



HENRY McMASTER
GOVERNOR

March 14, 2022

The Honorable Thomas C. Alexander
President of the Senate
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-127, S. 862, which seeks to amend Act No. 184 of 2020, consolidating the Hampton County School District (“District”), by vesting the District with total fiscal autonomy and altering the manner in which the District receives funds. For the reasons set forth below, I am compelled to veto S. 862.

As the General Assembly is aware, like several of my predecessors, I have consistently vetoed unconstitutional local or special legislation. The South Carolina Constitution expressly prohibits the General Assembly from enacting legislation “for a specific county” and “where a general law can be made applicable.” S.C. Const. art VIII, § 7; S.C. Const. art. III, § 34(IX). Although our courts have held that greater deference is warranted in the context of public education, “legislation regarding education is not exempt from the requirements of Article III, § 34(IX).” Therefore, I carefully review and consider all such legislation presented to me and scrutinize the same in view of the governing law. Absent other issues or infirmities, I have, on occasion, signed local legislation that is not clearly unconstitutional, such as where a general law could not be made applicable or the General Assembly has established that a special law is necessary to “best meet the exigencies of [this] particular situation.” *Charleston Cty. Sch. Dist. v. Harrell*, 393 S.C. 552, 559, 713 S.E.2d 604, 608 (2011). Regardless, I have consistently cautioned the General Assembly to avoid or limit the regular resort to this practice and encouraged legislators to address similar issues in the future by passing laws of uniform, statewide application.

Here, S. 862 plainly pertains to only Hampton County and does not appear to satisfy any recognized exception to the constitutional prohibition on local or special legislation. Although I approved Act No. 184 of 2020, which established the consolidated Hampton County School District, it was readily apparent that such legislation was necessary to “best meet the exigencies of [that] particular situation” and it was not clear that a general law could be made applicable. *Id.* However, now, less than two years later, the General Assembly seeks to tweak that enabling and consolidating legislation. Because the General Assembly has not demonstrated that this special

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legislation is necessary, I must respectfully veto the same. *See Richardson v. McCutchen*, 278 S.C. 117, 119, 292 S.E.2d 787, 788 (1982) (noting that “[t]he prohibition is applicable to . . . the amendment of prior special legislation”).

To the extent S. 862 seeks to alter the manner in which the District receives funds, perhaps this proposal is borne of concerns previously raised regarding the Hampton County Treasurer and Hampton County’s financial affairs more generally. However, the General Assembly has not established any such nexus or identified the requisite exigencies, as required by the South Carolina Supreme Court in other contexts. Nevertheless, even assuming these concerns prompted S. 862, they do more to bolster my argument that the General Assembly should expand the oversight and investigatory authority of the State Inspector General than they do to support this effort to expand the fiscal autonomy of the recently consolidated Hampton County School District. Accordingly, I am compelled to reiterate my longstanding concerns regarding the General Assembly’s seemingly routine reliance on local or special legislation, which has produced a patchwork of authorities governing South Carolina’s schools and school districts.

For the foregoing reasons, I am respectfully vetoing R-127, S. 862 and returning the same without my signature.

Yours very truly,

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

Henry McMaster