

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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OCT 17 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
G. THOMAS COOPER, JR., CIRCUIT COURT JUDGE

Case No. 2016-CP-40-3102

Richland County, South Carolina .....Appellant,

v.

The South Carolina Department of Revenue and  
Rick Reames, III, in his official capacity as its Director, ..... Respondents,

v.

Richland PDT, a joint venture consisting of M.B. Kahn Construction, Inc.,  
ICA Engineering, Inc., and Brownstone Construction Group, LLC.,  
as a unit and Individually, .....Third-Party Defendants

**SOUTH CAROLINA ASSOCIATION OF COUNTIES  
NOTICE OF MOTIOIN AND MOTION FOR LEAVE  
TO FILE AN *AMICUS CURIAE* BRIEF**

Robert E. Lyon, Jr., General Counsel  
John K. DeLoache, Sr. Staff Attorney  
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Attorneys for *Amicus Curiae*

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, the South Carolina Association of Counties (Association) respectfully submits this Motion for Leave to File a Brief of *Amicus Curiae* on behalf of Richland County.

### **I. INTEREST OF *AMICUS CURIAE***

The Association is an instrumentality of the forty-six (46) counties of the State of South Carolina. Act No. 1383, 1968 Acts at 3193. The case before this Court will greatly impact each of South Carolina's forty-six (46) counties ability to address the pressing infrastructure needs of their citizens, and the lawful expenditure of designated revenues as authorized by the General Assembly. The Association represents the collective interests of South Carolina Counties, so that they may speak with one voice. The Association's interest in this case is to provide this Court with the collective insights of the Counties of the State pertaining to the issues in this matter, and to more fully develop the arguments of the individual parties.

### **II. DESIRABILITY OF BRIEF OF *AMICUS CURIAE***

South Carolina's 46 counties were granted the right to govern themselves after the enactment of Article VIII of the South Carolina Constitution, and not be subject to direction and control by the South Carolina legislative delegations or State government. See *Hosp. Ass'n v. Cty. of Charleston*, 320 S.C. 219, 464 S.E.2d 113, 117 (1995). In 1995, the General Assembly enacted Act 52, authorizing counties to raise and expend, subject to a referendum, revenue for designated transportation projects. Several South Carolina counties currently impose the transportation tax, while several other counties may seek voter approval to impose the tax in the future. In early 2016, the South Carolina Department of Revenue (the Department) sought to begin controlling and directing the

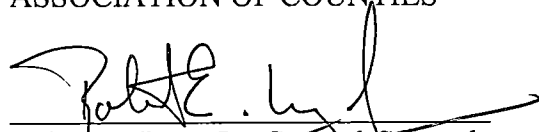
expenditure of revenue raised by the transportation tax in Richland County. Further, the Department has signaled its intention to impose similar controls or direction upon the counties that have or will enact similar taxes. The actions of the Department will have profound effect on the Home Rule authority possessed by Richland County, as well as all other counties in the state.

The participation of the Association will provide the Court of Appeals with the insight and thoughts of the Association and its members which will be directly impacted by this Court's decision. By allowing the Association to file an *Amicus Curiae* brief, this Court will preclude the need for numerous individual counties to request leave to file individual *Amicus Curiae* briefs.

WHEREFORE, Counsel for the South Carolina Association of Counties prays this Court enter its Order permitting the Association leave to file its *Amicus Curiae* brief.

Respectfully submitted,

SOUTH CAROLINA  
ASSOCIATION OF COUNTIES

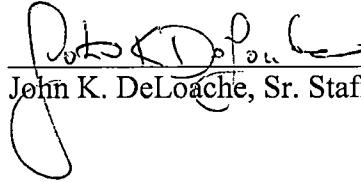
A handwritten signature in black ink, appearing to read "Robert E. Lyon Jr.", written over a horizontal line.

Robert E. Lyon Jr., General Counsel  
John K. DeLoache, Sr. Staff Attorney  
Attorneys for Amicus Curiae

October 17, 2016

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above Notice of Motion and Motion for Leave to File an Amicus Curiae Brief was mailed this 17th day of October, 2016 via United States Postal Service, First Class Postage Prepaid, to the following counsel of record:

  
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