

Subject:

FW: Weekly Update from the State House - March 26, 2013

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March 26, 2013

What's New



The General Assembly will be on furlough through April 5, 2013. Legislators will return to Columbia on Tuesday, April 9, 2013.

The Senate Finance Committee has revised their budget schedule due to the two week furlough. The Committee will deliberate the budget the week of April 29. The week of May 6 is set aside for any additional deliberations and printing of the bill. Senate floor debate is scheduled for the week of May 13. Conference committee is scheduled for the week of May 20. The plan is to address gubernatorial vetoes the week of June 3.

Due to the General Assembly being on furlough for the next two weeks, we will not publish another Public Policy Update until Friday, April 12th.

Details from Each Chamber



Sweepstake Machines

The House of Representatives passed [S.3](#), the Sweepstake Machines bill. The bill had already passed the Senate. The bill legalizes certain types of raffles in South Carolina while also banning

sweepstakes machines. The bill now goes to Governor Haley's desk for signature.

Lottery

The House Judiciary Committee gave a favorable report to [S.239](#), relating to the prohibition of lotteries and exceptions. Representative Bannister (R-Greenville) said the bill eliminates the prohibition on gambling so the General Assembly can draft legislation to allow raffles for charities.

Cyber Breach

The Senate Finance Committee gave a favorable as amended report to [S.334](#), Identity Theft Protection. Senator Hayes (R-York) expressed concern that bill may have a financial impact on cities and counties due to new safety requirements. He warned that the Senate may be supporting a mandate on municipalities who might not be able to handle the costs.

Unemployment Benefits

The House Judiciary Committee met and gave a favorable as amended report to [H. 3165](#), relating to disqualifications from unemployment benefits and tests for illegal drug use.

Economic Development

The House Labor, Commerce, and Industry Committee gave a favorable as amended report to [H.3437](#), a bill to create the Economic Development Joint Committee to study the State's laws pertaining to economic development issues. Representative Toole (R-Lexington) offered an amendment for the House and Senate Chairmen of Labor, Commerce and Industry to appoint members to the joint committee of both the majority and minority party. The Chairmen of the Ways and Means and Senate Finance committees were responsible for appointments in the original bill.

Physician Assistants

On March 19, the House 3M on Medical Occupational Regulation and Licensing Boards reported favorably as amended on [H.3618](#), a bill to modernize the physician assistant practice act., to the full committee. The bill provides more flexibility to physician assistants and their supervising physicians in structuring their relationships while ensuring appropriate oversight and control by the Board of Medical Examiners. Physician assistants developed the legislation in consultation with physician organizations. Similar legislation, [S. 448](#), is pending in the Senate Medical Affairs Committee.

Tuition Rates for Veterans

The House amended, approved, and sent the Senate [H.3086](#), which provides for in-state tuition rate eligibility for veterans and their dependents.

FOIA Bill

[H.3163](#), the bill clarifying standards in South Carolina's Freedom of Information Act law, was recommitted to the Judiciary Committee this week. The bill seeks to strengthen the current law as it pertains to state agencies charging for public documents, as well as who is subject to the law itself. Legislators have debated whether or not public officials would receive exemption from these laws.

Brewery Regulations

The House passed [H.3554](#) which requires breweries in South Carolina to offer no more than sixty-four ounces in samples to customers. It also reads that the alcohol content cannot exceed fourteen percent. The bill will now go to the Senate.

Early Voting

The Senate finally voted to pass [S.4](#), the Early Voting bill. Senators continued to debate the merits of the bill, with Democrats continuing to argue that Republicans were refusing to support "true" early voting for political reasons.

Telemedicine

The Senate Medical Affairs Subcommittee carried over [S.290](#). The Subcommittee chair, Senator Cleary (R-Georgetown), said the intent of the Subcommittee was to continue studying the bill for two weeks. He also mentioned that he would like to see the program started by 2014. A number of people testified in favor of the bill. One doctor testified that other states have had similar programs for ten to fifteen years.

Constitutional Carry Act

A Senate Judiciary Subcommittee held a public hearing last Wednesday on [S.115](#), The South Carolina Constitutional Carry Act of 2013. Various members of the public spoke on the bill. The bill was reported favorable as amended and will go before full committee on April 9.

Business Freedom to Choose

On March 21, the Senate Medical Affairs Committee favorably reported [H. 3290](#), legislation providing that State law preempts local flow control ordinances, by a vote of nine to four. The Committee adopted three amendments, one of which was a substitute amendment offered by Senators Verdin (R-Laurens) and Hutto (D-Orangeburg) addressing several concerns that counties had expressed regarding the bill. H. 3290 now goes to the full Senate. Senator Nicholson (D-Greenwood) placed a minority report on the bill.

Newly Introduced Legislation



CORPORATE:

[S. 552](#) Hayes: TO ENACT THE "REVISED UNIFORM UNINCORPORATED NONPROFIT ASSOCIATION ACT" - Referred to the Committee on Judiciary.

ECONOMIC DEVELOPMENT/TAX:

[H. 3830](#) Williams: TO EXTEND THE HOMESTEAD EXEMPTION FOR THE DISABLED AND ELDERLY - Referred to Committee on Medical, Military, Public and Municipal Affairs.

[H. 3834](#) Loftis: TO ALLOW AN INCOME AND OTHER SPECIFIED TAX CREDITS FOR TWENTY-FIVE PERCENT OF THE TOTAL COST OF A SOLAR ENERGY SYSTEM PLACED IN SERVICE IN 2013 THROUGH 2018 - Referred to Committee on Ways and Means.

[H. 3845](#) Quinn: RELATING TO THE APPEAL OF A PROPERTY ASSESSMENT VALUE - Referred to Committee on Ways and Means.

EDUCATION:

[S. 535](#) ENACTING "THE CLEMSON UNIVERSITY ENTERPRISE ACT" - Referred to the Committee on Finance.

ENERGY:

[S. 536](#) Gregory: TO ENACT THE "ENERGY SYSTEM FREEDOM OF OWNERSHIP ACT" - Referred to the Committee on Judiciary.

ENVIRONMENTAL:

[H. 3847](#) Hiott: RELATING TO DEFINITIONS FOR TERMS USED IN THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT OF 2010, - Referred to Committee on Agriculture, Natural Resources and Environmental Affairs.

ESTATE PLANNING:

[S. 538](#) Malloy: RELATING TO THE POWERS OF A TRUSTEE - Referred to the Committee on Judiciary.

GOVERNMENT:

[H. 3860](#) White: RELATING TO THE PROJECT DELIVERY METHODS AUTHORIZED FOR PROCUREMENT OF INFRASTRUCTURE FACILITIES UNDER THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE - Referred to Committee on Ways and Means.

HEALTHCARE:

[S. 568](#) Peeler: RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT - Referred to the Committee on Medical Affairs.

INSURANCE:

[S. 567](#) Allen: TO REQUIRE THAT A PERSON LICENSED TO SELL BEER, WINE, OR ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION SHALL MAINTAIN LIABILITY INSURANCE WITH COVERAGE OF AT LEAST FIFTY THOUSAND DOLLARS DURING THE PERIOD OF LICENSURE. - Referred to the Committee on Judiciary.

JUDICIAL:

[H. 3828](#) Cobb-Hunter: TO PROVIDE NECESSARY DEFINITIONS CONCERNING THE REGULATION OF ATTORNEYS AT LAW - Referred to Committee on Judiciary.

[H. 3833](#) Horne: TO ALLOW THE HOLDER OF A RETAIL WINE PERMIT FOR OFF-PREMISES CONSUMPTION WHOSE RETAIL SPACE IS AT LEAST TEN THOUSAND SQUARE FEET AND WHOSE PRIMARY PRODUCT IS NOT BEER, WINE, OR DISTILLED SPIRITS TO CONDUCT UP TO TWENTY-FOUR WINE TASTINGS IN A CALENDAR QUARTER - Referred to Committee on Judiciary.

[H. 3854](#) Erickson: RELATING TO THE ADMISSIBILITY OF OUT-OF-COURT STATEMENTS MADE BY CHILDREN UNDER CERTAIN CIRCUMSTANCES - Referred to Committee on Judiciary.

[H. 3855](#) Erickson: TO PROVIDE THAT THE USE OF RESTRAINTS ON JUVENILES APPEARING IN COURT ARE PROHIBITED UNLESS THE RESTRAINTS ARE NECESSARY TO PREVENT HARM OR IF THE JUVENILE IS A FLIGHT RISK AND THERE ARE NO LESS RESTRICTIVE ALTERNATIVES AVAILABLE - Referred to Committee on Judiciary.

[H. 3856](#) Erickson: RELATING TO CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT IN CHILDCARE FACILITIES - Referred to Committee on Medical, Military, Public and Municipal Affairs.

[H. 3857](#) Erickson: TO CREATE THE OFFENSE OF SEXTING FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE - Referred to Committee on Judiciary.

[H. 3858](#) Bowen: SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES - Referred to Committee on Education and Public Works.

REAL ESTATE:

[S. 562](#) Campsen: RELATING TO RECOVERY FOR IMPROVEMENTS MADE IN GOOD FAITH - Referred to the Committee on Judiciary.

REGULATORY:

[H. 3827](#) Pitts: RELATING TO REQUESTS FOR FINAL REVIEW OF A DECISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BEFORE REQUESTING A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT - Referred to Committee on Agriculture, Natural Resources and Environmental Affairs.

[H. 3832](#) Hardwick: TO SPECIFY THE MANNER IN WHICH A REGISTERED ENGINEER OR SURVEYOR MAY NEGOTIATE A CONTRACT FOR HIS PROFESSIONAL SERVICES - Referred to Committee on Labor, Commerce and Industry.

[H. 3852](#) Medical, Military, Public and Municipal Affairs Committee: TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS - Placed on calendar without reference.

[H. 3869](#) Sandifer: RELATING TO THE RENEWAL OF LICENSES ISSUED BY THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION - Referred to Committee on Labor, Commerce and Industry.

[S. 537](#) Verdin: RELATING TO PUBLIC HEARINGS CONCERNING PROPOSED REGULATIONS - Referred to the Committee on Judiciary.

[S. 539](#) Labor, Commerce and Industry Committee: RELATING TO REQUIREMENTS OF LICENSURE FOR OCCUPATIONAL THERAPISTS - Placed on the Calendar without reference.

[S. 540](#) Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PERPETUAL CARE CEMETERY BOARD - Placed on the Calendar without reference.

[S. 541](#) Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS - Placed on the Calendar without reference.

[S. 542](#) Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL - Placed on the Calendar without reference.

In the Media



Budget woes could shut down SC Family Courts, officials warn (3/17/13)

The program that represents children in cases of abuse and neglect will run out of money, shutting down the state's Family Court system, if lawmakers do not give it an extra \$1.5 million, officials

say. [Read more.](#)

Budget woes could shut down SC Family Courts, officials warn (3/18/13)

The program that represents children in cases of abuse and neglect will run out of money, shutting down the state's Family Court system, if lawmakers do not give it an extra \$1.5 million, officials say. [Read more.](#)

SC Senate kills tax hike for high-income South Carolinians (3/19/13)

South Carolina's highest income residents will not pay more in state income taxes. [Read more.](#)

SC senate bill would protect credit 10 years (3/19/13)

A bill, approved Tuesday by a powerful state Senate committee, would offer credit-fraud protection for 10 years to S.C. taxpayers and others after hackers stole information belonging to 6.4 million consumers, children and businesses from the S.C. Department of Revenue last fall. [Read more.](#)

Sanford advances to GOP runoff in SC House race (3/19/13)

Former South Carolina Gov. Mark Sanford advanced Tuesday to a runoff in the Republican contest for an open congressional seat, taking a step toward reviving a political career that was derailed by an extramarital affair while he was governor. [Read more.](#)

Charleston Harbor deepening depends on Washington (3/19/13)

While studies for the \$300 million deepening of the Charleston Harbor shipping channel are moving ahead quickly in Charleston, maritime officials were warned Monday that completion of the project depends largely on what happens in Washington. [Read more.](#)

SC high court hears Gov. Haley accuser (3/20/13)

A GOP activist tried Wednesday to keep alive his ethics complaints against Gov. Nikki Haley. [Read more.](#)

Proposed bill would help even out competition among health insurers (3/20/13)

South Carolinians covered by companies other than Blue Cross Blue Shield could see lower health insurance premiums if a proposed bill is signed into state law. [Read more.](#)

SC panel approves bill opposing federal law (3/20/13)

A House panel has advanced a bill declaring South Carolina's opposition to the federal health care law. [Read more.](#)

S.C. conservatives say they back federal spending bill (3/20/13)

Two congressional conservatives from South Carolina said Wednesday they will likely support a new, six-month stopgap spending plan that would leave sequestration spending cuts intact but would give federal agencies more flexibility to manage them. [Read more.](#)

Darlington readies for wider fans ... and saving its tax break (3/21/13)

If it's not careful, Darlington Raceway could exempt itself from its own tax exemption. [Read more.](#)

Chumley will not pay back state plane costs (3/21/13)

State Rep. Bill Chumley, R-Spartanburg, said Thursday he would not pay back the \$6,390 in taxpayer spending he approved to fly a conservative pundit to Columbia on Wednesday to testify in favor of a bill opposing Obamacare. [Read more.](#)

SC senators back big waste companies (3/21/13)

National waste corporations are gaining ground in their push to win a larger share of the garbage market in South Carolina. [Read more.](#)

SC lawmakers turn to technology to solve SC health problems (3/21/13)

The children of rural Williamsburg County don't have many pediatricians in town, but they do have one on TV because of a telemedicine program operated by MUSC. [Read more.](#)

S.C. House passes bill that likely will close 'sweepstakes' parlors (3/21/13)

Susie Gonzales spent thousands of dollars outfitting a section of a Remount Road club with video "sweepstakes" machines in hopes of building a lucrative business off the popular pay-to-play games. [Read more.](#)

State politicians attempt to nullify federal law - again (3/22/13)

Should South Carolina be able to opt out of the federal law commonly called "Obamacare"? What about firearm regulations? The Second Amendment of the Constitution protects our right to bear arms, but what if the state chose to turn its back on gun policy set by the U.S. Congress? [Read more.](#)

Panel advances bill to keep guns from mentally ill (3/22/13)

A bill designed to prevent residents deemed mentally ill from buying guns advanced Thursday in the House, six weeks after a botched shooting at a Charleston school drew attention to a loophole in reporting. [Read more.](#)

Meetings and Events



Tuesday, March 26th

6:00 SC Chamber of Commerce Washington Night - Columbia Convention Center

The Nexsen Pruet State House Update is published as a service to our attorneys, clients, and friends. It is intended to be a high level overview of the weekly activity at the South Carolina State House and does not constitute legal advice regarding any specific situation.

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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