



HENRY MCMMASTER
GOVERNOR

May 3, 2018

The Honorable James H. Lucas
Speaker of the House of Representatives
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval R-181, H. 4592, which seeks to increase the borrowing limit of the Startex Area Fire District ("District"). To be clear, I am grateful for the District's dedicated and courageous firefighters, and I appreciate the District's cited need to raise its borrowing limit to account for increased operational expenses. However, because the manner in which H. 4592 attempts to accomplish this goal conflicts with the constitution, I am compelled to veto the bill.

Article VIII, section 7 of the South Carolina Constitution expressly prohibits the General Assembly from enacting legislation that applies only to a single county. S.C. Const. art VIII, § 7; *see also* S.C. Const. art. III, § 34(IX) (prohibiting local or special laws "where a general law can be made applicable"). Yet, a review of H. 4592 and the District's original enabling legislation reflects that the District is located entirely within Spartanburg County. Accordingly, H. 4592 represents unconstitutional special, or local, legislation. *See Spartanburg Sanitary Sewer Dist. v. City of Spartanburg*, 283 S.C. 67, 80, 321 S.E.2d 258, 265 (1984) ("Article VIII, § 7 is not only applicable to special legislation creating a special purpose district, but also to special legislation dealing with special purpose districts created prior to the ratification of [a]rticle VIII or the amendment of prior special legislation." (citation omitted)). Moreover, in attempting to raise the District's borrowing limit, H. 4592 does not appear to satisfy the requirements of article X, section 14(8), which "governs the incurring of indebtedness by political subdivisions . . . when such is to be accomplished by tax anticipation notes." 1990 WL 599207 (S.C.A.G. May 30, 1990); *see* 1993 WL 720103 (S.C.A.G. Apr. 26, 1993); 1993 WL 720104 (S.C.A.G. Apr. 26, 1993); 1981 WL 158253 (S.C.A.G. Apr. 28, 1981). Therefore, while I applaud the sponsors of H. 4592 for their efforts to craft a legislative solution to this problem, I must veto the same because the measure is of doubtful constitutionality.

For the foregoing reasons, I am respectfully vetoing R-181, H. 4592 and returning the same without my signature.

Yours very truly,

A handwritten signature in black ink, appearing to read "Henry McMaster", written in a cursive style.

Henry McMaster

HM/tl