



HENRY McMASTER
GOVERNOR

March 20, 2023

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-5, S. 478, which seeks to amend Act No. 549 of 1973 so as to reduce the number of members of the Board of Directors of the Broadway Water and Sewerage District of Anderson County (“District”)* from nine to seven. Although I appreciate the well-intentioned effort to address this local matter, because the manner in which S. 478 attempts to do so ultimately conflicts with the constitution, I am compelled to veto the bill.

Like several of my predecessors, I have been clear and consistent since the beginning of my administration that I will veto 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). In the context of special purpose districts, the South Carolina Supreme Court has established that “a special purpose district limited to one county violates home rule.” *Cnty. of Florence v. W. Florence Fire Dist.*, 422 S.C. 316, 322, 811 S.E.2d 770, 774 (2018). Although the ratification of article VIII, section 7 “did not dissolve pre-home rule special purpose districts,” the provision’s prohibition of single-county laws “does apply to legislation enacted post-home rule that concerns a special purpose district created prior to the rule.” *Id.* (citation omitted); *see also 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)).

Here, S. 478 indicates that the District—established by Act No. 549 of 1973 shortly before the ratification of article VIII, section 7—is located entirely within Anderson County. *See generally Op. Att’y Gen.*, 1990 WL 599181, at *1 (S.C.A.G. Apr. 23, 1990) (“A review of [Act No. 709 of 1990] and also section 2 of Act No. 549 of 1973 reveals that apparently the entire

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district is located within Anderson County.”). As a result, “the General Assembly can modify legislation regarding special purpose districts only through the enactment of general law.” *Spartanburg Sanitary Sewer Dist.*, 283 S.C. at 81, 321 S.E.2d at 266; *cf.* S.C. Code Ann. § 6-11-335 (establishing a process to add members to the governing body of a special purpose district). Accordingly, while I do not doubt that this bill is intended to address an important local concern, I must veto S. 478 because the measure amounts to unconstitutional local, or special, legislation.

For the foregoing reasons, I am respectfully vetoing R-5, S. 478 and returning the same without my signature.

Yours very truly,



Henry McMaster

* S. 478 refers to the District as the Broadwater Water and Sewerage District, as opposed to the Broadway Water and Sewerage District. It appears that this reference may be the product of a scrivener’s error, which is also found in section 1 of Act No. 549 of 1973.