

From: Philpott, Katie <KatiePhilpott@gov.sc.gov>
To: Pisarik, Holly <HollyPisarik@gov.sc.gov>
CC: Smith, Austin <AustinSmith@gov.sc.gov>
Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
Date: 5/31/2016 11:38:50 AM
Subject: Sine Die - Appointments

Holly,

Can you tell me if you agree that it appears that the Senate can continue receiving, considering, and confirming appointments (both statewide and magistrate appointments) during Sine Die? Also, it appears that the Governor can make interim appointments after June 22nd? Please let me know if you agree.

Here is the text of the resolution:

A CONCURRENT RESOLUTION

TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 2, 2016, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON WEDNESDAY, JUNE 15, 2016, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON WEDNESDAY, JUNE 22, 2016, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN 12:00 NOON, MONDAY, NOVEMBER 14, 2016, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

Be it resolved by the Senate, the House of Representatives concurring:

(A) Pursuant to the provisions of Section 9, Article III of the South Carolina Constitution, 1895, and by the two-thirds vote required by that section in order to recede for more than thirty consecutive calendar days, each house agrees, by this resolution, to recede from the other body either for a period less than thirty days or for more than thirty days as the case may be.

(B) Further, the General Assembly, by this resolution, agrees to bind itself subject to the provisions of this resolution. The Sine Die adjournment date for the General Assembly for the 2016 session is recognized and extended to permit the General Assembly to continue in session after Thursday, June 2, 2016, under the terms and conditions stipulated in this resolution and for this purpose each house agrees that when the Senate and the House of Representatives adjourn on Thursday, June 2, 2016, not later than 5:00 p.m. or at any time prior, each house shall stand adjourned to meet in statewide session on Wednesday, June 15, 2016, at 12:00 noon and to continue in statewide session, if necessary, until not later than 5:00 p.m. on Wednesday, June 22, 2016. Each house agrees to limit itself to consideration of the following matters and subject to the following conditions, as applicable:

- (1) receipt and consideration of gubernatorial vetoes;
- (2) receipt and consideration of the General Appropriations Bill, the Supplemental Appropriations Bill, the Capital Reserve Fund Bill, and introduction, receipt, and consideration of a Continuing Resolution to fund the ordinary expenses of state government, if necessary, until the passage of the General Appropriations Bill, concurrence and nonconcurrence in amendments to these bills returned from the other house, and the appointment of members to conference and free

conference committees and receipt, consideration, and disposition of conference and free conference reports on the matters identified in this item;

(3) introduction, receipt, and consideration of resolutions affecting Sine Die adjournment;

(4) receipt, consideration, and confirmation of appointments;

(5) introduction, receipt, and consideration of resolutions expressing sympathy or congratulations;

(6) receipt and consideration of local legislation which has the unanimous consent of the affected delegation;

(7) receipt, consideration, and disposition of conference and free conference reports on matters not provided for in item (2), for which a committee of conference has been appointed prior to 5:00 p.m. on June 2, 2016; and

(8) convening of a joint assembly to conduct elections for offices or vacancies in any offices filled by election of the General Assembly.

(C) When each house recesses subject to subsection (A) and not later than 5:00 p.m. on Wednesday, June 22, 2016, the General Assembly shall stand in recess subject to the call of the Speaker of the House for the House of Representatives and the President Pro Tempore of the Senate for the Senate at times they consider appropriate for their respective bodies to meet for the consideration of the following matters and subject to the following conditions, as applicable:

(1) introduction, receipt, and consideration of resolutions affecting Sine Die adjournment;

(2) receipt and consideration of gubernatorial vetoes;

(3) receipt and consideration of the General Appropriations Bill, the Supplemental Appropriations Bill, the Capital Reserve Fund Bill, and introduction, receipt, and consideration of a Continuing Resolution to fund the ordinary expenses of state government, if necessary, until the passage of the General Appropriations Bill, concurrence and nonconcurrence and amendments to these bills returned from the other house, and the appointment of members to conference and free conference committees and receipt, consideration, and disposition of conference and free conference reports on the matters identified in this item;

(4) receipt and consideration of legislation necessary to address any shortfall in revenue meeting the conditions of Section 11-9-890;

(5) introduction, receipt, and consideration of resolutions expressing sympathy or congratulations;

(6) convening of a joint assembly to conduct elections for offices or vacancies in any offices filled by election of the General Assembly; and

(7) receipt, consideration, and confirmation of magistrate appointments.

(D) The President Pro Tempore of the Senate and the Speaker of the House of Representatives may set a mutually agreed upon time or times prior to Sine Die adjournment for officers of the Senate and House to ratify acts.

(E) Unless the session is otherwise adjourned Sine Die at an earlier date, the 2016 session of the General Assembly shall stand adjourned Sine Die not later than Monday, November 14, 2016.

(F) For purposes of Section 1-3-210 and after June 22, 2016, when neither the House of Representatives or the Senate have been called into session pursuant to the provisions of this resolution, the General Assembly intends that the legislature be considered in recess for purposes of the Governor being allowed to fill vacancies by interim appointments, except for the office of magistrate which only may be filled by interim appointment upon recommendation of the respective Senatorial delegation.

(G) For purposes of the Administrative Procedures Act, in regards to the one hundred twenty day period the General Assembly has to review state agency regulations, this one hundred twenty day period is tolled Friday, June 3, 2016, until Tuesday, January 10, 2017.

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)