



HENRY MCMASTER
GOVERNOR

June 9, 2017

The Honorable Kevin L. Bryant
President of the Senate
State House, First Floor, East Wing
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-127, S. 662, which seeks to consolidate public school districts in Orangeburg County. While I commend the Orangeburg County Legislative Delegation ("Legislative Delegation") for endeavoring to address their local school issues, I must veto this bill because it is unconstitutional as written. The out-of-control administrative costs exposed by the *Abbeville* case require urgent consideration, but as explained to the bill's sponsor, I cannot sign a bill with such clear-cut constitutional violations. Passing faulty law is not an acceptable remedy for years of inaction in our school districts.

At present, Orangeburg County is divided into three distinct public school districts. This fractured arrangement has led to precisely the sort of wastefulness alluded to by the Supreme Court of South Carolina in the *Abbeville* litigation—namely, "administrative costs which are disproportionate to the number of students served by [each] district, and which divert precious funding and resources from the classroom." *Abbeville Cty. School Dist. v. State (Abbeville II)*, 410 S.C. 619, 649, 767 S.E.2d 157, 172–73 (2014). Unfortunately, as mentioned above, one aspect of the approach outlined in S. 662 is problematic and compels a veto.

In order to coordinate and facilitate the consolidation of the three existing school districts, S. 662 creates the Orangeburg Consolidation Transition Committee ("Transition Committee"). To this end, the Transition Committee is charged with preparing a budget for submission to and approval by the Legislative Delegation. Simply put, our constitutional separation of powers prohibits local legislative delegations from retaining budgetary control. See *Gould v. Barton*, 256 S.C. 175, 201–02, 181 S.E.2d 662, 674 (1971) ("The power to approve the budget of the commission carries with it the power to disapprove until the budget conforms to the legislative wish, and thereby places in the Legislative Delegation control of the administration of the funds of the commission."); see also

Charleston Cty. Parents for Public Schools, Inc. v. Moseley, 343 S.C. 509, 519, 541 S.E.2d 533, 539 (2001) (collecting cases). S. 662, like other bills I have vetoed this session, attempts to vest the Legislative Delegation with the authority to both initiate and execute special legislation, in violation of Article I, Section 8 of the South Carolina Constitution.

I am committed to the education of South Carolina's children. If we are to remain competitive, we must find new and innovative solutions to address struggling schools. A South Carolina Department of Education study contemplates savings of \$89 million over five years through consolidation efforts. However, we must accomplish these changes lawfully.

For the foregoing reasons, I am respectfully vetoing R-127, S. 662 and returning the same without my signature. I encourage S. 662's sponsors to send me revised legislation correcting this issue.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster", written in a cursive style.

Henry McMaster