



HENRY McMASTER
GOVERNOR

May 15, 2024

The Honorable Brandon Newton
404D Blatt Building
Columbia, South Carolina 29201

Dear Representative Newton:

I have signed into law R-176, H. 5395, which pertains to the Lancaster County Natural Gas Authority ("Authority").

As you know, H. 5395 amends Act No. 879 of 1954, so as to clarify certain per diem provisions applicable to members of the Authority's board of directors and to specify that all net revenues must be used either to expand the system or to reduce customer rates. Although this bill addresses a predominantly local concern, based on a review of previous legislation, as well as Section 1(A) of H. 5395, it appears that the Authority's service area "extends 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). Therefore, because the Authority is not necessarily "peculiar to a county," I am persuaded that H. 5395 does not constitute impermissible special legislation. *Kleckley v. Pulliam*, 265 S.C. 177, 185, 217 S.E.2d 217, 221 (1975); see 2003 WL 21998992, at *3 (S.C.A.G. July 31, 2003). Accordingly, I do not believe that this bill is clearly unconstitutional. Nevertheless, I encourage the General Assembly to address similar issues in the future by passing laws of uniform, statewide application.

For the foregoing reasons, I have signed H. 5395 into law.

Yours very truly,

A handwritten signature in blue ink, reading "Henry McMaster".

Henry McMaster

HM/tl

cc: Lancaster County Legislative Delegation