

From: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
To: Danny Varat <DannyVarat@scstatehouse.gov>
Date: 3/28/2017 11:04:17 AM
Subject: RE: Gas Tax

Regarding the First instance that you sent, Senator Malloy- Amendment 48 to S. 424

First of all this was amending a concurrent resolution which does not have the force and effect of law, therefore I suspect would be held to a lower standard for one subject germaneness.

Second, shortly before the ruling on Amendment 48 there was a ruling on Amendment 20. Amendment 20 which changed the conversation from the 10th Amendment of the Bill of Rights to the 1st Amendment of the Bill of Rights was found to not be germane to the resolution by McConnell. While Amendment 48 which deals with the 10th and 14th Amendments to the Bill of Rights was found to be germane. I suspect that Amendment 48 was found to be germane based on two things, one - it maintained the connection to the tenth amendment which was the original subject of the resolution, and two - the 10th and 14th amendments to the Bill of Rights are inherently connected by the Doctrine of Incorporation, which was the process through which the courts used the 14th amendment to apply the bill of rights to states which erode some of the force of the 10th Amendment.

Essentially McConnell and Malloy were showing off their knowledge of the constitution.

Conclusion: This is not a situation that can be analogized going forward.

Best Regards,
Catherine McNicoll
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803-734-5292 (phone)

From: Danny Varat
Sent: Tuesday, March 28, 2017 10:25 AM
To: Catherine McNicoll
Subject: Re: Gas Tax

I'm sending those journal entries from his account by mistake. Please reply to here.

From: Catherine McNicoll
Sent: Tuesday, March 28, 2017 8:39:51 AM
To: Danny Varat
Subject: Re: Gas Tax

I'm assuming you want a hard copy!?

Catherine McNicoll
Sent from iPhone

On Tue, Mar 28, 2017 at 8:12 AM -0400, "Danny Varat" <DannyVarat@scstatehouse.gov> wrote:

| Please get us a couple of copies of Jeffersons Manual

From: Catherine McNicoll
Sent: Monday, March 27, 2017 11:37 PM
To: Danny Varat
Subject: Re: Gas Tax

I would say maybe, oversight and governance are not necessarily the same thing.

Catherine McNicoll
Sent from iPhone

From: Danny Varat <dannyvarat@scstatehouse.gov>
Sent: Monday, March 27, 2017 5:27 PM
Subject: Gas Tax
To: Catherine McNicoll <catherinemcnicoll@scstatehouse.gov>

This is in the Finance Committee amendment. Doesn't it make a governance amendment automatically germane?

SECTION 13. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of infrastructure financing and oversight.