HENRY MCMASTER
GOVERNOR

March 17, 2021

The Honorable James H. Lucas
Speaker of the House of Representatives
State House, Second Floor
Columbia, South Carolina 29201

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval R-8, H. 3584, which seeks to revise the membership and composition of the Oconee County Board of Assessment Appeals ("County Board"). Although the proposed modifications to the County Board may well be necessary, for the reasons set forth below, I am nevertheless compelled to veto this local legislation.

First, like several of my predecessors, I have consistently vetoed unconstitutional local or special legislation. Article VIII, section 7 of the South Carolina Constitution expressly prohibits the General Assembly from enacting legislation that applies to only a single county. S.C. Const. art. VIII, § 7; *see also* S.C. Const. art. III, § 34(IX) (prohibiting local or special laws "where a general law can be made applicable"); S.C. Const. art. VIII, § 10 ("No laws for a specific municipality shall be enacted . . . ."). Yet, H. 3584 plainly pertains to only Oconee County and does not appear to satisfy any recognized exception to the constitutional prohibition on local or special legislation. *See Richardson v. McCutchen*, 278 S.C. 117, 119, 292 S.E.2d 787, 788 (1982) (noting that "[t]he prohibition is applicable to . . . the amendment of prior special legislation"). Accordingly, while H. 3584 seeks to amend Acts that were the product of prior local legislation, I cannot endorse or approve a bill that would add to the existing patchwork of piecemeal, and often inconsistent, local laws.

Second, in seeking to modify Act No. 1041 of 1970, as amended, it appears that H. 3584 retains preexisting language, which provides that members of the County Board "shall be compensated on a per diem basis at a figure to be determined by the Oconee County Legislative Delegation." R-8, H. 3584, § 1(c). In previously addressing this specific language regarding the County Board, the Office of the Attorney General noted that "[t]he constitutionality of the provision[] . . . is highly suspect." *Op. Att'y Gen.*, 1989 WL 508574, at *1 n.1 (S.C.A.G. Aug. 28,

1989); *see Aiken Cty. Bd. of Ed. v. Knotts*, 274 S.C. 144, 149–50, 262 S.E.2d 14, 17 (1980) ("As a general rule, the Legislature may not . . . undertake to both pass laws and execute them by setting its own members to the task of discharging such functions by virtue of their office as legislators."). Therefore, because this longstanding language is independently problematic and would remain unchanged by H. 3584, I am compelled to veto this legislation.

For the foregoing reasons, I am respectfully vetoing R-8, H. 3584 and returning the same without my signature.

Yours very truly,

Henry McMaster