



State of South Carolina Office of the Governor

MARK SANFORD
GOVERNOR

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COLUMBIA 29211

May 28, 2010

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

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 4828, R. 246, which authorizes the Irmo Fire District to adopt rules and regulations to ensure that buildings within the district are maintained properly and do not present a fire or safety hazard. The bill also gives the Irmo fire chief, or his designee, the same authority that an officer of the peace has to enforce the district's regulations.

On behalf of the entire administration, I thank firefighters and fire chiefs for their hard work and dedication in protecting their respective communities. Their work is important and admirable, but we must still veto this bill because it violates the constitutional prohibition against local legislation and because we believe this bill embodies an unwise public policy.

Under Article 3 § 34 of the South Carolina Constitution, the General Assembly generally may not pass special, local legislation in place of a generally applicable law. On numerous occasions, the Supreme Court has struck down laws similar to H. 4828 because they violated the constitutional prohibition on local legislation. Nonetheless, H. 4828 empowers only the Irmo Fire District to take certain regulatory and enforcement actions relating to fire safety. Specifically, H. 4828 gives the District authority unilaterally to adopt rules and regulations and gives the Irmo fire chief law enforcement authority that no other fire chief in the state possesses. Because H. 4828 plainly violates the constitutional prohibition on local legislation, we are compelled to veto this bill.

Additionally, as a policy matter, we believe that local fire districts should not have authority to create unique building regulations. We also believe that fire station personnel should not have the same law enforcement authority as an officer of the peace. Currently, the state's Building Codes Council creates building safety regulations that apply uniformly throughout the state. Allowing a single county to create additional – and potentially conflicting – building regulations

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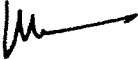
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will greatly complicate the lives of both homeowners and homebuilders who must comply with these regulations.

Similarly, we think it is unwise to give a fire chief or his designee the same authority as a police officer for the purposes of enforcing a fire district's regulations. In South Carolina, law enforcement personnel must successfully complete training at the South Carolina Criminal Justice Academy prior to serving as police officers. Then, throughout the police officers' careers, they must complete continuous training in the areas of firearms use, driving maneuvers, handling domestic violence cases, and updates on criminal procedure and legal issues. By contrast, no fire department personnel – including fire chiefs – are required to have formal law enforcement training. Because law enforcement personnel receive unique training which fire department personnel do not, we believe that the task of enforcing the laws should be left to local police. If the General Assembly were to give fire department personnel the authority to enforce the laws, they should do so on a uniform, statewide basis – not in piecemeal form as contemplated in this legislation.

For these reasons, we are therefore vetoing and returning without my approval H. 4828, R. 246.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Sanford', with a long horizontal stroke extending to the right.

Mark Sanford