



HENRY McMASTER
GOVERNOR

March 11, 2024

The Honorable Scott Talley
612 Gressette Building
Columbia, South Carolina 29201

Dear Senator Talley:

I have signed into law R-114, S. 410, which pertains to the Fairmont–Larkin Area Recreation Commission (“Commission”). S. 410 transfers the Commission’s real property to Spartanburg County and dissolves the Commission.

As you know, S. 410 repeals Act No. 819 of 1978, which established the Commission and authorized it to operate public parks, playgrounds, and athletic fields and to accept funds and property. The Commission’s enabling legislation, however, did not contemplate dissolution or provide a mechanism for the Commission to convey property. According to S. 410’s recitals, the Commission “has only one remaining appointed member and has been inactive for a number of years.”

South Carolina law currently provides multiple ways to dissolve special purpose districts. For instance, sections 6-11-2010 and 6-11-2020 generally address dissolution by a two-thirds vote of qualified electors for special purpose districts created before March 7, 1973. *See* S.C. Code Ann. §§ 6-11-2010, 6-11-2020; *see also Weaver v. Recreation Dist.*, 431 S.C. 357, 368, 848 S.E.2d 760, 765 (2020). Meanwhile, section 4-9-290 provides specific procedures for dissolving special purpose districts that are providing government services, have general obligation indebtedness, or certain other conditions exist, if those special purposes districts existed prior to March 7, 1973. *See* S.C. Code Ann. § 4-9-290; *see also id.* § 4-9-80 (providing for the relationship between counties and special purpose districts). Yet, because the Commission was established after March 7, 1973, neither of these processes would apply, and I am not aware of any other procedure established by state law for dissolving the Commission other than an act of the General Assembly.

Like several of my predecessors, I have consistently vetoed local or special legislation that is clearly unconstitutional. Although it appears that the Commission’s service area does not

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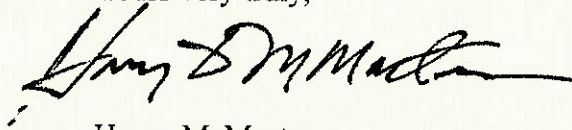
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“extend[] beyond the confines of one county,” *Fort Hill Nat. Gas Auth. v. City of Easley*, 310 S.C. 346, 350, 426 S.E.2d 787, 789 (1993), I do not believe S. 410 is unconstitutional special legislation because no “general law can be made applicable” to dissolve this particular special purpose district, S.C. Const. art. III, § 34. Accordingly, and because this legislation promotes the aim of Home Rule and facilitates streamlining the structure of local government, I have signed S. 410 into law. At the same time, I encourage the General Assembly to adopt a single method for dissolving any and all special purpose districts, which would provide clarity and consistency in the law.

For the foregoing reasons, I have signed S. 410 into law. I look forward to continuing to work with the General Assembly to address these and other similar issues on a statewide basis.

Yours very truly,

A handwritten signature in black ink, appearing to read "Henry McMaster", with a long horizontal flourish extending to the right.

Henry McMaster