State of South Carolina
Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

June 17, 2013

Lt. Governor Glenn F. McConnell
South Carolina State Senate
Statehouse, Second Floor
Columbia, South Carolina 29201

Dear Members of the Senate,

I am vetoing and returning without my signature R88, S.707, a bill that grants authority to the City of Columbia to commission members of its fire department to become certified law enforcement officers to investigate arson and perform fire chief duties. While we greatly appreciate the dedication of our firefighters in protecting our communities, **I must veto S. 707 because of several public policy concerns and unintended consequences, which are shared by the South Carolina Law Enforcement Training Council (Council) and Criminal Justice Academy (Academy), and because it clearly violates the local and special law prohibitions in our State Constitution**.

First, this bill carves out a special exception in current law to allow a single municipality to give its firefighters and fire chiefs the authority to have "full powers of South Carolina-certified law enforcement officers." Under current state law, only law enforcement officers may receive certification and training from the Criminal Justice Academy to enforce criminal laws in the State. This bill presents several problems for the Academy and the Council including: (1) the Academy's certification programs provide very little training for arson investigations because that is a specialty in the law enforcement field; (2) increased costs for training are borne by the Academy and the State, not the municipality; (3) both fire chiefs and law enforcement officers are "officers" for constitutional dual-office holding purposes - thereby prohibiting service in both positions; and finally (4) jurisdictional conflicts could arise because arson currently is investigated by SLED and other law enforcement agencies, not fire departments.

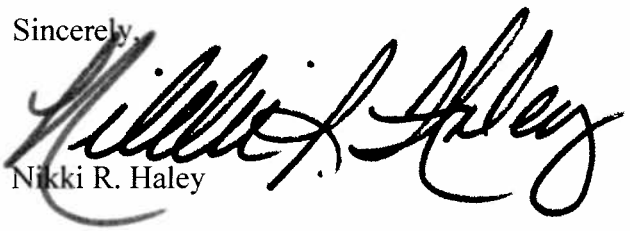
Second, this bill is unconstitutional special, local legislation. Under Article III, Section 34 of the South Carolina Constitution, the General Assembly may not pass special, local legislation in place of a generally applicable law. This bill only applies to the City of Columbia which is given

the authority to bypass general state law regarding who may be certified law enforcement officers. Therefore, this bill clearly violates our State Constitution.

Next year I would consider supporting a statewide bill that clarifies the duties of a Class III certified law enforcement officer and uniformly provides for an appropriate avenue for fire services personnel to seek certified law enforcement status in appropriate circumstances. I would welcome the opportunity to work with the General Assembly as well as representatives from the Law Enforcement Training Council, the Criminal Justice Academy, the State Fire Marshal, and the Fire Academy.

For these reasons, I respectfully request that you sustain my veto of R88, S.707.

Sincerely,



Nikki R. Haley