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[Veto of S. 454, R. 207]

Item Type	Text
Publisher	South Carolina State Library
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Download date	2024-10-14 11:27:32
Link to Item	http://hdl.handle.net/10827/2907



State of South Carolina Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

May 19, 2010

The Honorable André Bauer
President of the Senate
State House, First Floor, East Wing
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval, S. 454, R. 207, a bill that revises the pyrotechnic safety provisions relating to the regulation of fireworks. The bill also increases the number of State Board of Pyrotechnic Safety board members from six to seven by adding a member to represent pyrotechnics wholesalers.

Although we agree with the public safety aspects of S. 454 – requiring those who are involved with pyrotechnics to adhere to reliable safety standards – we do not agree with the bill’s method of appointing board members. It would take from what little power is vested in the Governorship of South Carolina and allocate it to the Legislature. The bill states in section 40-56-10 that all seven members are to be appointed by the Governor. But, it also says if the Governor does not fill a vacancy in 60 days, it “must be filled through an appointment by the chairman of the House Labor, Commerce and Industry Committee, and the chairman of the Senate Labor, Commerce and Industry Committee.”

In 2005, we vetoed a similar bill based on our belief that the legislation gave executive powers to the legislative branch and needlessly politicized the State Board of Medical Examiners. In that instance, the General Assembly passed a bill adding two lay members to the Board of Medical Examiners who must be appointed “one upon the recommendation of the President *Pro Tempore* of the Senate and one upon the recommendation of the Speaker of the House of Representatives.”

In the same way, S. 454 infringes on the executive branch’s appointment power by placing a limit on the amount of time that a governor has to consider a board appointment.

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The Executive Branch makes more than 1,500 appointments to more than 300 statewide boards. If S. 454 becomes law, the State Board of Pyrotechnic Safety will be the only board whose members must be appointed within a 60-day timeframe.

For these reasons, I am vetoing and returning without my approval S. 454, R. 207.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Sanford".

Mark Sanford