

ALERTS

South Carolina Legislative Report - June 8, 2012

June 4 - June 8, 2012

On the Floor

Sine Die

The South Carolina General Assembly adjourned *Sine Die* on June 7 at 5:00 pm. Any bills not in a conference committee or not passed cannot be considered and have expired unless the *Sine Die* resolution is amended next week. The General Assembly did adopt a new *Sine Die* resolution this week, H. 5377, in order to clarify that all conference committee reports may be considered when they return on June 19 in addition to appointments, vetoes, and budget conference reports.

Budget

The annual appropriations bill, H. 4813, was amended by the House; the Senate insisted on their version and conferees were appointed by both chambers to negotiate a compromise. The budget conferees are: Senators Leatherman, Land and Verdin and Representatives White, Murrell Smith and Ott. A few of the amendments adopted by the House include: reducing the small business tax rate from 5 to 3 percent; adding an additional \$120 million for Port dredging; providing for six additional circuit and family court judges; as well as teacher pay raises.

Pollution Control Act

H. 4654, as amended, received third reading in the Senate, was enrolled, and signed by Governor Haley all on Wednesday. The bill 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. In addition, the bill authorizes a study committee on Carolina Bays and isolated wetlands and the report is due to the General Assembly by 2013. In addition,

Right to work

H. 4652, the right-to-work legislation, the House concurred in the Senate amendments and the bill was ratified and sent to Governor Haley for her consideration. 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 ratified and sent to Governor Haley this week. The bill provides pharmacy rights during various audits, an appeal process, and establishes process for the recoupment of fees.

Unemployment benefits

S. 1125 was sent to Governor Haley this week for her consideration. The bill would disqualify a person from receiving unemployment benefits for twenty weeks if they were terminated for willful or wanton misconduct.

Demolishers

S. 1031, the Senate amendments were concurred in by the House and the ratified bill was sent to Governor Haley for consideration. The latest amendment to the bill 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 12 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.

Limited Liability - Hospitals

H. 4008 was approved by the Senate this week with an amendment adding the enabling legislation for the Commission on Hunger. The House non-concurred in the Senate Amendments and a conference committee was appointed. The conference committee removed the language regarding the Commission on Hunger. 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.

In the News**Haley Investigation Continues**

This week the House Ethics Committee met and decided to take testimony from witnesses at a hearing on June 28th. They also appointed attorneys, Tracey Greene and Ben Mustian, from the law firm of Willoughby & Hoefler to represent the House as "presenters." A list of witnesses will be determined at a meeting next Thursday. At issue is whether then Representative Nikki Haley engaged in illegal lobbying on behalf of Lexington Medical Center and Wilbur Smith and Associates. [Read more here.](#)

Supreme Court Removes More Candidates from Ballot

The Supreme Court ruled this week that the Florence County Republican Party violated the courts order by improperly certifying candidates who did not comply with the law regarding the filing of statements of economic interest. The court also instructed the Florence County Election Commission to remove ineligible candidates from the ballot. The ruling could have farther reaching implications as questions of other county parties improperly certifying candidates have been raised. [Read more here.](#)