

ALERTS

South Carolina Legislative Report - June 22, 2012

June 18 - June 22, 2012

On the Floor

Budget

The annual appropriations bill, H. 4813, continues to be debated in conference committee. The Senate and the House have been negotiating the \$6.6 billion annual budget all week. The main differences are over a small business tax cut included by the House, teacher and state employee pay raises, the proper method for funding the dredging of the Port of Charleston and the funding for new land at the state Farmers Market. The General Assembly must pass a budget before the start of the new fiscal year on July 1st in order to avoid a government shutdown. The House and Senate will return to meet next week in anticipation of a budget compromise.

In the event that a compromise on the budget cannot be reached before July 1, 2012, the House has passed H. 5418, a continuing resolution to keep funding the state government at the previous year's level. The bill was recalled from Senate Finance and can be considered under the sine die resolution.

Retirement System Reform

This week the House and Senate adopted the conference committee report on H. 4967, the legislation to reform the state's retirement system. The compromise would phase out the TERI program in place for state employees over 5 years, ending the practice of "double-dipping." It also requires state employees to work longer and pay-in more per year before collecting state retirement benefits. The compromise should plug the \$115 projected shortfall. The bill is expected to be signed by the Governor.

SC Restructuring Act - Department of Administration

This week the Senate refused to consider the conference report on H. 3066, the Department of Administration legislation. As previously reported, the legislation effectively eliminates the Budget & Control Board (B&CB) in favor of a new cabinet-level Department of Administration. At issue has been the division of authority previously vested in the B&CB and how it would be divided after its elimination. Critics claimed that the legislation would create a web of new agencies to oversee the responsibilities of the B&CB rather than actually streamlining the authority. The Governor called the Senate's refusal "a disrespectful display of political gamesmanship."

Limited Liability - Hospitals

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The conference report on H. 4008 was adopted and enrolled for ratification this week. The legislation establishes that there is no monetary liability or cause of action against hospitals or other related entities (boards, subsidiaries, staff, etc.) for any action taken without malice, made after reasonable efforts to obtain facts and performed in the belief that it was warranted by the known facts. The conference committee removed a provision that would have established a Commission on Hunger that was added by the Senate.

Capital Project Sales Tax Act

The Senate and the House voted to override the veto of the Governor on H. 4033. The bill authorizes dredging, dewatering, construction of spoil sites, and the disposal of spoil material for funding by county capital projects.

Unemployment Benefits

This week the House and the Senate agreed to the conference report on S. 1125 and Governor Haley signed it into law. The bill disqualifies employees from collecting benefits who were terminated for misconduct.

Inspector General Confirmed

The Senate voted to confirm the state's first independent inspector general on Thursday. The Senate voted unanimously to confirm Patrick Maley, a 30 year veteran of the FBI. Previously, the inspector general operated under the office of the Governor. The new agency will be tasked with investigating allegations of fraud, waste and abuse in state government.

Sine Die Resolution

This week the House introduced and passed H. 5410, an amended version of the sine die resolution detailing what can be considered by the General Assembly after the June 7, 2012 adjournment. The revised resolution included the ability to consider H. 3508, updating language regarding government owned telecommunication providers and broadband services in rural or underserved areas. However, the Senate did not take the resolution up for debate.

The General Assembly will return next week. Under H. 5377, the original sine die resolution, they may only consider matters relating to the budget, vetoes, congratulations and sympathies or certain appointments. All other matters are considered dead for the session unless the resolution is amended.

In the News**Congressional District 7 runoff**

A judge has ordered a Democratic runoff election to be held after the South Carolina Election Commission tossed out the more than two-thousand votes that were cast for Ted Vick, who has withdrawn from the race after an arrest, when considering the total of votes cast to establish a majority. With the votes thrown out of the total, Gloria Tinubu garnered over the 50% margin needed to avoid a runoff. Democratic opponent, Preston Brittain, claimed that the votes cast for Vick should be included in the total. Judge Larry Hyman

ordered the votes to be included in the total, meaning neither candidate crosses the majority threshold.