State of South Carolina
Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA, SOUTH CAROLINA 29201

April 12, 2011

The Honorable Ken Ard
President of the Senate
State House, 1st Floor, East Wing
Columbia, South Carolina 29202

Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S.724, R-20, **a local bill that clearly violates our State Constitution.**

Local legislation like S.724 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.

This bill allows the Lower Florence County Hospital District to issue additional general obligation bonds for purposes of meeting costs incurred in the construction, equipping and maintaining of hospital facilities in the district after the district's board petitions the Florence County Council to levy millage, upon approval of a voter referendum. Because S.724 relates to one specific county, it violates Article VIII, Section 7 of the South Carolina Constitution which provides that "...No laws for a specific county shall be enacted ...." With the exception of local laws affecting public schools, our State Constitution clearly prohibits the General Assembly from enacting laws affecting a specific county.

In my veto message to H.3321, I acknowledged that the General Assembly has adhered to "traditions" of passing local legislation which many members – myself included – may not have realized violates the State Constitution. House and Senate members also may not realize that current state laws, known as the Home Rule Act, give broad powers to local governments to provide local services to its residents. The Home Rule Act was enacted in the early 1970s after

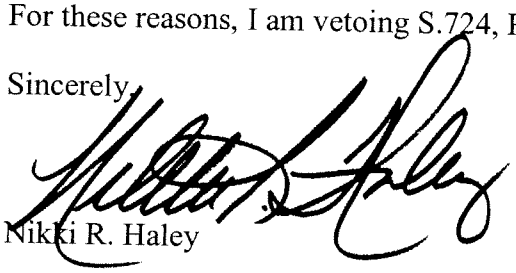
the voters approved a constitutional amendment – Article VIII, Section 7 – to devolve local power from state government to local governments to bring government closer to the people.

The Home Rule Act, specifically Article 5, Chapter 11 of Title 6 titled *Issuance of Bonds by Special Purpose Districts*, sets out a process for the Lower Florence County Hospital District to issue bonds to provide for local services. It is important to emphasize that a bond issuance under the authority of S.724 will likely not be allowed because the bill is unconstitutional, thereby defeating the purpose of this legislation.

Given these clear constitutional rules and my belief that the best government is that closest to the people, I will continue to veto any local legislation I believe is clearly unconstitutional and I ask that you sustain this veto and allow local governments to carry out its constitutional role to provide local services to its residents.

For these reasons, I am vetoing S.724, R-20.

Sincerely,



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