

State of South Carolina

Office of the Governor

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GOVERNOR

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June 4, 2008

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 signature H. 4900, R-333.

H. 4900 requires cigarette manufacturers to sell only cigarettes that have been certified as meeting standards that allegedly reduce the chance of igniting combustible materials, such as upholstered furniture, mattresses, bed linens, and curtains.

Given the real tragedy that too often occurs with fire, I applaud the intent of those that have advanced this legislation. The partnership between responsible corporations in this instance and firefighters I find to be especially commendable. As great as these things are though, I am compelled to veto this legislation for the way that it dictates product features in a competitive market place, and I do not believe this to be the role of government. If the benefits of the ignition standards are as real as the proposed standards would suggest we trust the consumer to make purchases accordingly. This is especially the case since three companies control more than 80 percent of this market and each has plans to go to the ignition standards in question.

We have tried to be very consistent in advancing this principal. Here are but a few instances where we have stood on the side of letting market forces rather than government edict determine the make up of a product. As is the case with this bill, we vetoed each of these bills.

H. 3084 – Motorcycle Franchise – 5/14/08

This bill mandated that a motorcycle manufacturer give notice to an existing dealer when the manufacturer intends to open another dealership within 15 miles of the existing dealer, up from the current three-mile radius. Additionally, this bill would have given an existing dealer 45 days following notice to the manufacturer to file a civil action if the existing dealer objects to the proposed new dealership. The current law allows 15 days. At this point, a court would

determine, based on criteria outlined in the bill, whether or not the manufacturer is able to establish a new franchise in the region.

H. 3632 – Nursing Badges – 4/2/08

This bill mandated that licensed nurses must clearly be identified by wearing an identification badge at least one inch by three inches in size bearing the nurse's name and title. Bill would have required more than 58,000 nurses statewide to wear an ID tag.

H. 4595 – HVAC Requirements – 5/31/06

This bill, which established licensing requirements for heating/air conditioner installers, was vetoed because it prohibited individuals from buying services from unlicensed installers.

H. 3507 – Rights of Parties to a Commercial Lease – 11/4/04

This bill, which mandated rights for parties to a commercial lease, was vetoed because it interfered with the parties freedom to contract.

S. 103 – Dietetics Licensure – 6/6/06

The bill established a state process for licensing dietitians and made it unlawful for a person to call themselves a dietitian unless licensed. Licensure is predicated on either a bachelor's or a master's degree in a nutrition-related field and successfully completing a qualifying exam. The bill also made it illegal for a person not licensed as a dietitian to hold himself or herself out as a dietitian, licensed dietitian, or use the letters "LD" behind their name.

H. 3749 – Cabela's – 2007

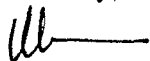
S 1245 and H. 4874 – 2006

These bills singled out two companies - Bass Pro Shop and Cabela's - giving special incentives (job tax credit for retail and 50% sales tax rebate) to these companies - another example of government entering the free market. Incentives could equal as much as \$9 million over five years for one store.

As helpful as this measure would be to these companies in this instance, allowing government to direct the composition of a product is an idea that cuts both ways – and inevitably would work against them were we to further codify governments prerogative to design products in an open and competitive market.

For these reasons, we are vetoing H. 4900, R-333.

Sincerely,



Mark Sanford