

Subject:

FW: Weekly Update from the State House - February 8, 2013

# STATE HOUSE *Update*

February 8, 2013

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## *What's New*



If you would like your clients added to the distribution list, please send them to Courtney Belton at [cbelton@nexsenpruet.com](mailto: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.

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## *Details from Each Chamber*



### **Early Voting**

The House Judiciary Committee met on Tuesday to discuss [H.3176](#), a bill by Representative Clemmons (R-Horry) that would allow for early voting. The Committee adjourned debate on the bill and will continue discussing it at a future meeting. However, the Senate Judiciary Committee gave a favorable report to [S.4](#), another bill allowing early voting. There was an amendment that was passed that limited the early voting to two Saturdays prior to the election and to end three days prior to the election. The bill as amended would include all general elections and primaries.

### **Healthcare**

The House Ways and Means Healthcare Subcommittee met this week to hear the Health and Human Services budget requests from Director Tony Keck. The agency requested an 8.9% increase in funding due to natural growth, inflation, and costs associated with the passage of the Affordable Care Act. There was considerable discussion on Medicaid expansion, and Director

Keck continued to point out the Administration's opposition to and expansion in the State. A number of hospital executives from across the state have testified for the need for the expansion, and explaining the significant impact not expanding will have on their hospitals.

The House Judiciary Constitutional Laws Subcommittee met Wednesday to hear testimony on bills, [H.3101](#) and [H.3473](#). Both of these nullification bills would attempt to exempt the State from implementing any provisions of the Affordable Care Act. Numerous constituents spoke at the hearing, with most calling for the bills' passage. The Subcommittee adjourned debate on both bills without voting on either of them.

### **Shortening Legislative Session**

The House of Representatives passed [H.3340](#), a bill that would shorten the legislative session. The bill now moves to the Senate. Senator Courson (R-Richland) also introduced a bill to shorten the legislative session. The bill is now in the Senate Judiciary Committee.

### **Raffles**

A Senate Judiciary Subcommittee met this week and gave a favorable report to [S.213](#), a bill that would allow for charitable raffles. South Carolina is currently one of four states that does not allow charitable raffles. A representative from the Secretary of State's Office testified that the Office supports the bill and felt confident that their office could oversee the regulatory changes resulting in the bill's passage. Another bill, [S.239](#) was also passed. This bill calls for a Constitutional amendment to allow for raffles.

### **Data Breach**

State Senators are currently working on a bill, [S.334](#), that would create statewide policy for cyber-breaches. The bill would create a cabinet level, Department of Information and Security, a legislative oversight committee, and an identity theft division within the Department of Consumer Affairs.

### **Texting While Driving**

[H.3121](#), a bill by Representative Bowen, relating to texting while driving received a favorable report from the House Education and Public Works Committee. The bill was taken up on the House floor this week and then referred to the House Judiciary Committee.

## *The Governor's Office*



On Monday, Governor Haley participated in a groundbreaking at SPARC, a Charleston-based software developer. The company is investing over \$11M in the expansion with the intentions to add over 300 jobs. Click [here](#) for more information about the announcement.

The Governor also spent the week traveling across the State to meet with constituents, visit schools, and tour businesses.

The Senate Banking and Insurance Committee met for the third time on Wednesday to discuss the nomination of Ray Farmer, Governor Haley's appointee to serve as the State's Director of Insurance. The Committee finally cleared Mr. Farmer, allowing him to possibly get final

confirmation from the Senate next week.

## *Newly Introduced Legislation*



### **BANKING/FINANCE:**

[H.3477](#) Powers: PROHIBIT A SELLER FROM IMPOSING A SURCHARGE ON A CONSUMER WHO ELECTS TO USE A CREDIT CARD IN LIEU OF PAYMENT BY CASH, CHECK, OR SIMILAR MEANS, TO PROVIDE CLARIFICATION AND EXCEPTIONS, TO PROVIDE PENALTIES, AND TO DEFINE TERMS. Referred to Labor, Commerce and Industry Committee.

### **DOR SECURITY BREACH:**

[S.334](#) Leatherman: TO REQUIRE THE GOVERNOR TO DEVELOP A PROTECTION PLAN TO MINIMIZE THE ACTUAL AND POTENTIAL COSTS AND EFFECTS OF IDENTITY THEFT DUE TO THE CYBER SECURITY BREACH AT THE DEPARTMENT OF REVENUE BY PROVIDING IDENTITY THEFT PROTECTION AND IDENTITY THEFT RESOLUTION SERVICES - Referred to the Committee on Finance.

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

[H.3498](#) Skelton: RELATING TO THE USER FEE ON GASOLINE AND DIESEL FUEL - Referred to Committee on Ways and Means.

[H.3505](#) Loftis: TO ENACT THE "HIGH GROWTH SMALL BUSINESS ACCESS TO CAPITAL ACT OF 2013" - Referred to Committee on Ways and Means.

[H.3522](#) Stringer: RELATING TO SALES TAX EXEMPTIONS - Referred to Committee on Ways and Means.

### **EDUCATION:**

[H.3518](#) Owens: TO PROVIDE THAT UNTIL JUNE 30, 2016, THE COMMISSION ON HIGHER EDUCATION AND THE PRESIDENTS OF PUBLIC COLLEGES AND UNIVERSITIES SHALL TAKE CERTAIN ACTIONS TO SUPPORT THE EFFORTS OF THE GENERAL ASSEMBLY TO ESTABLISH ACCOUNTABILITY-BASED FUNDING FOR PUBLIC COLLEGES AND UNIVERSITIES. - Referred to Committee on Education and Public Works.

### **EMPLOYMENT:**

[H.3511](#) Skelton: TO PROVIDE EACH PERSON EMPLOYED IN THIS STATE SHALL CONTRIBUTE A PORTION OF HIS WAGES TO THE STATE UNEMPLOYMENT TRUST FUND - Referred to Committee on Ways and Means.

### **GOVERNMENT:**

[H.3528](#) M. S. McLeod: SO AS TO CREATE THE DEPARTMENT OF INFORMATION SECURITY TO PROVIDE A COMPREHENSIVE FRAMEWORK FOR ENSURING THE EFFECTIVENESS OF INFORMATION SECURITY CONTROLS OVER INFORMATION RESOURCES THAT SUPPORT STATE OPERATIONS AND ASSETS - Referred to Committee on Judiciary.

[H.3533](#) G. R. Smith: TO PROVIDE THAT THE LIMIT ON GENERAL FUND APPROPRIATIONS FOR A FISCAL YEAR IS THE TOTAL AMOUNT OF THE GENERAL FUND REVENUE ESTIMATE AS OF FEBRUARY 15, 2013 - Referred to Committee on Ways and Means.

[S.338](#) Hayes: TO ESTABLISH THE "2013 ETHICS REFORM ACT" - Referred to the Committee on Judiciary.

[S.346](#) Hayes: RELATING TO PUNISHMENT OF MEMBERS OF THE GENERAL ASSEMBLY - Referred to the Committee on Judiciary.

[S.347](#) Hayes: RELATING TO THE DEFINITIONS APPLICABLE TO THE GENERAL PROVISIONS OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT - Referred to the Committee on Judiciary.

#### **HEALTHCARE:**

[H.341](#) Alexander: TO ENACT THE "EMERSON ROSE ACT" SO AS TO REQUIRE EACH BIRTHING FACILITY LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PERFORM A PULSE OXIMETRY SCREENING ON EVERY NEWBORN IN ITS CARE - Referred to the Committee on Medical Affairs.

#### **JUDICIAL:**

[H.3499](#) Funderburk: RELATING TO THE ELECTION OF CLERKS OF COURT - Referred to Committee on Judiciary.

[H.3500](#) Funderburk: RELATING TO THE ELECTION OF PROBATE JUDGES - Referred to Committee on Judiciary.

[H.3515](#) Whipper: RELATING TO CIVIL ACTIONS AGAINST AN EMPLOYING PUBLIC BODY FOR RETALIATION AGAINST AN EMPLOYEE WHO REPORTS A VIOLATION OF STATE OR FEDERAL LAW OR REGULATION - Referred to Committee on Judiciary.

[H.3521](#) Finlay: RELATING TO THE LIABILITY OF MEMBERS OR MANAGERS OF LIMITED LIABILITY COMPANIES, SO AS TO PROVIDE THAT A MEMBER OR MANAGER CANNOT BE HELD PERSONALLY LIABLE FOR A DEBT, OBLIGATION, OR LIABILITY OF THE COMPANY - Referred to Committee on Judiciary.

[H.3534](#) Hardwick: RELATING TO THE JURISDICTION OF THE STATE GRAND JURY - Referred to Committee on Judiciary.

[S.343](#) Hayes: RELATING TO ARTICLE 7 OF THE UNIFORM COMMERCIAL CODE - Referred to the Committee on Judiciary.

[S.345](#) Campsen: RELATING TO THE JURISDICTION OF THE FAMILY COURT - Referred to the Committee on Judiciary.

#### **REAL ESTATE:**

[H.3491](#) Sandifer: RELATING TO DEFINITIONS CONCERNING VACATION TIME SHARING PLANS, SO AS TO DEFINE AND REDEFINE CERTAIN TERMS; Referred to Labor, Commerce and Industry Committee.

#### **REGULATORY:**

[H.3484](#) Sandifer: RELATING TO THE POWER OF THE PUBLIC SERVICE COMMISSION TO REGULATE PUBLIC UTILITIES, SO AS TO PROVIDE THAT PRIOR TO THE SUBMISSION OF A REGULATION BY THE COMMISSION FOR GENERAL ASSEMBLY REVIEW, THE COMMISSION SHALL OBTAIN A FISCAL IMPACT STATEMENT FROM THE STATE BUDGET OFFICE AND FILE THE STATEMENT WITH THE PROPOSED REGULATION. Referred to Labor, Commerce and Industry Committee.

[H.3489](#) Spires: ENACT THE "MEDICAL LABORATORY PERSONNEL ACT", TO PROVIDE FOR THE REGULATION OF CERTAIN MEDICAL LABORATORY PERSONNEL BY THE

DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO CREATE A BOARD OF CLINICAL LABORATORY SCIENCE UNDER THE DEPARTMENT, AND TO PROVIDE FOR THE PURPOSE, COMPOSITION, FUNCTIONS, AND DUTIES OF THE BOARD, TO PROVIDE APPLICABLE DEFINITIONS, TO PROVIDE LICENSURE AND CONTINUING EDUCATION REQUIREMENTS, AND TO PROVIDE DISCIPLINARY PROCEDURES, AMONG OTHER THINGS. Referred to Labor, Commerce and Industry Committee.

[S.339](#) McElveen: TO ENACT THE "REGISTERED INTERIOR DESIGNER PRACTICE ACT" - Referred to the Committee on Labor, Commerce and Industry.

[S.349](#) O'Dell: TO ENACT THE "APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT", - Referred to the Committee on Labor, Commerce and Industry.

## *In the Media*



### **Who Controls Court Docket Up For Debate (2/4/13)**

A discussion over who should control South Carolina's court schedules is heading for the state Legislature. [Read more.](#)

### **Dems Say Gov. Nikki Haley Has Declared War On Rural SC (2/5/13)**

S.C. Democratic leaders said Tuesday that Gov. Nikki Haley has declared war on the rural poor parts in the state by cutting off face-to-face unemployment claims help at 17 offices. [Read more.](#)

### **Healthcare: SC People Who Would Be Left Out Of Healthcare Act (2/5/13)**

Luis Guess works two part-time jobs in the food service business, and he's not eligible for company health insurance at either. [Read more.](#)

### **Department Of Employment And Workforce Consolidating Services (2/5/13)**

About 6,000 unemployed people in some of South Carolina's most rural areas will have to go farther to get help in person with their unemployment claims. [Read more.](#)

### **Former U.S. Senator Jim Demint Forms South Carolina Conservative Policy Group (2/5/13)**

Retired U.S. Sen. Jim DeMint, president-elect of the conservative Heritage Foundation, announced Tuesday the formation of a conservative policy council in South Carolina called the Palmetto Policy Forum. [Read more.](#)

### **\$18M Sought To Improve Safety For Officers At State Prisons (2/5/13)**

Gov. Nikki Haley wants South Carolina lawmakers working on next year's state budget to come up with an additional \$18 million for the state Department of Corrections to improve safety for state corrections officers and the public. [Read more.](#)

### **Scope: Medicaid: The Clash Of Public Health, Economic Reality (2/6/13)**

TONY KECK makes a good point when he says the medical system in our state and

nation is "producing way too much cost and way too little outcome." [Read more.](#)

**Tax Hike Advances In SC Senate (2/6/13)**

A state Senate bill that would raise taxes for the state's wealthiest earners advanced Tuesday after an attempt to negate effects of the hike failed. [Read more.](#)

**S.C. State Ports Authority Intervenes In Cruise Lawsuit (2/6/13)**

The S.C. State Ports Authority is intervening in a federal lawsuit filed against the Army Corps of Engineers over a permit issued for the port's new cruise terminal on Union Pier. [Read more.](#)

**Pastides Has S.C. Vision For Global Economy (2/6/13)**

He can point to record levels of private funds raised in the past year, the largest freshman class in the school's history enrolling this month and likely another record average achievement level by that class of 3,850 students. [Read more.](#)

**SC Ethics Reform Bills Would Cut PACs, Move Complaints (2/6/13)**

State Sen. Wes Hayes, R-York, introduced ethics-reform bills Wednesday that would force political committees to submit expense reports, ban leadership PACs and have the S.C. Ethics

Commission hear complaints against state lawmakers. [Read more.](#)

**DHEC Chief: Restrict Food Stamps, Curb Obesity (2/6/13)**

South Carolina's public health chief says further restricting what people can buy with food stamps might be a way to cut down on the state's obesity problem. [Read more.](#)

**Measure Means Raffles Could Become Legal In SC (2/6/13)**

Church cake walks and quilt raffles may finally become legal in South Carolina, as gambling opponents who've long blocked raffle-enabling legislation are giving a thumbs-up to the latest version. [Read more.](#)

**House Approves Bill Creating Shorter SC Session (2/6/13)**

South Carolina's regular legislative session would last just three months each year under a measure tentatively approved by the House. [Read more.](#)

**Ex-SC Agency Computer Chief Accepts Some Responsibility For Hacking (2/7/12)**

The former computer chief at SC Department of Revenue accepted partial responsibility for policies that allowed hackers to get financial information from 6.4 million consumers, their dependents and businesses. [Read more.](#)

**S.C. House public records bill advances (2/7/12)**

A state House subcommittee approved a bill aimed at strengthening the state's open records laws Thursday. [Read more.](#)

**Haley Touts Medicaid Shift To Rural Hospitals (2/7/13)**

South Carolina's Medicaid agency will begin fully reimbursing rural hospitals this October for treating people without health insurance. [Read more.](#)

**Advocates ask SC legislators to expand Medicaid (2/7/13)**

Gov. Nikki Haley on Thursday touted her Medicaid agency's plan to fully reimburse rural hospitals for treating people without health insurance, as a way to stabilize rural hospitals that struggle to stay open. [Read more.](#)

**Former SC Revenue Staffers: Hackers Should Have Been Spotted (2/8/13)**

Checking state computer logs could have spotted hackers before they stole financial data from the S.C. Department of Revenue belonging to 6.4 million consumers and businesses, two former agency employees said Thursday. [Read more.](#)

*Meetings and Events*



**Wednesday, February 13th**

5:30 Reception for Senator Kent Williams - The Inn at USC

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).

Contact: Bob Coble, SC Public Policy & Governmental Affairs Chair  
1230 Main Street, Columbia, SC | 803.771.8900



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