



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

June 18, 2007

The Honorable André Bauer
President of the Senate
State House, 1st Floor East Wing
Columbia, SC 29202

Dear Mr. President and Members of the Senate:

I am hereby returning without my approval S. 446, R-154.

This bill would streamline and bring accountability to our state's indigent defense system. Currently, the system is a disjointed compilation of 39 non-profit Section 501(c)(3) corporations that oversee public defender services in 46 counties. These corporations receive state and county funds, but they are not required to follow uniform standards for the delivery of indigent defense services.

S. 446 would improve this disjointed system by replacing it with one that mirrors the existing 16 judicial circuits, with a separate Chief Circuit Defender being in charge of indigent defense in each circuit (with administrative responsibilities similar to those of elected solicitors in each district). Standards for indigent defense in each circuit would be established as to the public defender qualifications, cost of legal representation, caseload assignment and compensation of experts, among other things.

In short, the underlying bill has merit, and I commend Chief Justice Toal for her leadership in working with the General Assembly to move it forward. Unfortunately, a provision was added late in the legislative process that forces me to veto this bill. This provision would allow judges and solicitors to retire and receive retirement benefits upon attaining the maximum service of 32 years for a judge and 31 years for a solicitor. The unintended effect of this legislation would be to allow a judge or solicitor to collect retirement benefits while still employed prior to normal retirement age. According to the South Carolina Retirement System, the federal rules governing normal retirement age would be 60 years of age. As a result, the SCRS believes that this provision could have negative consequences for the Judicial Retirement System.

For this reason, I am compelled to veto S. 446, R-154, and return it without my signature.

Sincerely,

Mark Sanford