April 22, 2003

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

Mr. President and Members of the Senate:

I am hereby returning without my approval S. 454, R-40, a Joint Resolution:

TO PROVIDE THAT SCHOOL DAYS MISSED IN 2002-2003, BY THE STUDENTS OF THE FOUR SCHOOL DISTRICTS IN YORK COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO INCLEMENT WEATHER CONDITIONS MAY BE MADE UP BY EXEMPTING THEM FROM THE MAKE-UP REQUIREMENT OF THE DEFINED MINIMUM PLAN THAT FULL SCHOOL DAYS MISSED DUE TO EXTREME WEATHER OR OTHER CIRCUMSTANCES BE MADE UP, AUTHORIZE EXTENDING THE LENGTH OF SCHOOL DAYS OR MAKE-UP DAYS ON SATURDAYS, OR AUTHORIZE THE DISTRICTS TO USE COMBINATIONS OF THESE AS APPROPRIATE FOR A PARTICULAR SCHOOL, AND TO REQUIRE THE PLANS CHOSEN TO BE APPROVED BY THE LOCAL SCHOOL BOARD.

This veto is based upon my belief that S. 454, R-40 is unconstitutional.

Though well-intentioned as it might be, S. 454, R-40 is an example of specific legislation that has been enacted to address circumstances that could have been addressed by general legislation. 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 could establish a general statute that sets forth the general types of events or occasions when missed school days may be exempted from the make-up requirement, and authorize school districts throughout the state to exercise discretion in granting such exemptions. The recurring nature of
legislation like S. 454, R-40 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.

In summary, I believe the specific nature of S. 454, R-40 renders this Act unconstitutional. For this reason, I am returning S. 454, R-40 to you without my signature.

Sincerely,

Mark Sanford
Governor