

# STATE HOUSE *Update*

**February 1, 2013**



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## *What's New*

The following are the results of **Judicial Elections** held by a Joint Assembly on Wednesday, January 30th.

### **Administrative Law Court**

Shirley Canty Robinson - Seat 5

### **Court of Appeals**

John D. Geathers - Seat 3

Paula H. Thomas - Seat 4

### **Circuit Court**

DeAndrea G. Benjamin - 5th Circuit, Seat 1

Joseph Derham Cole - 7th Circuit, Seat 1

Deadre L. Jefferson - 9th Circuit, Seat 1

Rivers Lawton McIntosh - 10th Circuit, Seat 1

R. Keith Kelly - At Large, Seat 14

Maite' Murphy - At Large, Seat 15

Donald B. Hocker - At Large, Seat 16

### **Family Court**

Ann Gué Jones - 1st Circuit, Seat 1

Dale Moore Gable - 2nd Circuit, Seat 2

Angela Renee Taylor - 3rd Circuit, Seat 2

Gordon B. Jenkinson - 3rd Circuit, Seat 3

Michelle Manigault Hurley - 5th Circuit, Seat 2

Dana A. Morris - 5th Circuit, Seat 3

Brian M. Gibbons - 6th Circuit, Seat 1

Phillip Kendall Sinclair - 7th Circuit, seat 1

James F. Fraley, 7th Circuit, Seat 2

Joseph W. McGowan - 8th Circuit, Seat 1  
Joesph Collins Smithdeal - 8th Circuit, Seat 3  
Paul Warren Garfinkle - 9th Circuit, Seat 2  
Wayne Morris Creech - 9th Circuit, Seat 4  
Edgar H. Long, Jr. - 10th Circuit, Seat 1  
Tommy D. Edwards - 10th Circuit, Seat 3  
Deborah Neese - 11th Circuit, Seat 2  
Timothy H. Pogue - 12th Circuit, Seat 1  
Eugene "Gene" Moorhead - 12th Circuit, Seat 2  
Rochelle Y. Conits - 13th Circuit, Seat 1  
William Marsh Robertson - 13th Circuit, Seat 2  
Gerald C. Smoak, Jr. - 14th Circuit, Seat 1  
Jan Benature Bromell Holmes - 15th Circuit, Seat 1  
David Glenn Guyton - 16th Circuit, Seat 2  
Kelly Pope - At Large, Seat 1  
Tony Miller Jones - At Large, Seat 3  
James G. McGee - At Large, Seat 3  
Monet Pincus - At Large, Seat 4  
Randall Edward McGee - At Large, Seat 5  
David Earl Phillips - At Large, Seat 6

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## *Details from Each Chamber*



### **Flow Control**

The House of Representatives passed [H.3290](#), the Business Freedom to Choose Act (commonly referred to as the Flow Control Bill). The bill prohibits county governments from mandating that their garbage be disposed of at government-owned facilities. Firm Client, [Waste Management](#), has been working with NP attorneys Sally Rogers, Tommy Lavender, and Joan Hartley on this issue. The bill now moves to the Senate.

### **Shortening Legislative Session**

The House Judiciary Committee gave a favorable report to [H.3340](#), shortening of the legislative session. The bill provides that the annual legislative session would begin in February and end in May. Legislators could use the month of January to conduct hearings and committee meetings. The bill is expected to be debated on the House floor over the next couple weeks. Senator John Courson (R-Richland) announced this week that he will introduce a similar bill next week. His bill provides that the legislature go into session the second Tuesday in January then recede for two weeks for committee work and adjourn the first Thursday in May.

### **Government Restructuring**

The Senate discussed [S.22](#), a bill that would eliminate the State Budget and Control Board in favor of a Department of Administration under the Governor's Office. On Tuesday, Senators voted to send the bill to the Senate Finance Committee, even though it had already passed the Senate Judiciary Committee. Senator Leatherman (R-Florence) argued that Senate Rules require that bills dealing with the State Budget and Control Board be vetted by the Finance Committee. The Finance Committee will discuss the bill over the next few weeks with the guarantee that the

Senate will debate the bill on February 20th.

### **Sweepstake Machines**

On Wednesday, The House Judiciary Constitutional Laws Subcommittee gave a favorable report to [S.3](#). The bill further restricts video gambling by closing any loophole business owners cite to operate so-called sweepstakes cafes. The bill has already passed the Senate and will now move to the full House Judiciary Committee.

### **Welfare**

The Department of Social Services Director, Lillian Koller, testified in the House Ways and Means Healthcare Budget Subcommittee on Wednesday that beginning April 1st, South Carolina's welfare recipients will see a 10% increase in their payments. This increase will restore half of the cuts that took effect in February 2011. Ms. Koller attributed this increase to fewer households being on welfare and the agency's focus on helping their clients find jobs.

### **Healthcare Bills**

Last week, Senator Ray Cleary (R-Georgetown) introduced [S.290](#), the Telemedicine Bill. The bill provides that no insurer shall require face-to-face contact between a consulting health care provider and a patient as a prerequisite for payment for services. Proponents of the bill say that it helps eliminate barriers between patients and healthcare providers and will benefit rural communities. MUSC President, Dr. Ray Greenburg testified this week at a House Healthcare Subcommittee that "There have been over 3,000 consultations. None of those patients would have gotten state of the art treatment without this technology. We want to improve the quality of care that every South Carolinian has access to."

The Senate Medical Affairs committee met this week to discuss [S.117](#), a bill related to patient authorization for disclosure of health information. The bill amends the Adult Care Consent Act. The bill provides for the development of a form and process for allowing patients to designate a person to receive healthcare information on their behalf. Proponents of the bill say that it will save the state money by getting proper treatment for the patients more quickly and efficiently. Others have expressed concerns about duplicating existing federal requirements. The committee will meet in the next two weeks to continue considering the bill.

### **Department of Insurance Director Appointment**

The Senate Banking and Insurance Committee continued holding confirmation hearings this week on Governor Haley's appointment of Ray Farmer to the Department of Insurance without making a determination. The central question facing Farmer's candidacy appears to be whether he has the qualities and background needed to effectively do the job. Mr. Farmer is currently the agency's interim director but needs Senate confirmation to permanently hold the position.

## *The Governor's Office*

Governor Nikki Haley announced this week that her office is collaborating with the South Carolina Department of Commerce to host rural and economic development leaders from across South Carolina for the 23rd Annual South Carolina Rural Summit. The Summit will be held at the Municipal Center, located at 214 Park Avenue SE, in Aiken on Monday, March 4, beginning at 8:30 AM.



On Wednesday, Governor Haley met with Republican and Democratic leaders to begin a discussion on how to reform South Carolina education. The meeting included discussions on a range of topics, including early-childhood education to consolidating school districts.

## *Newly Introduced Legislation*



### **BANKING/FINANCE:**

[S. 299](#) Alexander: RELATING TO METHODS OF ENTERING SATISFACTION, SO AS TO AUTHORIZE A LICENSED ATTORNEY WHO CAN PROVIDE CERTAIN PROOF TO RECORD AN AFFIDAVIT WHICH STATES THAT FULL PAYMENT ON THE BALANCE OF A MOBILE HOME LIEN HAS BEEN MADE, AND THAT THIS AFFIDAVIT SHALL SERVE AS NOTICE OF SATISFACTION OF THE LIEN. - Referred to Committee on Banking and Insurance.

[S. 323](#) Hayes: RELATING TO THE CHAPTER TITLE "UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS" - Referred to the Committee on Judiciary.

[H. 3439](#) Rutherford: SO AS TO PROVIDE THAT IF A PERSON DEPOSITS CASH IN AN AUTOMATED TELLER MACHINE, AND THE MONEY IS NOT CREDITED TO THE PERSON'S ACCOUNT DUE TO AN ERROR, THE BANK MUST ISSUE THE PERSON A PROVISIONAL CREDIT UPON NOTIFICATION OF THE ERROR AND INVESTIGATE THE MATTER WITHIN THREE CALENDAR DAYS. - Referred to Committee on Labor, Commerce and Industry

[H. 3448](#) J.E. Smith: TO PROVIDE THAT A VIOLATION OF FEDERAL LAW AS TO CERTAIN CONSUMER LOAN TRANSACTIONS IS A VIOLATION OF STATE LAW. - Referred to Committee on Judiciary.

### **ECONOMIC DEVELOPMENT/TAX:**

[S. 301](#) Bennett: RELATING TO THE CLASSIFICATION OF PROPERTY FOR PURPOSES OF PROPERTY TAX AND THE ASSESSMENT RATIOS APPLICABLE FOR EACH CLASS OF PROPERTY - Referred to Committee on Finance.

[H. 3437](#) Toole: TO CREATE A JOINT COMMITTEE ON ECONOMIC DEVELOPMENT - Referred to Committee on Judiciary.

[H. 3463](#) Hamilton: TO PROVIDE THAT NO ADDITIONAL PROPERTY TAX IS DUE FOR ANY PRIOR PROPERTY TAX YEAR ON A PARCEL OF REAL PROPERTY BECAUSE OF AN ERRONEOUS CLASSIFICATION OF THE PARCEL WHEN THAT ERROR WAS NOT THE RESULT OF ANY ACT OR OMISSION OF THE CURRENT OWNER OF THE PARCEL. - Referred to Committee on Ways and Means.

### **EDUCATION:**

[S. 313](#) Hayes: TO ESTABLISH A SCHOOL DISTRICT CHOICE PROGRAM AND OPEN ENROLLMENT PROGRAM WITHIN THE PUBLIC SCHOOL SYSTEM OF THIS STATE - Referred to Committee on Education.

### **HEALTHCARE:**

[H. 3435](#) Skelton: RELATING TO DEFINITIONS CONCERNING THE COMPREHENSIVE

HEALTH EDUCATION ACT - Referred to Committee on Education and Public Works.  
[H. 3444](#) Sandifer: RELATING TO IN-STATE FACILITIES DEALING WITH PRESCRIPTION DRUGS IN A CERTAIN CAPACITY - Referred to Committee on Medical, Military, Public and Municipal Affairs.

[H. 3473](#) Delleney: TO PROHIBIT THE STATE AND OTHER ENTITIES FROM ESTABLISHING, OPERATING, OR PURCHASING INSURANCE FROM AN AMERICAN HEALTH BENEFIT EXCHANGE AND TO MAKE SUCH HEALTH INSURANCE CONTRACTS VOID - Referred to Committee on Judiciary.

**JUDICIAL:**

[S. 308](#) Bennett: RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES - Senate Referred to Committee on Judiciary.

[S. 309](#) Lourie: TO ENACT THE "DOMESTIC VIOLENCE HOMICIDE PREVENTION ACT" - Referred to Committee on Judiciary.

[S. 314](#) Ford: TO ENACT THE "WATERCRAFT GAMBLING ACT" SO AS TO MAKE IT LAWFUL TO USE GAMBLING DEVICES ON WATERCRAFT AND TO PROVIDE DEFINITIONS. - Referred to Committee on Judiciary.

[S. 317](#) Ford: RELATING TO THE PROHIBITION AGAINST THE GENERAL ASSEMBLY FROM ENACTING LOCAL OR SPECIAL LAWS, SO AS TO AUTHORIZE THE OPERATION OR POSSESSION OF ANY TYPE OF COIN-OPERATED AMUSEMENT OR GAMING MACHINE OR DEVICE IN A COUNTY UPON THE ENACTMENT OF AN ORDINANCE AUTHORIZING THE OPERATION OR POSSESSION - Referred to Committee on Judiciary (Senate Journal-page 4)

[S. 318](#) Ford: RELATING TO LOTTERIES, SO AS TO REQUIRE THAT A REFERENDUM ON THE ISSUE OF AUTHORIZING CASINO BOAT GAMBLING MUST BE HELD IN EACH COUNTY OF THE STATE UPON PETITION OF ONE PERCENT OF THE REGISTERED VOTERS OF THE COUNTY OR UPON APPROVAL BY TWO-THIRDS VOTE OF THE LEGISLATIVE DELEGATION OF THE COUNTY. - Referred to Committee on Judiciary.

[H. 3449](#) King: TO ENTITLE THE ARTICLE "SOCIAL MEDIA IDENTIFICATION FRAUD" - Referred to Committee on Judiciary.

[H. 3457](#) Gilliard: RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, BY ADDING A NEW PARAGRAPH SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL ENACT A GENERAL LAW AUTHORIZING A CHARITABLE ORGANIZATION TO CONDUCT A RAFFLE - Referred to Committee on Judiciary.

[H. 3471](#) Hamilton: RELATING TO EJECTMENT PROCEEDINGS, SO AS TO PROVIDE A MANNER FOR EJECTING TENANTS - Referred to Committee on Judiciary. Delleney: TO PROHIBIT THE STATE AND OTHER ENTITIES FROM ESTABLISHING, OPERATING, OR PURCHASING INSURANCE FROM AN AMERICAN HEALTH BENEFIT EXCHANGE AND TO MAKE SUCH HEALTH INSURANCE CONTRACTS VOID - Referred to Committee on Judiciary.

[H. 3475](#) Erickson: TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY BY REGULATION OR OTHERWISE MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION - Referred to Committee on Judiciary.

**TRANSPORTATION:**

[S. 326](#) Hutto: TO ENACT THE "SOUTH CAROLINA RECREATIONAL OFF-HIGHWAY VEHICLE ACT" - Referred to the Committee on Transportation.

[H. 3476](#) Norman: RELATING TO THE CREATION, DUTIES, AND FUNCTIONS OF THE TRANSPORTATION INFRASTRUCTURE BANK - Referred to Committee on Ways and Means.

## *In the Media*



### **South Carolina Official Expects Tourism to Reach Pre-recession Levels in 2013 (1/27/13)**

A new South Carolina tourism season is approaching, and the director of the state tourism department predicts this is the year the \$15 billion industry returns to pre-Great Recession levels. [Read more.](#)

### **Governor's Commission Recommends SC Ethics Reforms (1/28/13)**

Lawmakers would disclose more sources of income, face stiffer fines and stop representing clients before some state commissions under new ethics rules suggested Monday by a commission created by Gov. Nikki Haley. [Read more.](#)

### **Duncan Urges Remington to Move Manufacturing Plant to South Carolina (01/29/2013)**

A New York firearms company should move to South Carolina because the Southern state is more sympathetic to gun rights, according to an Upstate congressman. [Read more.](#)

### **1st District Filing Period Closed at Noon (1/29/13)**

Sixteen Republicans and three Democrats filed for the 1st Congressional District seat formerly held by Sen. Tim Scott - and that's a record, in recent history at least, in the coastal district. [Read more.](#)

### **S.C. Doctors Urge Lawmakers to Expand Medicaid Eligibility (1/29/13)**

Doctors from across the state gathered in Columbia today to collectively lobby legislators to expand Medicaid eligibility under the Affordable Care Act. [Read more.](#)

### **Hospitals Could Pay to Expand Medicaid in SC (1/30/13)**

South Carolina Republicans say they do not support Obamacare because its cost to the state would be more than \$1 billion, cumulatively, by 2020. But what if Palmetto State hospitals agreed to cover that tab? [Read more.](#)

### **Budget Board Approves Lake Hartwell Hotel, Golf Course (1/30/13)**

A plan to build a private hotel, conference center and golf course on a portion of what is now Lake Hartwell State Park gained approval Tuesday from the State Budget and Control Board. [Read more.](#)

### **Restructuring Bill Sent to SC State Senate Finance Committee (1/30/13)**

Depending on who you ask, state senators Tuesday tried to kill a government restructuring bill or made sure it will pass. [Read more.](#)

### **SC Supreme Court to Hear Nikki Haley Ethics Case (1/30/13)**

The S.C. Supreme Court will hear arguments March 20 about whether Republican activist John

Rainey's ethics allegations against Gov. Nikki Haley should be heard in state court. [Read more.](#)

**Haley Insurance Nominee Still Waiting on Confirmation After Second Hearing (1/30/13)**

Gov. Nikki Haley's nominee to run the state insurance department is still waiting on a vote by senators after a second confirmation hearing Wednesday morning. [Read more.](#)

**Eckstrom: S.C. Bases May Face Budget Perfect Storm (1/30/13)**

Comptroller General Richard Eckstrom warned South Carolina's military base supporters that ongoing budget pressures could merge with future base closures and slash the military's presence in South Carolina. [Read more.](#)

**S.C. Transportation Plan to Offer Roadmap to Future (1/30/13)**

The S.C. Department of Transportation says South Carolina is facing a funding shortfall of \$29 billion over the next 20 years to cover the cost of fixing roads and bridges, and investing in mass transit and rail transportation. [Read more.](#)

**Young Adults, Boomers Driving Urban Housing Growth near Greenville's Downtown (1/30/13)**

People are wanting to live as close to "cool" as possible. That means they're flocking to residences in and around the downtown area. [Read more.](#)

**SC Citizens, Agencies Differ on Public Records Access Plan (1/31/13)**

Ordinary citizens seeking public information and government agencies receive numerous requests for records have competing ideas about a state House bill aimed at improving the public's access to records. [Read more.](#)

**SC Political Briefs: State Could Change Law on Local Government Funding (2/1/13)**

After several years of not funding local governments at the level state law requires, S.C. legislators are looking to change the law. [Read more.](#)

**GOP: Use Car Tax Funds For Road Repair (2/1/13)**

S.C. Republican lawmakers think they have found a way to spend more money to repair the state's roads without raising the gas tax: sales taxes on vehicles. [Read more.](#)

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## *Meetings and Events*



**Tuesday, February 5th**

5:30 SC Senate Republican Caucus Winter Reception - 1320 Main Street

6:00 Legislative Reception Hosted by the SC Funeral Directors Association

**Wednesday, February 6th**

5:00 Debt Retirement Reception for Representative Beth Bernstein - The Inn at USC

6:00 Legislative Reception hosted by the City of Columbia

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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](mailto:bcoble@nexsenpruet.com).

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