COMMITTEE REPORT

January 12, 2010

**H. 4219**

Introduced by Reps. Harrison, R.L. Brown and Cato

S. Printed 1/12/10--H. [SEC 1/13/10 12:24 PM]

Read the first time January 12, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Concurrent Resolution (H. 4219) to censure Mark C. Sanford, Jr., Governor of South Carolina, for dereliction in his duties of office as Governor and for official misconduct that has brought dishonor to himself, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the concurrent resolution, as and if amended, by striking all after the title and inserting:

/Whereas, from Monday June 23, 2008, until Friday June 27, 2008, Governor Sanford was either in route to or present in Cordoba or Buenos Aires, Argentina, at taxpayer expense while engaging in conduct entirely unrelated to the interests of the citizens of South Carolina or the duties of his office, such conduct constituting an abuse of his power as Governor; and

Whereas, Governor Mark Sanford was absent from the State of South Carolina and from the United States from Thursday, June 18, 2009, until Wednesday, June 24, 2009, while in or in route to and from Argentina for reasons unrelated to the duties of his office; and

Whereas, Governor Sanford failed to notify the Lieutenant Governor of his planned and extended absence from both the state and the country in regard to this 2009 trip; and

Whereas, from Thursday, June 18, 2009, until at least on or about Monday, June 22, 2009, Governor Sanford was not in official communication with any person in the chain of command within the Office of the Governor of the State of South Carolina nor was there any officially established or known method for contacting the Governor; and

Whereas, the Governor intentionally evaded South Carolina Law Enforcement Division agents assigned to secure his safety in order to effect his absence from the State; and

Whereas, the Governor directed members of his staff in a manner that caused them to mislead the public officials of the State of South Carolina as well as the public of the State of South Carolina as to the Governor’s whereabouts; and

Whereas, the Governor’s conduct in being absent from the State of South Carolina under these circumstances constitutes a dereliction of his duties as Governor; and

Whereas, in addition to the above, Governor Sanford misused state aircraft for purposes unrelated to the duties of his office, specifically for either political or personal purposes; and

Whereas, what has already been disclosed in the public domain in regard to his misuse of state aircraft is sufficient to conclude he did not conduct himself in these areas in the highest traditions and requirements of his office; and

Whereas, Governor Sanford’s conduct in its totality has breached the public trust of South Carolinians and has lowered their confidence in his ability to be their chief executive; and

Whereas, the conduct of Governor Sanford has also brought ridicule, dishonor, disgrace, and shame not only upon Governor Sanford but upon this State and its citizens which rises to a level which requires a formal admonishment and censure. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, hereby censure Marshall C. Sanford, Jr., Governor of South Carolina, for dereliction in his duties of office, for official misconduct in office, and for abuses of power while in office that has brought ridicule, dishonor, shame, and disgrace to himself, the State of South Carolina, and to its citizens.

Be it further resolved that a copy of this resolution be forwarded to Governor Sanford. /

Amend the concurrent resolution further, by striking the title and inserting:

/TO CENSURE MARSHALL C. SANFORD, JR., GOVERNOR OF SOUTH CAROLINA, FOR DERELICTION IN HIS DUTIES OF OFFICE, FOR OFFICIAL MISCONDUCT IN OFFICE, AND FOR ABUSES OF POWER WHILE IN OFFICE THAT HAS BROUGHT RIDICULE, DISHONOR, SHAME, AND DISGRACE TO HIMSELF, THE STATE OF SOUTH CAROLINA, AND TO ITS CITIZENS./

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **CONCURRENT RESOLUTION**

TO CENSURE MARK C. SANFORD, JR., GOVERNOR OF SOUTH CAROLINA, FOR DERELICTION IN HIS DUTIES OF OFFICE AS GOVERNOR AND FOR OFFICIAL MISCONDUCT THAT HAS BROUGHT DISHONOR TO HIMSELF, THE STATE OF SOUTH CAROLINA, AND TO ITS CITIZENS.

Whereas, Governor Mark Sanford was absent from the State of South Carolina and from the United States from Thursday, June 18, 2009, until Wednesday, June 24, 2009, while in or in route to and from Argentina for reasons unrelated to his gubernatorial responsibilities; and

Whereas, from Thursday, June 18, 2009, until at least on or about Monday, June 22, 2009, Governor Sanford was not in official communication with any person in the chain of command within the Office of the Governor of the State of South Carolina; and

Whereas, the Governor intentionally and clandestinely evaded South Carolina Law Enforcement Division agents assigned to secure his safety in order to effect his absence from the State; and

Whereas, the Governor directed members of his staff in a manner that caused them to deceive and mislead the public officials of the State of South Carolina as well as the public of the State of South Carolina as to the Governor’s whereabouts; and

Whereas, the Governor’s conduct in being absent from the State of South Carolina under these circumstances constitutes a dereliction of his duties as Governor; and

Whereas, in addition to the above, Governor Sanford misused state aircraft for purposes unrelated to the duties of his office, traveled numerous times on commercial aircraft at fares which were not permitted by state law, and failed to report free air travel on aircraft of others on his state ethics disclosure forms in violation of state ethics laws; and

Whereas, the full details of these aircraft and travel violations will be reflected in a State Ethics Commission’s report to be completed in the near future; however, what has already been disclosed in the public domain is sufficient to conclude he did not conduct himself in these areas in the highest traditions and requirements of his office; and

Whereas, Governor Sanford’s conduct as outlined in this resolution in its totality has breached the public trust of South Carolinians and has lowered their confidence in his ability to be their chief executive; and

Whereas, the conduct of Governor Sanford as outlined in this resolution has also brought dishonor, disgrace, and shame not only upon Governor Sanford but upon this State and its citizens which rises to a level which requires a formal admonishment and censure. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, hereby censure Mark C. Sanford, Jr., Governor of South Carolina, for dereliction in his duties of office as Governor and for official misconduct that has brought dishonor to himself, the State of South Carolina, and to its citizens.

Be it further resolved that a copy of this resolution be forwarded to Governor Sanford.

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