

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

---

Appellate Case No. 2017-001638

---

**RECEIVED**  
MAR 09 2018  
S.C. SUPREME COURT

South Carolina Public Interest Foundation and  
Edward S. Sloan, Jr., individually, and on behalf of  
all others similarly situated, ..... Appellants,

v.

The South Carolina House of Representatives, The South Carolina Senate,  
The Honorable James H. "Jay" Lucas, as Speaker of the South Carolina  
House of Representatives, The Honorable Hugh K. Leatherman,  
in his capacity as President Pro Tempore of the South Carolina Senate,  
and, The State of South Carolina, ..... Respondents.

---

**MOTION TO FILE SUPPLEMENT BRIEF OF RESPONDENTS THE SOUTH  
CAROLINA HOUSE OF REPRESENTATIVES, THE HONORABLE JAMES H. "JAY"  
LUCAS, AS SPEAKER OF THE HOUSE, TO ADDRESS NEWLY ARISEN LEGAL  
ISSUE**

---

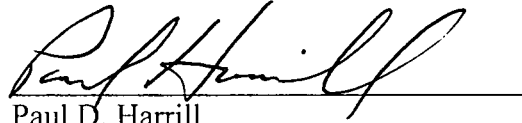
Respondents, The South Carolina House of Representatives and the Honorable James H. "Jay" Lucas, as Speaker of the South Carolina House of Representatives, respectfully move this Court for permission to file a supplemental brief in this appeal. A supplemental brief is appropriate and necessary due to a newly arisen legal issue that has a direct bearing on the legal arguments in this case because the newly arisen legal issue is dispositive.

As will be more fully discussed in the proposed Supplemental Brief that is filed herewith, Act 129 of 2018 codified and incorporated Act 275 of 2016 into the South Carolina Code of Laws. The bill to incorporate Act 275 into the Code of Laws was initiated in the Senate, was passed unanimously in both Houses of the General Assembly, and was signed by the Governor on February 5, 2018. By its incorporation into the Code of Laws, Act 275 became part of the only general permanent statutory law of the State.

This Court has long recognized that a defect under Article III, Section 17, if any, “is eliminated by the proper inclusion of that Act in the codification of the Code of Laws, and is a part of the general statutory law of the State.” *See, e.g., South Carolina Tax Comm’n v. York Elec. Coop., Inc.*, 275 S.C. 326, 331-33, 270 S.E.2d 626, 629-30 (1980); *Colonial Life & Accident Ins. Co. v. South Carolina Tax Comm’n*, 233 S.C. 129, 145-48, 103 S.E.2d 908, 916-17 (1958); *State v. Freeland*, 106 S.C. 220, 222, 91 S.E. 3, 3 (1916); *Nexsen v. Ward*, 96 S.C. 313, 80 S.E. 599 (1914); *Park v. Laurens Cotton Mills*, 75 S.C. 560, 56 S.E. 234 (1907). Therefore, Act 275’s inclusion in the codification in the Code of Laws by Act 129 signed by the Governor on February 5, 2018, has rendered moot Appellants’ challenge to Act 275 under Article III, Section 17 of the Constitution.

Respondents hereby respectfully move to be allowed to file the attached Proposed Supplemental Brief of Respondents the South Carolina House of Representatives and the Honorable James H. “Jay” Lucas, as Speaker of the House of Representatives on this issue or alternatively requests the Court dismiss the appeal if the Court agrees that this new legal issue is dispositive.

Respectfully Submitted,



Paul D. Harrill

Bradley S. Wright

MCNAIR LAW FIRM, P.A.

Post Office Box 11390

Columbia, South Carolina 29211

(803) 799-9800

March 9, 2018  
Columbia, SC

Attorneys for Respondents  
The South Carolina House of  
Representatives and the Honorable James  
H. "Jay" Lucas, as Speaker of the South  
Carolina House of Representatives

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2017-001638

RECEIVED

MAR 09 2018

S.C. SUPREME COURT

South Carolina Public Interest Foundation and  
Edward S. Sloan, Jr., individually, and on behalf of  
all others similarly situated, ..... Appellants,

v.

The South Carolina House of Representatives, The South Carolina Senate,  
The Honorable James H. "Jay" Lucas, as Speaker of the South Carolina  
House of Representatives, The Honorable Hugh K. Leatherman,  
in his capacity as President Pro Tempore of the South Carolina Senate,  
and, The State of South Carolina, ..... Respondents.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of the McNair Law Firm, certify that I have served the *Motion to File Supplement Brief of Respondents The South Carolina House of Representatives, The Honorable James H. "Jay" Lucas, as Speaker of the House, to Address Newly Arisen Legal Issue* by depositing a copy in the United States Mail, postage prepaid, on March 9, 2018, addressed to all attorneys of record, as follows:

James G. Carpenter  
The Carpenter Law Firm, PC  
819 E. North Street  
Greenville, SC 29601  
*Attorney for Appellants*

J. Emory Smith, Jr.  
Alan McCrory Wilson  
Post Office Box 11549  
Columbia, SC 29211  
*Attorneys for The State of South Carolina*

Matthew A. Abee  
Kenneth M. Moffitt  
Allen Mattison Bogan  
Post Office Box 11070  
Columbia, SC 29211

*Attorneys for Hugh K. Leatherman, Sr. and  
The South Carolina Senate*

  
\_\_\_\_\_  
Ann Shuler