

ALERTS

South Carolina Legislative Report - June 1, 2012

May 28 - June 1, 2012

On the Floor

Sine Die

H. 5332, the House version of the annual Sine Die resolution dealing with the adjournment of the General Assembly, was adopted by the Senate this week. Pursuant to the state constitution both houses will adjourn on Jun 7, 2012, no later than 5:00pm. The resolution calls for the General Assembly to reconvene on June 19 - 21, 2012, to take up limited items such as vetoes, appointments, ratification of acts, and conference committee reports.

Economic Development - Job Tax Credits

This week the Senate concurred with House amendments to H. 3720, the job tax credits legislation. The bill will now go to the Governor for her approval. The legislation provides for thresholds and sales tax exemptions for datacenters (equipment, electricity, etc.) as well as several other economic development provisions.

Pollution Control Act

A compromise was reached between the business and environmental communities this week and the bill received second reading in the Senate. H. 4654, as amended, authorizes a study committee on Carolina Bays and isolated wetlands. The findings from that committee will be provided to the General Assembly in 2013. In addition, the compromise prohibits a private cause of action, but does authorize an administrative remedy for individuals to petition DHEC if they believe an entity or individual is operating without a required permit. As previously discussed, the legislation is intended to clarify and ease the unintended burden on businesses stemming from the recent South Carolina Supreme Court opinion in Georgetown League of Women Voters vs. Smith Land Company while keeping the state's right to protect the environment.

Right to work

The Senate gave final approval this week to H. 4652, the right to work legislation, and sent it back to the House with amendments. The bill, as amended, removes definitions, dues provisions and other filing requirements originally included in the legislation. The amendment will also require a labor union to additionally file with the South Carolina Department of Labor, License and Regulation any regularly required U.S. Secretary of Labor documents and maintains provisions regarding posting of information on right to work and fines and fees.

Pharmacy Audit Rights

S. 1269 was given third reading and returned to the Senate with amendments this week. The bill provides pharmacy rights during various audits, an appeal process, and establishes process for the recoupment of fees.

Unemployment benefits

The House of Representatives gave third reading to S. 1125 this week and returned it to the Senate with amendments. The bill would disqualify a person from receiving unemployment benefits for twenty weeks if they were terminated for willful or wanton misconduct.

Capital Project Sales Tax Act

The House of Representatives concurred with Senate amendments to H. 4033 and ordered the bill to be enrolled for ratification. The legislation authorizes dredging, dewatering, construction of spoil sites, and the disposal of spoil material for funding by county capital projects. The bill will be sent to the Governor for consideration.

Demolishers

S. 1031 was amended and returned to the House by the Senate this week. The amendment removed golf carts from the provisions regarding demolishers, clarified the time when a sheriff's department may issue secondary recycler permits, and removed aluminum cans from the definition of "non-ferrous". The legislation also proposes to increase the eight-year title provision to twelve years, increases penalties for violations, makes it a felony for falsifying ownership of a vehicle, and requires the demolisher to hold a vehicle for three days prior to shredding the vehicle. The House will take the matter up next week.

Hospitals to provide information regarding immunizations

H. 4705 was approved by the Senate this week and enrolled for ratification. The bill requires hospitals to provide parents of newborns with educational information regarding Pertussis disease and vaccination information. The bill also notes that hospitals are not required to pay for or provide related vaccinations.

Retirement System Reform

This week the House and Senate non-concurred in each other's amendments to H. 4967, and the House appointed Representatives Kenny Bingham, Jimmy Merrill and Gilda Cobb-Hunter to the conference committee. The legislation attempts to reform the state employee retirement system. The House version would keep the TERI program in place for state employees hired before 2013. The program allows for employees to retire but keep working for up to 5 years, drawing two checks at the same time. The current system is projected to run a \$15 billion deficit.

In Committee**Disclosure of Patient Information**

S. 1015, a bill to require that healthcare providers provide forms to patients directing the release of information to designated individuals was given a favorable report by a Medical, Military and Public and Municipal Affairs subcommittee as amended. The amendment shifted the language to its original form which requires providers to comply. The legislation previously was written to encourage compliance.

In the News

Ethics Committee continues investigation

The House Ethics Committee met again this week to continue its review of accusations that then Representative Nikki Haley engaged in illegal lobbying on behalf of her employers. The committee voted unanimously to reopen the investigation and take testimony from an approved witness list.