

**From:** Tom Davis <tdavis@harveyandbattey.com>  
**To:** Veldran, KatherineKatherineVeldran@gov.sc.gov  
**CC:** Patel, SwatiSwatiPatel@gov.sc.gov  
**Date:** 6/7/2016 10:53:44 AM  
**Subject:** RE: Roads bill (S. 1258) and the Opioids bill (H. 5193)

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Swati and Katherine:

Today is the fifth day since S. 1258 was ratified, so the governor has until midnight tonight to decide what to do with it. Again, I strongly advise in favor of a veto.

You've probably already Scope's piece on the roads bill. She writes: "This arrangement — which was hatched in the Senate on Tuesday night and on the way to the governor's desk less than 24 hours later — is probably the worst of all the awful governance plans that were floated over the past two years, as senators attempted to look like they were giving the governor control of the commission without actually giving her control."

In other words, S. 1258 is a worse than a sham — it's a deliberate attempt to deceive the public. If this bill becomes law, any subsequent effort to "fix" it — as apparently some are vowing to do — will be blocked by lawmakers saying "we already restructured SCDOT and the SIB."

S. 1258 not only does nothing to reform parochial road spending, it make matters worse in that the little bit of control the governor got in the 2007 'reform' law -- the power to appoint the secretary — is stripped away and given to the commissioners.

The new \$200 million in recurring dollars for roads is in the budget; it's not going anywhere. And lawmakers will push hard next year for a bond bill to leverage that income stream to repair our structurally deficient bridges and address our existing interstate system — e.g., Nikki Setzler desperately wants to leverage that recurring stream of revenue because fixing Malfunction Junction is #1 on the interstate-upgrade list — so you will have leverage in turn to demand true structural reform.

I believe there's a good chance of having a veto sustained in the Senate, even though only ten members voted against S. 1258. The veto-override vote will come after next week's primary elections, and some members voted for S. 1258 only because they feared voters' anger for not "doing something." With the primaries over, there will be a good chance of picking up the additional votes to sustain.

Thanks for your consideration in this matter.

Tom

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**From:** Veldran, Katherine [mailto:KatherineVeldran@gov.sc.gov]  
**Sent:** Friday, June 03, 2016 1:30 PM  
**To:** Tom Davis  
**Cc:** Patel, Swati  
**Subject:** Re: Roads bill (S. 1258) and the Opioids bill (H. 5193)

Tom,  
We appreciate your feedback. We will definitely share with the Governor.  
Thank you,  
Katherine

On Jun 3, 2016, at 11:20 AM, Tom Davis <tdavis@harveyandbattey.com> wrote:

Katherine and Swati:

I respectfully request that Gov. Haley veto the Roads bill (S. 1258) and sign the Opioids bill (H. 5193).

With S. 1258, the legislature has managed to take an existing SCDOT structure that promotes parochial road spending and make it even worse. If this new bill becomes law, even the little bit of control the governor got in the 2007 'reform' -- the power to appoint the secretary -- is stripped away and given to the commissioners. As for the new bill giving the governor the power to appoint commissioners, that power is illusory given congressional delegations' veto authority. Over time, much in the same way that delegations select magistrates for 'appointment' by the governor, delegations will select commissioners for the governor to 'appoint.' This horrible bill should be vetoed and sustained by lawmakers so we can start from scratch next year. **I strongly believe that I can make arguments on the Senate floor to get a veto of S. 1258 upheld.** This bill will be panned extensively in the next few days by editorial boards and policy think-tanks, and I respectfully submit that the governor should reject it.

H. 5193 establishes protocols to be followed by physicians and pharmacists in the prescribing and dispensing of opioids. This House bill was unanimously amended by the Senate to add a provision that directs DHEC to: 1) make inquiries concerning the Veterans Equal Access Amendment recently passed by Congress, which gives VA doctors latitude to counsel veterans on whether cannabis-based medicines, rather than opioids, is a more effective and safer way to address PTSD; and 2) to report its findings to the General Assembly by January 1, 2017. By a vote of 64 to 39, the House concurred with the bill as amended by the Senate. 39 representatives voted to non-concur because SLED's lobbyist misrepresented the Senate amendment as being an authorization for physicians to prescribe cannabis as an alternative non-opioid medicine to veterans with PTSD. That is false. **All the Senate amendment did was instruct DHEC to make inquiries into what VA doctors are doing with the new latitude provided by the congressional act and to submit a report of its findings to the General Assembly.** Why anyone would object to state lawmakers being better informed on this important matter is beyond me, but I suspect SLED may try to repeat the mischaracterizations to your office and I wanted to alert you. H. 5193 is an extremely important bill, both to our state in general and to me in particular.

Thanks for your consideration in these matters.

Tom