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STATE HOUSE *Update*

February 15, 2013

What's New



2013 State of the Judiciary Address

South Carolina Supreme Court Chief Justice Jean Toal will deliver her annual State of the Judiciary address on Wednesday, February 20th at noon. Her speech will be broadcast live on the Internet and archived for later viewing. The live broadcast can be accessed from the South Carolina Legislature [website](#). A link to the archived version will be posted on the Supreme Court's website at a later date.

Want to send Weekly Updates to Clients?

If you would like your clients added to the distribution list, please send them to Courtney Belton at cbelton@nexsenpruet.com. Also, please let us know if you have any suggestions for improving the Update. There are a number of issues being discussed at the State House that directly impact our clients, and we want to make sure they get the most relevant information possible.

Details from Each Chamber



The House of Representatives was on furlough all week, but the Senate remained in Columbia, debating a number of issues. Both Chambers will be back to their normal schedules next week.

Cyber-Security

The Senate Finance Committee met Tuesday to hear testimony from Jimmy Earley, Director of the South Carolina Budget and Control Board, Division of State Information Technology, and Doug Robinson, Executive Director, National Association of State Chief Information Officers, on [S.334](#), a bill to develop a cyber-breach policy. Robinson specifically spoke to the Committee about present trends in state government IT, suggesting that IT security in many states is a growing risk and state systems are struggling with balancing outdated systems with new technology.

Holly Pisarik, Director of the Department of Labor, Licensing and Regulation, testified before the Senate Labor, Commerce and Industry Committee Thursday on the status of LLR's database security. The Agency issues licenses to 400,000 professionals annually. Pisarik mentioned that personal email addresses, thumb drives, and remote access are regulated to prevent a cyber-attack. Supervisors now receive an email when an employee logs into the system from a remote location. IT continues to be monitored by DSIT, and the Chief Security Officer reports directly to Pisarik.

Raffles

This week, South Carolina came one step closer to legalizing raffles in the State. The Senate Judiciary Committee met Tuesday and gave a favorable report to [S.213](#). The Committee also reported out [S.239](#), the raffle Constitutional amendment bill. The full Senate gave both bills second reading Thursday.

South Carolina Judiciary

The Senate Finance Criminal Justice Budget Subcommittee heard the budget requests for the Judicial Department from Chief Justice Toal. The Chief Justice spoke about the rising number of cases per judge and thanked the General Assembly for creating 9 additional judges positions. The new judges were recently elected and will assume their post this summer. The Chief Justice also spoke about the electronic filing project that the Judicial Department has undertaken. She said the program will be piloted in various counties in the next 7 months. In a year, she expects the program to be launched statewide, but will not know the amount of revenue it generates for another 2 years.

Education

The Senate Higher Education subcommittee met Wednesday to discuss two bills, [S.93](#), providing for in-state tuition to eligible persons funding their post-secondary education with the US Department of Veterans GI Bill, and [S.266](#), a joint resolution to provide that the Commission on Higher Ed and presidents of public colleges and universities will support the establishment of accountability-based funding. They took no action on either bill. Several people testified in opposition to S.93, citing that the bill would result in millions in lost revenue at a time when universities are struggling because of state funding cuts. The bill's sponsor, Senator Tom Young (R-Aiken), mentioned that issues had been brought to his attention and he intends to work on some amendments. He thinks the bill has merit and should pass. However, he supported carrying the bill over until he was able to work through some of the problems. Senator Setzler (R-Lexington) mentioned that Representative Owens (R-Pickens) has scheduled the Southern Regional Education Board to provide an educational orientation on accountability based funding on February 28th and suggested waiting to vote on S.266 until after the orientation.

A Senate Judiciary subcommittee met Thursday to discuss [S.53](#), [S.109](#), and [S.175](#), joint resolutions to make the Superintendent of Education an appointed position. Roger Smith from the South Carolina Education Association, testified in opposition to these bills. Smith said that SCEA feels the superintendent should be accountable to citizens of South Carolina, not to the Governor.

Smith also stated that SCEA views this matter as a distraction to what is really needed—a strong backing of public schools in the General Assembly. J.W. Ragley from the Department of Education, said Dr. Zais is in strong support of the bills. Ragley indicated a preference for S.53, which would allow advice and consent of the Senate. S.53 was given a favorable report and sent to the full Judiciary Committee.

Consumer Credit

The Senate Banking and Insurance Regulations Subcommittee met Wednesday to discuss [S.148](#), a bill to allow preemptive security freezes on protected consumer's credit reports. Consumers currently have the option to place a freeze on themselves, but this legislation would expand the scope to allow the consumer to freeze accounts for elderly and children. The subcommittee voted to carry over the bill in order to gather additional information.

Concealed Weapons in Restaurants and Bars

A Senate Judiciary subcommittee gave a favorable as amended report to [S.308](#), a bill to allow concealed weapons permit holders to carry firearms into restaurants and bars. While the measure would allow concealed weapons permit holders to carry their guns into a bar or restaurant, they would not be allowed to drink alcohol while carrying their guns. It also allows bar and restaurant owners to prohibit firearms by posting signs that ban them, and they could ask anyone carrying a firearm to leave the premises.

Flow Control Bill

[H. 3290](#), the anti-flow control bill, was favorably reported by a 5 to 2 margin by a Senate Medical Affairs subcommittee chaired by Senator Danny Verdin. The subcommittee also voted to substitute the language of [S. 203](#), introduced by Senator Verdin, for the House-passed language in H. 3290.

Affordable Care Act

The Senate Medical Affairs subcommittee on the Affordable Care Act met for the third time Thursday to take testimony from the public. Dr. Rich D'Alberto, representing the South Carolina Hospital Association, testified that hospitals would lose millions if they did not expand Medicaid. Others testified as well, representing both sides of the issue. The Senate Medical Affairs ACA Subcommittee will meet again on March 7th to hear from Health and Human Services Director, Tony Keck. Both speakers discussed the need for accountability in state agencies, and suggestions for ensuring that the State was providing proper oversight. The Committee sent the bill back to Subcommittee for further review.

The Governor's Office



At her Cabinet meeting on Tuesday, Governor Nikki Haley signed an executive order to create an 11-member task force to review state regulations and make recommendations for eliminating and revising regulations that hurt businesses. Haley says regulations that slow things down are costing businesses money and jobs.

The Governor announced that she was instructing her Cabinet members to review their agencies' regulations and report their recommendations to the Task Force by May. She also encouraged other state agencies to do the same.

The Governor's Task Force has until November to issue its report to the Legislature. The idea is that regulation changes will be introduced for the 2014 legislative session.

This week, Governors Nikki Haley, Pat McCrory (NC) and Bob McDonnell (VA) sent a letter President Obama's Interior Secretary designate, Sally Jewell, asking her to re-examine the Administration's opposition to energy exploration and production on the Atlantic Outer Continental Shelf. Click [here](#) to read the letter.



Newly Introduced Legislation

ECONOMIC DEVELOPMENT/TAX:

[S. 387](#) O'Dell: RELATING TO THE CREDIT AGAINST WITHHOLDING FOR RETRAINING, SO AS TO INCREASE THE CREDIT, TO SPECIFY ELIGIBLE EMPLOYEES AND PROGRAMS - Referred to the Committee on Finance.

ENVIRONMENTAL:

[S. 378](#) Cleary: A SENATE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 20, 2013, AS "SOUTH CAROLINA RECYCLERS DAY" - Placed on the Calendar without reference.

GOVERNMENT:

[S. 373](#) Ford: TO PROVIDE THAT NO PERSON WHO HAS ATTAINED THE AGE OF SEVENTY-TWO YEARS MAY SERVE OR CONTINUE TO SERVE ON A STATE BOARD, COMMITTEE, OR COMMISSION, TO DEFINE "STATE BOARD, COMMITTEE, OR COMMISSION" AND TO PROVIDE EXCEPTIONS. - Referred to the Committee on Judiciary.

HEALTHCARE:

[S. 380](#) Martin: RELATING TO EXCEPTIONS TO WAIVER OF IMMUNITY, SO AS TO INCLUDE EMERGENCY MEDICAL SERVICES. - Referred to the Committee on Judiciary.

JUDICIAL:

[S. 375](#) Hutto: TO ENACT THE "DILAPIDATED BUILDINGS ACT", - Referred to the Committee on Judiciary.

[S. 376](#) Hayes: RELATING TO GENERAL PROVISIONS OF THE UNIFORM COMMERCIAL CODE - Referred to the Committee on Judiciary.

[S. 377](#) Hayes: TO ENACT THE "REVISED UNIFORM LIMITED LIABILITY COMPANY ACT OF 2013" - Referred to the Committee on Judiciary.

[S. 389](#) Ford: TO ALLOW THE GENERAL ASSEMBLY BY LAW TO PROVIDE FOR THE ESTABLISHMENT, ADMINISTRATION, AND REGULATION OF CASINO GAMBLING - Referred to the Committee on Judiciary.

[S. 390](#) Rankin: RELATING TO CONTENTS OF COURT ORDERS REQUIRING A PARENT TO PROVIDE HEALTH COVERAGE FOR A CHILD - Referred to the Committee on Judiciary.

TRANSPORTATION:

[S. 382](#) Grooms: RELATING TO DEFINITIONS FOR REGULATING MANUFACTURERS, DISTRIBUTORS, AND DEALERS, TO DEFINE THE TERMS "DUE CAUSE" AND



In the Media

Haley remains opposed to Medicaid expansion (2/11/13)

During a visit to the state's newest medical school Monday, Gov. Nikki Haley reiterated her opposition to expanding South Carolina's Medicaid program. [Read more.](#)

Greenville-trained doctors 'solution' to physician shortage, governor says (2/11/13)

Gov. Nikki Haley visited the University of South Carolina School of Medicine-Greenville on Monday and declared it "a welcome gift to the state" that is helping to solve the physician shortage by producing tomorrow's doctors. [Read more.](#)

Answers sought on where \$54M in improper jobless pay went (2/12/13)

Some senators are irked that South Carolina is spending millions of dollars each year on unemployment payments to people who shouldn't be receiving them. [Read more.](#)

SC agency says it has increased tax-return security since hacking (2/12/13)

State tax returns will pass through a new security program to try to prevent thieves from stealing refunds, the S.C. Department of Revenue said Monday. [Read more.](#)

Bill offers SC taxpayers an average \$86 savings (2/12/13)

Most S.C. taxpayers would save an average of \$86 a year under a bill proposed in the S.C. House. [Read more.](#)

SC Senate proposal to allow guns in restaurants and bars advances (2/13/13)

A S.C. bill that would allow concealed weapons permit holders to carry firearms into restaurants and bars advanced Wednesday. [Read more.](#)

Haley: Cut SC rules that hurt businesses (2/13/13)

Gov. Nikki Haley took steps Tuesday to fulfill her promise to identify and cut state regulations that she says hurt South Carolina's businesses. [Read more.](#)

SC could be national model, security expert says (2/13/13)

After suffering the nation's worst data breach at a state agency, South Carolina's computer security could become a model for the country, an information-technology expert told lawmakers Tuesday. [Read more.](#)

Haley: Cabinet directors ordered study of regulations (2/13/13)

Gov. Nikki Haley has ordered state agencies to conduct a comprehensive review of their procedures and regulations, calling on departments to help create a more business-friendly government. [Read more.](#)

Early Childhood Education Would Boost S.C. Economy, Say Supporters (2/13/13)

Early childhood education is life-changing. Those who participate are less likely to fail a grade, more likely to graduate from high school and more likely to graduate from college, according to

numerous studies. [Read more.](#)

Nikki Haley is working hard for the working man (2/13/13)

Last week Gov. Nikki Haley closed 17 unemployment offices across the state in her ongoing battle to combat overspending and waste in South Carolina's byzantine and murky public service sector. These offices were largely in rural areas of the Palmetto State, and most of them were not maintaining full operating hours. South Carolina's Democrats quickly jumped in, crying out that the governor had "declared war" on the poor. Once again, Gov. Haley has taken the politically expedient road to appeasing her true base, the future donors to her future political campaigns.

[Read more.](#)

Waste corporations win victory at SC State House (2/13/13)

National garbage corporations won a victory Wednesday against county waste management laws that they claim are preventing their ability to compete for the lucrative trash market in parts of South Carolina. [Read more.](#)

Efforts to bolster gun rights advance in SC Senate (2/14/13)

Congratulations, you are a member of South Carolina's 'unorganized militia.' Now that you know that, state Sen. Tom Corbin, R-Greenville, wants to make sure you have access to guns in case the governor ever calls on you to defend the state. [Read more.](#)

SC Senate bill: let governor, not voters choose state schools chief (2/14/13)

South Carolina voters would decide whether they want to continue electing the state's schools chief or have the governor appoint and oversee that post, if a Senate proposal becomes law. [Read more.](#)

State gave raises at time it cut positions, senator says (2/14/13)

At the same time unemployment officials were deciding to recently cut 55 unemployment positions, including the unemployment staff at workforce centers in rural counties, they also were handing out \$437,000 in raises to 69 employees, including one who received a 37 percent hike in pay, a senator said this morning. [Read more.](#)

Raffles could finally become legal in state (2/14/13)

The prospect of legal raffles in South Carolina has leaped forward. The Senate took back-to-back 38-1 votes Thursday on measures enabling nonprofits to hold a limited number of raffles yearly. [Read more.](#)

Bill would merge oversight of offenders (2/14/13)

A Senate panel has advanced a bill putting oversight of prisoners, parolees, and those on probation in a single agency. The bill sent Thursday to the full Judiciary Committee would merge the Department of Corrections with the Department of Probation, Parole and Pardon Services. [Read more.](#)

S.C. unemployment agency pursues fraud charges (2/14/13)

State unemployment agency officials have referred an estimated 2,000 cases for fraud prosecution during the past two years, a spokeswoman for the state Department of Employment and Workforce told GreenvilleOnline.com. [Read more.](#)

Haley: Use new budget money to pay for roads, bridges (2/14/13)

Gov. Nikki Haley says the state budget will get a \$100 million boost on Friday -- and she already knows how she wants to spend it. [Read more.](#)

Preventative care could lure state workers into Obamacare (2/15/13)

House lawmakers are considering making the state health plan comply with Obamacare, a move that would cost the state up to \$124 million but also would pay for a host of preventative measures - like breast-cancer screenings - for the first time. [Read more.](#)

SC governor joins in urging reconsideration of offshore drilling (2/15/13)

The governors of South Carolina, North Carolina and Virginia are pushing President Barack Obama's choice for interior secretary to abandon federal opposition to drilling off the Atlantic Coast, where production has been blocked for decades. [Read more.](#)

Meetings and Events



Tuesday, February 19th

5:30 - Debt Retirement Event/ Representative Kirkman Finlay - Blue Marlin
6:00 - Legislative Reception hosted by Lexington County - Columbia Metropolitan Convention Center

Wednesday, February 20th

6:00 - Legislative Reception hosted by the SC Association of Counties - Embassy Suites Hotel

Firm clients who wish to receive individualized legislative updates, bill monitoring, or lobbying services may discuss options with Bob Coble. He can be reached at 803-253-8211 or bcoble@nexsenpruet.com.

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