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Date: 2/29/2012 10:39:50 AM

Subject: Veto Message: H.4723

Attachments: [H_4723_Berea Water and Sewer District.pdf](#)
[H 4723.pdf](#)

Members of the Senate,

Attached is the governor's veto message for H.4723. **We strongly hope you will support sustaining the governor's veto H.4723** – Berea Water and Sewer District.

H.4723 makes changes to the appointments for the Berea Public Service District (PSD). The Berea PSD provides fire and sewer services to the residents of Berea which is wholly located in Greenville County.

□ **Our veto of this local bill should be sustained because:**

- **Violation of State Constitution:** It is clearly unconstitutional because it violates the 1973 Home Rule provision of our State Constitution which says laws for a single county cannot be enacted.

- ⊙ For decades our state courts have consistently held local laws affecting one county that provide for local services to be unconstitutional.

- **Good Government:** The drafters of the Home Rule provisions rightly recognized that local services should be administered by local governments, not State government – because government that is closest to the people on issues that affect local areas is more effective at addressing the needs of the local residents.

- ⊙ Home Rule recognizes that local services like water, sewer, fire protection, should be provided by and managed at the local level. Currently, many legislative delegations still manage local entities that provide these services, even though the Legislature can devolve this management to local governments.

- **“Fixing” H.4723:** A statewide bill has been drafted by Legislative Council to fix the constitutional defect of H.4723. The bill will be narrowly drawn to allow a public service district whose members are elected and which provides services similar to the Berea Public Service District (fire protection and sewer services) to add additional members to the district.

- ⊙ A statewide bill can be narrowly drawn that will not undo current local laws. Additionally, all future local bills that affect a single county should be drawn on a statewide basis to devolve legislative delegation authority to manage local entities to county governments as our State Constitution intended over 40 years ago.

If you have any questions please let me know.

Thank you for your support.

Katherine

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