



# State of South Carolina

## Office of the Governor

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December 15, 2004

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

Mr. President and Members of the Senate:

I am hereby returning without my approval S. 131, R-386, a bill which contains various sections relating to military preparedness, in-state college tuition eligibility and violence against teachers. While I fully support the portions of this bill creating the Teacher Protection Act, unfortunately this Act was bobtailed onto a bill which I do not support.

I am vetoing this bill because I object to Section 2 which creates the South Carolina Military Preparedness and Enhancement Commission. An identical version of Section 2 was passed by the General Assembly a second time in a stand-alone bill, H. 4481, R-386, which I have also vetoed today. I am re-stating the reasons for my objection to H. 4481 below.

Though well-intentioned, this legislation duplicates ongoing efforts to work with communities of interest in the 2005 round of the Base Realignment and Closure Commission (BRACC) established at the Department of Defense (DoD). In addition, no funds were appropriated to fund efforts prescribed by this legislation which I believe will provide little additional assistance in preparing communities for the BRACC process.

On March 10, 2003, I signed Executive Order 2003-10 creating the South Carolina Military Base Task Force, which included representatives from state and local governments, as well as representatives from the business community. This Task Force was created to coordinate the efforts of local business and community leaders with those of state government to bring together all of the military communities in the state for the 2005 round of BRACC. In addition, the Executive Order created the Governor's Military Base Advisory Committee to provide guidance to my office and the Task Force on providing leadership for a coordinated strategy both here in South Carolina and in Washington, D.C. This legislation puts in statute a commission which already exists, and performs duties that are already being carried out.

Second, there were no resources provided for either the staffing of the commission or for the South Carolina Military Value Revolving Loan Fund. The commission is to be staffed by the Governor's Office, which, if necessary, could be done through existing staff. However, no funding was provided

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for the Revolving Loan Fund, which would provide financing to military communities around the state to prepare for the upcoming BRACC. The earliest that any funding could be made available by the General Assembly would be January 2005, only four months before the Secretary of Defense is to make recommendations to the BRACC.

Third, at this point, enactment of this legislation will likely have little impact on the BRACC process because the process is very near completion. Under the BRACC timeline, the Secretary of Defense is to have the final Department of Defense recommendations to the BRACC by May 2005 and the BRACC final recommendations go to the President in September 2005. Given past history, the DoD recommendations will closely mirror the final recommendations, leaving the state with just a few short months of operational time under the proposed legislation.

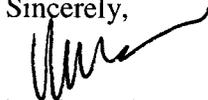
Finally, and most importantly, my greatest concern is that this legislation may do more harm than good with regard to South Carolina's activities during this BRACC. Since the creation of the Advisory Committee and the Task Force, these members have invested hundreds of hours to establish and maintain close working relationships with members of the BRACC, the Department of Defense, and our congressional delegation. I fear that changing the structure at this point would do three things – upset the relations the Task Force has built, undermine each member's ability to effectively advocate before the Pentagon, BRACC, and local officials whom they have built relations with, and finally, de-stabilize an established process that has been up and running since March 10, 2003.

This administration is committed to working with the Comptroller General and the communities of interest to provide a well-coordinated effort for the upcoming round of BRACC. The state has provided funding to military communities for their efforts in preserving our military missions in South Carolina. In fact, each community will each receive \$100,000 this year for those efforts.

My veto of S. 131 is based entirely on my objections to the creation of the Military Preparedness and Enhancement Commission, not the Teacher Protection Act. My administration has consistently and strongly supported passage of this measure to increase criminal penalties against students who commit violence against teachers and other school officials. The Teacher Protection Act was even part of my 2004 Checklist for Change. However, the South Carolina Constitution prevents me from vetoing specific objectionable provisions of this bill. Therefore, if the General Assembly presents legislation to me that contains unrelated sections, some of which I do not support, I am compelled to veto the entire bill.

I strongly encourage members of the General Assembly to send me a clean Teacher Protection Act as soon as possible this upcoming legislative session so that I can immediately sign it when it reaches my desk.

Sincerely,



Mark Sanford