

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

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

v.

James Rozier, as Chairman of the Commission on the
Department of Transportation, James H "Jay" Lucas, as
Speaker of the S.C. House of Representatives, Henry D.
McMaster, as President of the S.C. Senate, and The State
of South Carolina, Respondents.

Hugh K. Leatherman, Sr., in his capacity as President Pro
Tempore of the South Carolina Senate, Intervenor.

Appellate Case No. 2015-001443

IN THE ORIGINAL JURISDICTION

Memorandum Opinion No. 2016-MO-019
Heard March 22, 2016 – Filed May 18, 2016

RELIEF DENIED

James G. Carpenter, of Carpenter Law Firm, PC, of
Greenville, for Petitioners.

Andrew F. Lindemann, of Davidson & Lindemann, PA of Columbia, for Respondent James Rozier; Michael J. Anzelmo and Blake Terence Williams, both of Nelson Mullins Riley & Scarborough, LLP; and Richard L. Pearce, Patrick G. Dennis and Charles Fennell Reid; all of Columbia, for Respondent James H. "Jay" Lucas, Jr.; Attorney General Alan McCrory Wilson and Deputy Solicitor General J. Emory Smith, Jr., both of Columbia, for Respondents State of South Carolina and Lieutenant Governor Henry D. McMaster.

Kenneth M. Moffitt and Edward Houseal Bender, both of Columbia, for Intervenor Hugh K. Leatherman, Sr.

CHIEF JUSTICE PLEICONES: We agreed to hear this constitutional challenge to 2007 Act No. 114, § 6, which provides the authority to appoint the Secretary of Transportation devolves upon the Department of Transportation Commission under certain circumstances. After careful consideration of the briefs, and after oral argument, we find no merit to petitioners' challenge and therefore decline to issue the declaratory relief they seek.

RELIEF DENIED.

BEATTY, KITTREDGE and HEARN, JJ., concur. FEW, J., dissenting in a separate opinion.

JUSTICE FEW: For the reasons explained in my dissenting opinion in *S.C. Pub. Interest Found. v. Lucas*, Op. No. 27638 (S.C. Sup. Ct. filed May 18, 2016) (Shearouse Adv. Sh. No. 20 at 30), I would dismiss this petition as not of sufficient public interest to justify the Court hearing it in our original jurisdiction. *See Key v. Currie*, 305 S.C. 115, 116, 406 S.E.2d 356, 357 (1991) ("Only when there is an extraordinary reason such as a question of significant public interest or an emergency will this Court exercise its original jurisdiction.").