March 27, 2007

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

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3357, R-14. This veto is based upon my belief that H. 3357, R-14 is unconstitutional.

This bill allows each member of the Marlboro County Transportation Committee to be paid from Marlboro County “C” Fund revenues seventy-five dollars for each meeting the member is in attendance. The state Constitution clearly prohibits the enactment of special legislation where a “general law can be made applicable.” S.C. Const. Art. III, Section 34 (IX). The General Assembly has established a general statute that prohibits county transportation committees from using “C” funds to pay per diems as administrative expenses. See S.C. Code § 12-28-2740(B), as amended. It is unconstitutional for the General Assembly to pass special legislation, like H. 3357, R-14, in contravention of general law. Each county’s transportation committee should be subject to the same general law either allowing or disallowing per diems. Legislation like H. 3357, R-14, demonstrates the policy basis for Article III, Section 34’s directive that special legislation be avoided in all cases where general legislation can be enacted.

Additionally, H. 3357, R-14, affects only Marlboro County and is, therefore, clearly an act for a specific county. Such acts are in violation of Article VIII, Section 7 of the Constitution of the State of South Carolina, which provides that “[n]o laws for a specific county shall be enacted.”

In summary, I believe the specific nature of H. 3357, R-14, renders this Act unconstitutional. For this reason, I am returning H. 3357, R-14, to you without my signature.

Sincerely,

Mark Sanford