

Subject:

FW: Weekly Update from the State House - May 31, 2013

STATE HOUSE *Update*

May 31, 2013

What's New



Charleston Senator Robert Ford has resigned his seat, amid alleged ethics violations against him. Senate President Pro Tem John Courson announced Friday that he had received a resignation letter from the Charleston Democrat, effective immediately. The Senate Ethics Committee is in their second day of hearings on these allegations that he used campaign money for adult-store purchases, gym memberships, and other personal items

Click [here](#) and [here](#) for articles on the Senator's resignation.

Details from Each Chamber



Senate Budget Debate

The Senate continued to debate the State budget, and eventually gave the bill third and final reading this week. Additionally, the Senate gave second reading to the Capital Reserve Fund without making any changes. Senators plan to give third reading of the bill next Tuesday.

The Senate also passed [S. 705](#), a continuing resolution to keep state government operating in the event that there is not a finalized budget by the end of the fiscal year. That bill is now in the House Ways and Means Committee for debate.

Now that the Senate has passed their version of the budget, it will be considered by the House of

Representatives. House members are scheduled to begin debate on the Senate version on Tuesday. If the House does not concur with the Senate version of the bill, leaders of both Chambers will appoint a conference committee to negotiate on the two versions of the budget bill. The Legislature ends their 2013 session next Thursday, but will have to come back two more times, once to adopt a conference report and another time at least 5 days later to address Governor Haley's vetoes.

Healthcare

The House of Representatives passed [S. 530](#) this week. The bill removes the requirement that employers who offer closed panel health plans to its employees must also offer a point-of-service option. It also increases the allowable differences between coinsurance percentages for in-network and out-of-network covered services and supplies under a point-of-service option.

Cyber breach

The Ways and Means Committee met this week on [S. 334](#), the identity theft protection bill. The Committee adjourned debate on the bill because there is a discrepancy over who would oversee the State's computer operations and cyber security efforts. The House would like to see a commission appointed by the Legislature and Governor. The Senate proposal called for creating a cyber-security office with an executive director named by the Governor. The suggestion to create the office was recommended by Deloitte Consultants.

Darlington Speedway Tax Exemption

The House Ways and Means Committee also gave a favorable as amended report on [S. 481](#), the Admissions License Tax Exemption bill for Darlington Speedway. The amendment changes the bill to resemble the original House version.

Electronic Cigarettes

The House Ways and Means Committee met Tuesday and adjourned debate on [H.4074](#), a bill that would place taxes on electronic cigarettes. The Senate gave second reading, Wednesday, to [H. 3538](#) to prohibit the sale of electronic cigarettes to minors.

Liquor Stores

The House Judiciary committee adjourned without taking final action on [H. 3539](#), a bill that would change the current law that requires liquor stores to be closed on Election Day.

Alcohol Bills

The House Judiciary Committee gave a favorable as amended report to [S. 308](#) to allow a concealed weapons permit holder to carry a weapon into bars and restaurants where alcohol is sold. The Senate version increased the fine from \$2,000 to \$3,000 and imprisonment of 3 years or both, plus a 5 year CWP revocation. The Committee approved the subcommittee amendment that changed the penalty from a 3-year CWP revocation and a fine of \$3,000 plus 2 years or both. The Senate version added a curfew prohibition, but the committee deleted that provision.

The House Judiciary Committee also gave a favorable as amended report to [H. 4136](#), a bill to allow beer, wine and liquor wholesalers to legally give alcohol to charities and political candidates. Several months ago, the Department of Revenue (DOR) released a statement that said it is illegal for a wholesaler to donate alcohol to charities. Last week, at the request of Lt. Governor McConnell, DOR revisited the issue and reversed their opinion. That leaves wine and beer wholesalers with the ability to donate products, but not the liquor wholesalers. The bill was amended to include stipulations, limits and clarification.

Equal Access Bill

The Conference Committee on [S. 2](#), equal access to the ballot, met Wednesday morning. Senators Campsen, Thurmond and Scott are the Senate appointees. Representatives Delleney, Clemmons and Weeks are the House appointees. The Committee made a number of technical amendments. The second meeting was scheduled for Thursday morning, but Campsen said the House and Senate staff needed more time to work out details and moved to hold meetings at a later date.

DHEC Appeals

The House of Representatives spent Wednesday afternoon on [H. 3827](#), a bill to allow the appeal of DHEC decisions to the Administrative Law Judge Court. The bill was given second reading Wednesday and third reading Thursday. The Senate referred the bill to the Senate Medical Affairs Committee.

Port

The Senate Finance Committee met Thursday and gave a favorable report to [H. 3557](#), the Port Tax Credit bill. The bill would extend options to third party logistic carriers if they meet the qualified criteria. The bill would also remove the cap of \$4 million and change it to \$8 million. The \$8 million would then be used for flexibility for volume to the port.

Ethics and Affordable Care Act

With only a week left in the legislative session, Senators spent the latter part of this week arguing over two bills, [H. 3945](#), the Ethics Reform bill, and [H. 3101](#), the Freedom of Healthcare Protection Act, which prohibits state employees from aiding in the implementation of some provisions of the Affordable Care Act.

Governor Haley has said publicly that ethics reform is her number one legislative priority this year. However, both Republican and Democratic Senators say that differences between the two parties on the bill must be addressed before voting on it. These concerns could potentially delay the bill's passage until next year.

The Senate's most conservative wing insisted that the Freedom of Healthcare Protection Act is the most important bill to be discussed at the end of the session, and used procedural maneuvering to ensure that the bill was placed on the calendar for discussion.

The Senators are likely to spend next week debating both bills, but there is no guarantee that either bill will pass this session.

Newly Introduced Legislation



ECONOMIC DEVELOPMENT / TAX

[H. 4262](#) Limehouse: TO ALLOW A NONREFUNDABLE CREDIT AGAINST THE SOUTH CAROLINA INCOME TAX LIABILITY OF AN INDIVIDUAL - Referred to Committee on Ways and Means.

[H. 4263](#) Bowen: RELATING TO PROPERTY TAX EXEMPTIONS - Referred to Committee on

Ways and Means.

ENERGY:

[S. 757](#) Hembree: A CONCURRENT RESOLUTION TO RECOGNIZE THE WIND ENERGY CAPABILITIES OF SOUTH CAROLINA AS PART OF A MULTI-SOURCE ENERGY STRATEGY - Referred to the Committee on Agriculture and Natural Resources.

GOVERNMENT:

[H. 4265](#) McCoy: RELATING TO THE PROCEDURE FOR ANNEXATION OF SPECIAL PURPOSE DISTRICTS - Referred to Committee on Judiciary.

HEALTHCARE:

[S. 748](#) Cleary: TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 30, TITLE 44 SO AS TO BE ENTITLED "IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES" - Referred to the Committee on Medical Affairs.

[S. 756](#) Davis: RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, - Referred to the Committee on Medical Affairs.

[H. 4260](#) Horne: TO EXEMPT THE REQUIREMENT OF A CERTIFICATE OF NEED REVIEW FOR A HOSPITAL TO ADD NEW BEDS AND TO CHANGE CLASSIFICATION OF GENERAL HOSPITAL BEDS - Referred to Committee on Medical, Military, Public and Municipal Affairs.

JUDICIAL:

[S. 739](#) Hutto: TO PROVIDE THAT CERTAIN STATEMENTS MADE DURING QUESTIONING, INTERROGATION, OR CUSTODIAL INTERROGATION OF CERTAIN CRIMINAL OFFENSES MUST BE RECORDED - Referred to the Committee on Judiciary.

[H. 4231](#) Nanney: TO PROVIDE UNIFORM STANDARDS FOR FORMATTING DOCUMENTS SUBMITTED TO A CLERK OF COURT OR REGISTER OF DEEDS FOR RECORDING - Referred to Committee on Judiciary.

In the Media



Lawmakers working to make SC more military-friendly (5/27/13)

The military employs close to 140 thousand people in South Carolina, and generates billions of dollars in revenue. But in the face of budget cuts, lawmakers are working to make the state even more 'military-friendly'. [Read more.](#)

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Race, economic differences impact support of Medicaid expansion and healthcare reform (5/27/13)

More than 60 percent of poll respondents in Georgia and South Carolina favor expanding their state's Medicaid program to cover more people, while only a third approve of the health care reform law that would make it possible, a poll released Tuesday found. [Read more.](#)

SC bill allowing guns in bars, restaurants heads to House floor for debate (5/28/013)

A bill that would allow South Carolinians with permits to carry concealed weapons to take their guns into restaurants and bars advanced in the House on Tuesday with the support of Democrats - increasing the bill's chance of passing this year. [Read more.](#)

SC House panel deletes plan for computer commission (5/28/13)

A key S.C. House panel hit the delete button on a plan Tuesday that would have put the state's computer operations under the control of a seven-member commission appointed by legislators and the governor. [Read more.](#)

Sheheen releases 2011, 2012 tax returns (5/28/13)

The likely Democratic opponent for Gov. Nikki Haley released his 2011 and 2012 tax returns and again challenged Haley to release more of hers. [Read more.](#)

Gowdy: Subpoenaing press records may have been OK (5/29/13)

U.S. Rep. Trey Gowdy said he doesn't have enough information to know whether the U.S. Justice Department acted lawfully in subpoenaing the telephone records of the Associated Press as part of a criminal investigation into a national security leak. [Read more.](#)

North Carolina files 2nd lawsuit against Duke Energy (5/29/13)

The state of North Carolina has filed a second lawsuit against Duke Energy, saying that coal ash threatens Charlotte's water supply. [Read more.](#)

Foreclosures drop in South Carolina (5/29/13)

The number of foreclosed homes in South Carolina decreased in a 12-month span ending in April, but the tally was higher than the national average, according to a new report released today. [Read more.](#)

Foreign firms help lead manufacturing renaissance in Carolinas (5/29/13)

The Carolinas offer foreign companies a prime location to invest and grow their business, said experts attending a global business conference this month. [Read more.](#)

Duke Energy picks 5 Pee Dee sites for potential industrial development (5/29/13)

[Duke Energy](#) said Tuesday it selected five properties in the Pee Dee for participation in its 2013 Site Readiness Program, which prepares property for potential industrial development. [Read more.](#)

Democrat seeks to topple Nikki Haley without sounding too much like a Democrat (5/29/13)

South Carolina Democratic state Sen. Vincent Sheheen, who is planning to challenge Republican Gov. Nikki Haley in 2014, says he wants nothing to do with Washington-but not in quite the same way Haley does. [Read more.](#)

State Will Expand Medicaid Someday, Supporters Vow (5/29/13)

Following a bloody floor fight last week, lawmakers in the state Senate gored the last chance for expanding Medicaid to thousands of South Carolinians this year. [Read more.](#)

SC Supreme Court makes it easier for cops to bring DUIs to trial (5/29/13)

Things just got a little tougher for South Carolina's drunk drivers. The State Supreme Court ruled Wednesday that in two related opinions involving separate DUI suspects who had their cases dismissed in trial court because of technicalities involving videotaping the suspect, the trial judges who dismissed the cases were wrong, justices decided. [Read more.](#)

Mick Mulvaney, Budget-cutting SC congressman, sees constituents' anger (5/29/13)

U.S. Rep. Mick Mulvaney says he doesn't want his name on any buildings. [Read more.](#)

SC considers seafood origins truth-in-advertising bill (5/29/13)

If those tasty crustaceans smothered by grits in South Carolina restaurants are from Florida, the restaurant owner would be breaking the law by calling them "local" shrimp, under a change working its way through the Legislature. [Read more.](#)

Area Development magazine awards South Carolina the 2013 Silver Shovel (5/30/13)

Area Development magazine, a national, leading economic development publication, has awarded South Carolina with its 2013 Silver Shovel award for the state's economic development efforts last year. [Read more.](#)

SC agency making early debt payment (5/30/13)

South Carolina's unemployment agency is making a \$144 million early payment toward its debt to the federal government, helping to reduce businesses' insurance taxes, agency officials told The Associated Press on Wednesday. [Read more.](#)

Small SC towns in perpetual crisis (5/30/13)

SMALL TOWNS in the Midlands and across South Carolina have stumbled over themselves and struggled for their lives for so long that we barely flinch when trouble encroaches upon their borders these days. [Read more.](#)

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.

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