

ALERTS

South Carolina Legislative Report - April 13, 2012

April 9 - April 13, 2012

On the Floor

Certificate of Need - Regulations

This week the Senate approved S. 1394, a joint resolution to approve of DHEC's proposed regulations regarding the Certificate of Need program for healthcare facilities. The proposed regulations include attempts to: streamline the program by relaxing reporting requirements and extending the period for an exemption or non-applicability determination to be valid; improve the overall quality of the program; delete references to federal acts that are obsolete; and incorporate several comments received from the regulated community.

Newborn Educational Materials Requirement

S. 1168, a bill to require hospitals to provide parents of newborns with educational information regarding Pertussis disease and vaccination information, was given third reading and sent to the House for consideration. The bill also notes that hospitals are not required to pay for or provide related vaccinations.

Datacenter - Sales Tax Exemptions

H. 3720 was given second reading this week. The legislation provides for thresholds and sales tax exemptions for datacenters (equipment, electricity, etc.)

Surface Water Withdrawal

S. 1220 was approved this week by the Senate and sent to the House for consideration. The bill reimposes fees on the application and permitting of surface water withdrawal to fund the program managed by DHEC.

Tax Credits for Plug-in Hybrid Cars

H. 3059, which extends an income tax credit to consumers who purchase plug-in hybrid vehicles, was given second reading this week. The total amount authorized for all claims is \$200,000 and is determined on a first come, first served basis. In addition, several clarifications were made during the process to ensure the definition of the vehicle excluded golf carts and certain other plug-in vehicles.

In Committee

Pollution Control Act

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H. 4654 was amended and given a favorable report by the Senate Medical Affairs Committee this week. The amendment provides an administrative remedy for citizens seeking a declaratory judgment from DHEC to determine if a discharge is required to have a permit under the Pollution Control Act. DHEC will have 60 days to respond to the request and an entity impacted by the determination may appeal the agency's determination directly to the Administrative Law Court and be afforded a hearing within forty-eight hours from filing. In addition, the amendment keeps the prohibition on a private cause of action.

The legislation amends the Pollution Control Act and 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. The amendment was a compromise by the business community.

Certificate of Need - Fees

S. 1388, provides for the fees for administration of the Certificate of Need program. The bill was given a favorable report by the Senate Medical Affairs Committee and sent to the Senate floor. As previously reported, the members of the Senate requested the department to withdrawal and resubmit regulations for the streamlining of the CON process, based on their objection to the department setting fees in regulations. S. 1394, which was approved by the Senate this week, provided the streamlining and other provisions and S. 1388 provides the fees for the program.

Nursing Permits for Medicaid Facilities

The Senate Medical Affairs Committee also gave a favorable report to H. 5028, which is a one-year joint resolution dealing with the Medicaid nursing home permit law. The resolution directs DHEC to temporarily suspend enforcement of certain provisions of the Medicaid nursing home permit law relating to penalties for providing fewer Medicaid bed days, allowing for the transfer of allotted bed days across county lines and to direct apportionment of bed days by the agency. The resolution is in response to a Horry County facility that currently participates in the Medicaid program but is transitioning from a Medicaid facility to assisted living.

Electing the Insurance Director

The Senate Judiciary Committee gave a favorable report to S. 1124 which is a joint resolution proposing to amend the South Carolina Constitution to require the Director of the Department of Insurance be elected as a statewide constitutional officer. If approved, the proposed constitutional amendment will need to be approved by the electorate this fall.

Solar Tax Credits

H. 3346, received a favorable report, as amended, by the Senate Finance Sales and Income Tax Subcommittee. The amendment provides a number of thresholds, requirements, and exemptions regarding solar installation tax credits.

Sales Tax Exemption - Certain Medication or Biologics

H. 3747 received a favorable report by the Senate Finance Sales and Income Tax Subcommittee and will be before the full Finance Committee next week. The bill authorizes a sales and use tax exemption for certain medication or biologics administered by a physician, in a physician's office, or in a Center for Medicare or Medicaid Services certified facility. In addition, the awarding of the exemption is tied to growth of the general fund revenue each year.

In the News

SC Election season

There are a number of legislators who will not be seeking reelection this year. A list of those members is below:

Senate Democrats

Ralph Anderson--Dist. 7

Dick Elliot--Dist. 28

John C. Land--Dist.

Phil Leventis--Dist. 35

Senate Republicans

Glenn McConnell--Dist. 41

Greg Ryberg--Dist. 24

House Democrats

Paul Agnew--Dist. 11

Karl B. Allen--Dist. 25

(Running for Senate Dist.7)

James A. Battle, Jr.--Dist. 57

H. Boyd Brown--Dist. 41

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Kevin L. Johnson--Dist. 64

(Running for Senate Dist. 36)

Jimmy Neal--Dist. 44

House Republicans

Eric Bikas--Dist. 26

Marion Frye--Dist. 39

James Harrison--Dist. 75

George M. Hearn--Dist. 105

Lewis E. Pinson--Dist. 13

Kevin Ryan--Dist. 108

David Tribble, Jr.--Dist. 15

Thad Viers--Dist. 68

Tom R. Young--Dist. 81 *(Running for Senate Dist. 24)*

With the South Carolina House and Senate both facing reelection this year, there are a number of contested races in the primary and general elections.

House on furlough

The House of Representatives was on furlough again this week and will return to Columbia next week, April 16 - 20.