



HENRY McMASTER  
GOVERNOR

May 16, 2023

The Honorable William M. Hixon  
411 Blatt Building  
Columbia, South Carolina 29201

Dear Representative Hixon:

I have signed into law R-52, H. 3905, which pertains to the Edgefield County Water and Sewer Authority (“Authority”). As you know, H. 3905 amends sections 6-13-920 and 6-13-1010 of the South Carolina Code of Laws so as to provide for filling a vacancy on the governing board based on physical or mental incapacitation or nonattendance and to increase penalties for injuring or destroying the Authority’s facilities.

Like several of my predecessors, I have consistently vetoed local or special legislation that is clearly unconstitutional. Therefore, I carefully consider all such legislation presented to me and scrutinize the same in view of the applicable law. Here, based on a review of H. 3905 and other relevant authorities, it appears that the Authority’s service area “extends beyond the confines of one county.” *Fort Hill Nat. Gas Auth. v. City of Easley*, 310 S.C. 346, 350, 426 S.E.2d 787, 789 (1993). Accordingly, I am persuaded that H. 3905 does not constitute impermissible local legislation. *See Kleckley v. Pulliam*, 265 S.C. 177, 185, 217 S.E.2d 217, 221 (1975); *Op. Att’y Gen.*, 2003 WL 21998992, at \*3 (S.C.A.G. July 31, 2003). Nevertheless, although I do not believe this bill is clearly unconstitutional on its face, given the General Assembly’s regular reliance on—and the recurring nature of—special legislation, I encourage you and your colleagues to address similar issues in the future by passing general laws of uniform, statewide application whenever possible.

For the foregoing reasons, I have signed H. 3905 into law. I look forward to continuing to work with the General Assembly to address these and other similar issues on a statewide basis.

Yours very truly,

A handwritten signature in blue ink that reads "Henry McMaster".

Henry McMaster

HM/tl

cc: Edgefield County Legislative Delegation