



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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May 14, 2008

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

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my signature S. 1039, R-239, which prohibits local governments from regulating a landowner's discharge of a firearm for protection from a dangerous animal.

Let me begin by saying that I admire the bill sponsors' intent to make right a situation in Laurens County and what I am sure may have developed similarly in other places across the state. I have a well chronicled history of always supporting an individual's right to bear arms, and were this bill about this I would be signing it. At the core, it is about local zoning, and here in a perfect world I would believe in none and endorse the idea of complete freedom on the use of one's property. That is not the law of our state, however, and in upholding the larger framework of land use and zoning laws handed to the authority of local governments by the General Assembly, I do not think it makes sense to, in patchwork form, exempt one narrow use from local governments. So despite the good intentions of the bill sponsor and the hard work that went with it, I am vetoing this bill for the following three reasons:

First, as just stated, it is exceedingly narrow in its scope and, therefore, while not technically special legislation, it passes as a first cousin. There are a very limited number of 25-acre properties within city limits across South Carolina.

Second, this bill infringes on a local governments' authority to regulate their own community and enforce their own laws. I have long believed that local governments are best equipped to address the specific needs and interests of their communities. In some cases we may agree with their decisions, in others we will not. But if one believes in the Jeffersonian notion of federalism – then one believes that the government that is most local governs best. This theme is encroached upon so regularly in our state that some would ask why have local government? Why not run everything from Columbia? We all know this would be a disaster and prevent many

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people from having their voice heard in the political system. In the recent instances when the General Assembly has stripped decision-making authority from local governments, it has not worked out well for taxpayers across the state – or local residents. A case in point would be the Billboard Protection Act which gave billboard owners financial incentives and special rights that don't even accrue to homeowners.

Finally, I think that common sense would prevail in the instances wherein someone had to discharge a firearm to protect themselves, those they love or their property from a threat. I don't know of a city police department, sheriff's office or judge that would prosecute someone for shooting a wild dog rushing a child - whether one was on a quarter-acre lot or a 25-acre parcel.

For too long, government in South Carolina has operated under the notion that Columbia knows best, and it is past time that we abandoned this mindset. Therefore, I am vetoing S. 1039, R-239 and returning it without my signature.

Sincerely,

A handwritten signature in black ink, appearing to be 'MS', with a long horizontal line extending to the right.

Mark Sanford