



HENRY McMASTER
GOVERNOR

May 26, 2022

The Honorable Katrina F. Shealy
303 Gressette Building
Columbia, South Carolina 29201

Dear Senator Shealy:

I have signed into law R-237, S. 533, a joint resolution that prohibits the use of section 14(c) of the Fair Labor Standards Act of 1938 to pay wages less than the federal minimum wage to individuals with disabilities. Among other things, this legislation also creates the South Carolina Task Force on Eliminating the Subminimum Wage and the South Carolina Employment First Oversight Commission.

As you are aware, I have consistently championed economic growth in South Carolina. A strong workforce is essential to sustaining and enhancing our shared prosperity, and all South Carolinians should have the opportunity to participate as fully as they are able in our State's thriving economy. Indeed, maximizing employment is critical to both individual advancement and our collective success. In addition to helping one support oneself and one's family, a job also provides a sense of purpose and fulfillment. Because this joint resolution ensures that no South Carolinian is paid less than the minimum wage simply by virtue of a disability, I am pleased to have signed it. The more than 2,900 South Carolinians who could have been paid a subminimum wage will now be allowed to engage more meaningfully in, and enjoy the benefits of, our State's competitive economy.

Although the aforementioned measure will have a demonstrably positive impact on our State, I am compelled to note my broader concerns regarding the fact that this legislation unnecessarily creates not one, but two new government entities in seeking to advance its commendable aims. As conservatives, we should consistently strive to make government more efficient without making government larger. Yet, this joint resolution needlessly expands government by establishing a new task force and a new commission. South Carolina already has hundreds of statewide boards, commissions, and advisory panels, both including and excluding gubernatorial appointees. Instead of focusing on eliminating or reconstituting outdated, unnecessary, and unwieldy entities, the General Assembly continues to pass legislation creating new boards, commissions, and advisory panels on a variety of subject matters. To be sure, many

of these bodies were likely established with honorable intentions and often to address unique issues. But good intentions do not always lead to good results, and needlessly expanding government without advancing the underlying goal is not a good result.

In addition to my concerns regarding the growth of government, I must also note that creating additional government bodies also leads to practical problems. As former Indiana Governor Mitch Daniels once observed, “Among the weeds choking out growth and good government are the hundreds of boards, commissions, and advisory committees that have sprouted over the years,” which “devour time, money, and energy far beyond any real contribution they make.” Absent a demonstrated need, we should not rush to create new government entities if the purposes for doing so could be advanced by existing state agencies and employees and subject to established oversight and accountability measures. Indeed, with so many government entities, finding people with the necessary time and expertise who are available and willing to fill all of the positions on various public bodies already presents a significant and ongoing challenge. As a general rule, requiring that an executive or administrative entity act through a committee or similar structure often limits its effectiveness and responsiveness since the body can only act via majority vote during a meeting at which a quorum is present. As relevant here, such a structure typically limits intergovernmental collaboration by restricting the ability to pursue coordinated action in between meetings, which appears to be a primary goal of this legislation. And aside from the fact that governing by committee is rarely efficient, it often dilutes resources and administrative responsibility and fragments rather than facilitates accountability.

By way of illustration, S. 533 amends existing law by adding the Employment First Initiative Act, which provides, *inter alia*, that “[a]ll state agencies and political subdivisions of this State are encouraged to consider adopting a policy that encourages competitive integrated employment for individuals with disabilities.” S. 533, § 4(A). Again, while I strongly support this broader policy, the legislation’s aims could be achieved through existing government agencies and directives, without the need for new laws that simply “encourage[]” state agencies to “coordinate efforts and collaborate,” much less a new commission to establish “goals and objectives to encourage implementation” of the now-statutorily encouraged coordination. *Id.* I have repeatedly and consistently emphasized that we must enhance collaboration, cooperation, and communication within state government, and we have done so. Rather than creating a new commission—which requires identifying and appointing knowledgeable volunteers who are prohibited from receiving mileage or a per diem—the General Assembly could have charged the Department of Administration’s Division of State Human Resources with implementing many of S. 533’s provisions without duplicating the efforts or areas of responsibility of existing state entities. A commission is not required to coordinate between and among state agencies, particularly on recommended employment policies.

A dozen years ago, former Representative Michael Thompson proposed a joint resolution to create the South Carolina Study Committee Study Committee. That legislation satirically called attention to the General Assembly’s routine, and seemingly reflexive, practice of “addressing” issues by establishing study committees. The same could be said of the General Assembly’s regular resort to creating new boards, commissions, and advisory panels. Perhaps the time has

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come for the General Assembly to constitute a study committee to examine (and propose eliminating, consolidating, or reconstituting) various boards, commissions, and advisory panels.

In sum, I sincerely appreciate your attention to this important issue and your efforts to maximize employment opportunities for individuals with disabilities. Likewise, I applaud your dedicated work in shepherding S. 533 through the General Assembly. Although it is often said that the “perfect” proposal should not be the enemy of “good” legislation, I want to be clear that my support of the underlying aims of this legislation should not be construed as support for the unnecessary growth of government, both in this context and others.

For the foregoing reasons, I have signed S. 533 into law. I look forward to continuing to work with you and your colleagues in the General Assembly to address important issues while simultaneously ensuring that government gets smaller and more efficient.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster", is centered on the page. The signature is fluid and cursive, with a prominent initial "H" and a long, sweeping underline.

Henry McMaster