

MINUTES OF STATE BUDGET AND CONTROL BOARD MEETING

December 20, 2011 -- 10:00 A. M.

The Budget and Control Board (Board) met at 10:00 a.m. on Tuesday, December 20, 2011, in Room 252 in the Edgar A. Brown Building, with the following members in attendance:

Governor Nikki R. Haley, Chair; and
Mr. Curtis M. Loftis, Jr., State Treasurer;

The following members participated in the meeting via telephone:

Mr. Richard Eckstrom, Comptroller General;
Senator Hugh K. Leatherman, Sr., Chairman, Senate Finance Committee; and
Representative W. Bryan White, Chairman, Ways and Means Committee.

Also attending were Budget and Control Board Executive Director Marcia Adams; Chief of Staff Steve Elliott and Division Director Les Boles; Acting General Counsel Paul Koch; Governor's Deputy Chief of Staff for Policy, Budget, and Cabinet Affairs Ted Pitts; Treasurer's Chief of Staff Bill Leidinger; Comptroller General's Chief of Staff James M. Holly; Senate Finance Committee Budget Director Mike Shealy; Ways and Means Committee Chief of Staff Beverly Smith; Board Secretary Delbert H. Singleton, Jr., and other Budget and Control Board staff.

Adoption of Agenda for Budget and Control Board

Upon a motion by Mr. Eckstrom, seconded by Mr. Loftis, the Board adopted the agenda as proposed.

Division of General Services: Emergency Regulations prohibiting use of State House grounds and buildings for camping, sleeping or any living accommodation and confirming the hours the State House Building is open to the general public; Authorization to the Division of General Services to draft regulations for the use of the State House grounds, steps and lobby areas and take all steps and proceedings necessary to promulgate such regulations (Reg. #1)

The Board was asked to approve the immediate promulgation of emergency regulations in their final form prohibiting the use of the State House grounds and all buildings located on the grounds for camping, sleeping or any living accommodation and confirming the hours that the State House Building is open to the general public.

The Board found that it was necessary to immediately promulgate emergency regulations to implement the past policy of the Division of General Services prohibiting camping, sleeping,

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and taking up any living accommodations upon the State House grounds and all buildings located on the grounds in order to protect the public health, safety and welfare, including the public fisc. The Board found it was also necessary to immediately promulgate emergency regulations to address this issue because of concerns with public health and safety and public liability. In addition, with the 2012 session of the General Assembly commencing on January 10, 2012, it was imperative to confirm by regulation the hours that the State House Building is open to the general public.

The Board was also asked to authorize the Division of General Services to draft regulations for the use of the State House grounds, steps and lobby areas and take all steps and proceedings necessary to promulgate such regulations.

Ms. Adams presented the Board action requested as follows:

- A) The Board is asked to approve the immediate promulgation of emergency regulations in their final form prohibiting the use of the State House grounds and all buildings located on the grounds for camping, sleeping or any living accommodation and confirming the hours that the State House Building is open to the general public.

- B) The Board is also asked to authorize the Division of General Services to draft regulations for the use of the State House grounds, steps, and lobby areas and take all steps and proceedings necessary to promulgate such regulations.

After the item was presented to the Board for action, Governor Haley passed the chair of the meeting to Mr. Loftis for him to preside over the meeting.

Mr. Loftis asked for motion to adopt the item. Governor Haley said she first wanted to comment that a judge's order stated the Board needed to create a valid regulation. She said the Board wanted to be very clear that the State House is the statehouse of the people and that it is meant to be the place where one can use the power of one's voice. She said the Board wants the people to continue to use the power of their voice and do what they can to stay involved in the government that represents them. She said that is important to her and a lot of other people.

Governor Haley further commented that this is a case where permission was not asked for use of the State House grounds like other groups have done. She said this was a situation in which people were starting to live on the grounds of the State House and that has not been done before. She commented that homeless persons have not been allowed to lie on the benches of the State House. She said public health, safety, and welfare were affected, the risk of criminal

conduct was increased for persons living on the State House grounds; there were increased safety concerns when campers use a protection unit to defend themselves; there was increased liability to State because the State is responsible for the safety of persons who use the grounds; there were increased health concerns when campers can store and prepare food 24-hours a day; and there was increased damage to the grounds. Governor Haley stated that this matter is not about the occupiers, but is about any group that chooses to come on the State House grounds. She said the Board applauds and welcomes the group for using their voices and signs to protest on the grounds. She said the item before the Board does not allow camping or preparing of food on the State House grounds or anything that would imply camping on the State House grounds. She encouraged the occupiers to enjoy their First Amendment rights, but stated the Board does not want the State House grounds to be a campground for anyone regardless of their group affiliation.

Governor Haley moved to adopt A) and B) of the agenda item as read by Ms. Adams. Mr. Loftis called for a second at which time it was noted that the conference call to the meeting had been interrupted. Once the connection was reestablished, Mr. Eckstrom seconded the motion. Mr. White asked that the Board action requested be read again so that he was certain what was being asked of the Board members. Ms. Adams published the Board action requested again. Senator Leatherman asked for clarification as to which part of the motion was A) and which part was B). Ms. Adams noted that A) is the emergency regulation that was presented and sent to the Board members in its final form prior to the meeting and B) is to authorize the Division of General Services to begin drafting a full set of regulations for the use of the State House grounds, steps, and lobby areas. Mr. Loftis commented that the Board is only voting on the motion and any other paperwork the Board has before it is extraneous. Governor Haley confirmed that the Board is voting on items A) and B).

Upon a motion by Governor Haley, seconded by Mr. Eckstrom, the Board approved the immediate promulgation of emergency regulations in their final form prohibiting the use of the State House grounds and all buildings located on the grounds for camping, sleeping or any living accommodation and confirming the hours that the State House Building is open to the general public; and authorized the Division of General Services to draft regulations for the use of the State House grounds, steps, and lobby areas and take all steps and proceedings necessary to

promulgate such regulations.

Governor Haley resumed presiding over the meeting after the vote on the matter.

Information relating to this matter has been retained in these files and is identified as Exhibit 1.

Adjournment

The meeting adjourned at 10:15 a.m.

[Secretary's Note: In compliance with Code Section 30-4-80, public notice of and the agenda for this meeting were posted on bulletin boards in the office of the Governor's Press Secretary and in the Press Room, near the Board Secretary's office in the Wade Hampton Building, and in the lobbies of the Wade Hampton Building and the Edgar A. Brown Building at 9:58 a.m. on Monday, December 19, 2011.]