

INTERNAL STAFF UPDATE*

Thursday, March 6, 2014

List of Updates:

- **Cabinet;**
 - **Legislative;**
 - **Other;**
 - **Legal.**
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Cabinet:

Debris Removal / DOT – Below is the weekly debris removal update from DOT:

- 19 Counties: Contractors and monitoring firms are working in 19 counties: Aiken, Allendale, Bamberg, Barnwell, Berkeley, Calhoun, Clarendon, Colleton, Dillon, Dorchester, Edgefield, Florence, Georgetown, Hampton, Horry, Lexington, Marion, Orangeburg, and Williamsburg.
- 31 Debris Sites: All 31 Temporary Debris Management Sites have been permitted by DHEC. Future media advisories will be provided when schedules are determined for final debris pick-up in these 19 counties.
- Debris Removal on Highways (I-95 and I-26): Traffic management plans for interstate operations have been revised in response to previous traffic delays. Debris removal operations on the interstate shoulders are now being addressed with shoulder closures. Lane closures will be necessary to remove the debris from the median in many areas. These interstate lane closures will be limited to all day on Tuesdays and from 7:00 a.m. – 1:00 p.m. on Saturdays and Sundays. Further adjustments to traffic management plans may be necessary as work progresses.
- Concerns: It is anticipated that this debris removal project will take longer than 30 days to complete. Agreements with local governments to administer FEMA eligible activities on the state highway system are in various stages of execution.
- Contract Accomplishments to Date
 - 707 contract crews actively working.
 - 199,340 leaner/hanger trees addressed.
 - 728,419 cubic yards of debris removed.
 - 2,035 road miles completed.

Legislative:

ABF – Sen. Matthews took his name off the ABF bill. Sen. Gregory tried to take up the bill, again, and Sen. Leatherman carried the bill over, again.

Ethics Reform – Speaker Harrell confirmed to meet on Tuesday, March 18th at 7:00 p.m.

**This document is a transitory and temporary record created for short-term internal purposes that includes informal materials that do not record decisions.*

Jobs in Aiken – The Aiken Delegation has requested to meet with the Governor and Secretary Hitt regarding 1,300 lost jobs in Aiken. The meeting has been scheduled with Hitt and Ted for next Tuesday at 11:30 a.m.

Other:

Medal of Honor Recipient – Lance Corporal Kyle Carpenter from Gilbert, a Marine Corps veteran severely wounded during a November 2010 grenade attack in Afghanistan (then, 21 years old), will receive the Medal of Honor. A ceremony is being planned at the White House.

Emma's Law – Katherine Haltiwanger met with Emma Longstreet's Dad, David, today. His daughter was killed by a drunk driver on January 1, 2012 in Lexington. The offender is currently under the SC Department of Corrections. He stopped by the office to let us know where Emma's Law stands – the bill is on www.emmaslaw.org. He did an interview today with Jennifer Emert of WIS-TV. He made three requests of the Governor as the bill is stuck in subcommittee:

- 1) To post something on Facebook about it, so it isn't forgotten;
- 2) Write a letter to legislators in support; and
- 3) Help him get a meeting with the Republican Caucus (Quinn has been trying, but has been unsuccessful).

Legal:

H.3101 (Anti-commandeering) – Today, we were informed that PEBA and DSS will need safe harbor protections in the bill similar to HHS, DOI and DOR. Also, the Chamber of Commerce, BIPEC, and the Manufacturers Association sent a letter to Senators harshly criticizing the bill – See attached.

CON Lawsuit – Today, the SC Supreme Court heard oral arguments on the CON lawsuit. Catherine Templeton attended as did reporters Meg Kinnard and Jamie Self. Several of the Justices' questions focused on DHEC's reaction to the sustained veto, including whether DHEC was obligated to fund the program from other areas either by using an agency's inherent emergency powers as a source of funding or by increasing the fees the agency sets by regulation to self-fund the program. Other questions asked regarded the effect of a Governor's line item veto on a program versus a larger statute and the authority of the General Assembly to selectively suspend or repeal existing law through the Appropriations Act. There is no estimated time for when the Court will issue its decision.

Daniel Island Annexation – The D.I. Annexation Commission will hold its next meeting in two weeks on Thursday, March 20th. Agenda items include a report from an AG Opinion, report on survey costs, report on Charleston County School District, report on the cost of debt allocation, and a consideration for additional funding from petitioners.

March 6, 2014

The Honorable Sean Bennett
South Carolina Senate
601 Gressette Bldg.
Columbia, SC 29202

Re: Statement from Business Alliance in Opposition to H. 3101

Dear Senator Bennett,

As the collective voice of the South Carolina business community, we urge you to **VOTE NO on H. 3101** (the "South Carolina Freedom of Health Care Act").

We understand the frustration that many individuals and business owners have with the Affordable Care Act, but H.3101 is nothing more than empty rhetoric. There is nothing in the legislation that will actually address the real problems of new taxes, higher premiums and federal mandates caused by this federal law. Ironically, many of the problems of the ACA will be exacerbated by this legislation, as it will harm our state's private insurance marketplace and force South Carolina to surrender more control to the federal government.

This "nullification" bill is not merely a symbolic step to memorialize South Carolina's opposition to the ACA. The pending version would subject every South Carolina business and individual to being sued by the Attorney General merely for following federal law.

In reaction to widespread concern about the plainly unconstitutional language of H. 3101, the amendment's sponsor has proposed an amendment that would replace much of the original bill with "anti-commandeering" language. The amendment purports to resist federal usurpation of state authority. However, it seems to change by the day as more and more dangerous flaws are discovered. In recent days it has been reported that the amendment could endanger the State Health Plan for public employees and eliminate grants to our colleges, universities, and hospitals for health related research. According to the University of South Carolina, the amendment would "hurt our already tenuous economy and decrease our ability to recruit and retain high-tech companies, not to mention negatively impact our ability to compete with research centers across the country."

Despite these flaws, the amendment's sponsor and others have used procedural moves to short-circuit the normal committee process. With apparently little understanding of all the consequences of their proposal, they simply issue a fleeting promise to fix each new problem that is discovered. If we as business leaders have learned one lesson over the last few years, it is that we should avoid passing legislation to find out later what is in it.

Senators being asked to support this effort need to know that national conservative leaders continue to argue the imprudence and the political detriment of nullification. Prominent, principled conservative groups such as Americans for Limited Government, and the Federalist Society have concluded that nullification is a step back in the effort to end Obamacare and have taken a strong stance against H. 3101. They are joined by the likes of the Heritage Foundation and Cato Institute in opposing the notion of state nullification of federal laws.

Dr. Bradley Gitz of Bates College best captured the misguided nature of H. 3101 in his statement that "rather than having let Obamacare die from its many self-inflicted wounds (H. 3101)...will have unintentionally aided and abetted its recovery and entrenchment in our national life. The struggle against Obamacare is both important and necessary, and South Carolina appears poised to only make it more difficult."

Fighting for our rights does not require sacrificing South Carolina's promising future as collateral damage in a battle between unlawful state proposals and the federal government. We hope you join the business community in opposition to H. 3101. Thank you for your consideration of our position.

Sincerely,



Thomas O. DeLoach
President & CEO, SC BIPEC



Lewis F. Gossett
President & CEO, SCMA



Otis B. Rawl
President & CEO, SC Chamber of Commerce