

EXECUTIVE ORDER NO.

2023-13

WHEREAS, on May 11, 2023, the regular annual session of the General Assembly of the State of South Carolina adjourned *sine die* in accordance with section 2-1-180 of the South Carolina Code of Laws, as amended; and

WHEREAS, the General Assembly passed legislation to address various important matters before adjourning *sine die*, and such legislation has been presented to the undersigned, or will be presented to the undersigned upon ratification, for review and consideration as to whether to approve said legislation or return the same with objections; and

WHEREAS, notwithstanding the foregoing, although the General Assembly has reached agreement on numerous budget-related matters and appointed a conference committee on H. 4300 (General Appropriations Bill), the General Assembly did not adopt, enroll, or ratify a General Appropriations Act for the 2023–2024 fiscal year, or pass a continuing resolution to otherwise provide for the continued operation of state government after the end of the current fiscal year, in advance of *sine die* adjournment; and

WHEREAS, because “[m]oney shall be drawn from the treasury of the State or the treasury of any of its political subdivisions only in pursuance of appropriations made by law,” S.C. Const. art. X, § 8, the absence of a General Appropriations Act for the upcoming fiscal year is a matter that requires the immediate attention of, and action by, the General Assembly prior to its next regular session; and

WHEREAS, while the General Assembly also made commendable progress in advancing some critical measures, legislation to enhance penalties for illegal-gun possession, S. 474 (Fetal Heartbeat and Protection from Abortion Act), H. 3532 (Bond Reform), and other matters of significant public importance remain unresolved and did not achieve consensus prior to *sine die* adjournment; and

WHEREAS, the undersigned has determined that it is necessary and appropriate for the General Assembly to convene in advance of its next regular session for purposes of promptly

adopting a General Appropriations Act, passing the above-referenced pending legislation, and presenting the same for the undersigned's consideration; and

WHEREAS, article IV, section 19 of the South Carolina Constitution provides that “[t]he Governor may on extraordinary occasions convene the General Assembly in extra session” and further provides that “[s]hould either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time of adjournment, he may adjourn them to such times as he shall think proper, not beyond the time of the annual session then next ensuing”; and

WHEREAS, pursuant to article IV, section 19 of the South Carolina Constitution and in accordance with the authority and discretion conferred therein, the undersigned has determined that the foregoing and other circumstances constitute an “extraordinary occasion[.]” such that it is necessary and appropriate to convene the General Assembly in extra session at the earliest practicable opportunity; and

WHEREAS, the undersigned has concluded that Tuesday, May 16, 2023, is the earliest practicable opportunity to convene the General Assembly in extra session, and the undersigned does not anticipate that timely consideration and resolution of the aforementioned matters will require the General Assembly to remain in extra session beyond May 31, 2023.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby call an extra session of the General Assembly of the State of South Carolina to convene at the State House in Columbia, commencing at noon on Tuesday, May 16, 2023. This Order is effective immediately and shall remain in effect unless and until modified, amended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 11th DAY OF
MAY, 2023.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State