "Schimsa, Rebecca" <RebeccaSchimsa@gov.sc.gov>
Date: September 1, 2016 at 12:17:21 PM EDT
To: "Philpott, Katie" <KatiePhilpott@gov.sc.gov>
Subject: RE: Steve Moore

Yes, I would agree.

From: Philpott, Katie
Sent: Thursday, September 01, 2016 10:21 AM
To: Schimsa, Rebecca
Subject: FW: Steve Moore

The York County Natural Gas Authority (Act 193 of 1905) appointments "...must be appointed by the Governor, upon, and only upon recommendation of the respective municipalities below named and York County in the manner prescribed in this act, with, and only with, the advice and consent of the Senators representing York County." Since these appointments require Senate confirmation by the York County

Senators, my understanding is that the Governor can only make an interim appointment if a vacancy occurs after session.

Since Mr. Bingham passed away prior to the expiration of the 2016 session (June 1st), the Governor CANNOT make an interim appointment, correct?

Let me know. Thanks!

Katie R. Philpott
Director of Boards and Commissions
Office of Governor Nikki R. Haley
1205 Pendleton Street
Columbia, South Carolina 29201
803.201.3423 (cell)
803.734.8051 (fax)

From: Sarah Gilbert [<mailto:SarahGilbert@scsenate.gov>]
Sent: Thursday, September 01, 2016 10:06 AM
To: Philpott, Katie
Subject: RE: Steve Moore

He passed on Wednesday, June 1st, the day before session ended. There would have been no way for them to do anything.

From: Philpott, Katie [<mailto:KatiePhilpott@gov.sc.gov>]
Sent: Thursday, September 01, 2016 10:04 AM
To: Sarah Gilbert <SarahGilbert@scsenate.gov>
Subject: RE: Steve Moore

Thanks.

Katie R. Philpott
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From: Sarah Gilbert [<mailto:SarahGilbert@scsenate.gov>]
Sent: Thursday, September 01, 2016 10:02 AM
To: Philpott, Katie
Subject: RE: Steve Moore

I'm not sure of the exact date but can find out.

Sarah

From: Philpott, Katie [<mailto:KatiePhilpott@gov.sc.gov>]
Sent: Thursday, September 01, 2016 10:02 AM
To: Sarah Gilbert <SarahGilbert@scsenate.gov>
Subject: RE: Steve Moore

When did Mr. Bingham pass away? Sorry for the question, but we have to know when the vacancy occurred. If he passed away after the last day of session, we can make an interim appointment.

Katie R. Philpott
Director of Boards and Commissions

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From: Sarah Gilbert [<mailto:SarahGilbert@scsenate.gov>]
Sent: Thursday, September 01, 2016 9:54 AM
To: Philpott, Katie
Subject: FW: Steve Moore

Hi Katie,

Jim Heckle with the YCNGA asked if there was no provision for replacing a board member that passes away during the interim as was the case with the delayed recommendation of Steven Moore. Mr. Larry Bingham died while serving.

Sarah

From: Jim Heckle [<mailto:jim.heckle@ycnga.com>]
Sent: Tuesday, August 30, 2016 4:54 PM
To: Sarah Gilbert <SarahGilbert@scsenate.gov>
Subject: Re: Steve Moore

Yes we received these appointments but a board member passed away and the City of Rock Hill sent a letter of recommendation for Mr Steven Moore to be his replacement and nothing has happened with it yet. I was just wondering if the Local Senate delegation members could meet and give their advise and consent on this recommendation with out being in session Then send it on to the Governor for consideration if they so desired to do so.

Sent from my iPhone

On Aug 30, 2016, at 4:43 PM, Sarah Gilbert <SarahGilbert@scsenate.gov> wrote:

The Governor sends a letter recommending the appointment to the Senate for confirmation during session. Attached is what happened last year.

From: Jim Heckle [<mailto:jim.heckle@ycnga.com>]
Sent: Tuesday, August 30, 2016 4:37 PM
To: Sarah Gilbert <SarahGilbert@scsenate.gov>
Subject: RE: Steve Moore

Thank you Sarah. One question, is it possible to have the Senators approve this recommendation at a called local delegation meeting held locally? Do they have to be in session to give advice and consent to this recommendation? This gentleman's first year of the 3 year term will be at least 10 months into it before he is allowed to serve at his first meeting if we have to wait until January to get him appointed.

From: Sarah Gilbert [<mailto:SarahGilbert@scsenate.gov>]
Sent: Tuesday, August 30, 2016 9:56 AM
To: Jim Heckle
Subject: FW: Steve Moore

Hi Jim,

Steve Moore's appointment cannot be taken up until January, because it requires Senate confirmation.

Sarah S. Gilbert
Research Assistant
Senator Robert W. Hayes Jr., Chairman
Senate Banking & Insurance Committee
PO Box 142
410 Gressette
Columbia, SC 29202
803-212-6241
803-212-6299 - fax

From: Philpott, Katie [<mailto:KatiePhilpott@gov.sc.gov>]
Sent: Monday, August 29, 2016 2:59 PM
To: Sarah Gilbert <SarahGilbert@scsenate.gov>
Subject: RE: Steve Moore

These seats require Senate confirmation (by the York County senators). I received the application after the expiration of session, so am holding his paperwork to send up to the Senate in January.

Below is the language from the act:

The authority must be governed by a board of ten members who must be appointed by the Governor, upon, and only upon recommendation of the respective municipalities below named and York County in the manner prescribed in this act, with, and only with, the advice and consent of the Senators representing York County.

Thanks,

Katie R. Philpott
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<York Natural Gas Confirmations.pdf>