State of South Carolina
Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA, SOUTH CAROLINA 29201

February 2, 2011

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3321, R-3.

Let me begin by laying out my policy regarding local legislation so that going forward both the House and Senate clearly understand how I plan to act on local bills before they come to my desk.

This bill is unconstitutional. Local legislation like H. 3321 violates the Home Rule provisions of our State Constitution. Every member of the General Assembly is expected to vote on all legislation, including local bills. I believe members who fail to vote are supporting the violation of our constitution. Having served in the House of Representatives, I will accept full responsibility for following what I thought were "local bill procedures" whereby each delegation voted on bills affecting their county which in many cases was clearly unconstitutional legislation. I believe my former colleagues will agree that, as legislators, we simply follow the "traditions" of the General Assembly and yet in doing so we fail to understand that these traditions are clear violations of our constitution which we have sworn to uphold. Therefore, I ask that you stop the practice of passing local legislation and help preserve and protect our State Constitution <u>by sustaining this veto.</u>

With the exception of local laws affecting public schools, our State Constitution clearly prohibits the General Assembly from enacting laws affecting a specific county and enacting specific laws

where a general law can be made applicable. Article VIII, Section 7 provides in pertinent part that "...No laws for a specific county shall be enacted ...." Article III, Section 34 (IX) provides that "where a general law can be made applicable, no special law shall be enacted." At the same time, Article XI, Section 3 clearly gives the General Assembly the responsibility "for the maintenance and support of a system of free public schools ..." which has been interpreted to mean that local laws affecting public school districts are not unconstitutional.

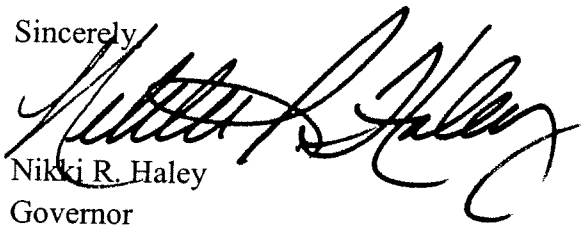
Given these clear constitutional rules and my belief that the best government is that closest to the people, I will veto any local legislation I believe is clearly unconstitutional.

H. 3321, R-3 is unconstitutional special legislation that is intended to apply to one individual in Aiken County to prohibit her from serving as both an employee of a water and sewer district and concurrently serving as an elected commissioner of that district. While I agree with the sponsor of this legislation that an individual should not be placed in a position where he/she is faced with very frequent and unavoidable conflicts of interests, current general law does not prohibit this conduct. In fact, Section 8-13-735 of the State Ethics Act specifically permits service on any state or local governing body *and* employment with the same body so long as the office-holder abstains from voting on a matter that affects his/her economic interests.

Here a general law could have been enacted – or Section 8-13-735 could have been amended – that applies to all similarly situated individuals statewide which would not violate our State Constitution's ban on enacting special laws where a general law can be made applicable and enacting laws that affect a specific county.

For these reasons, I am vetoing H. 3321, R-3.

Sincerely,



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