



Greenville Chamber
Spartanburg Area Chamber
Anderson Area Chamber
Greater Greer Chamber
Cherokee County Chamber
Laurens County Chamber
Greenwood Chamber
Clemson Area Chamber
Greater Easley Chamber
Simpsonville Area Chamber
Oconee County Chamber
Westminster Chamber
Walhalla Area Chamber

2016

Legislative Report *South Carolina General Assembly*



A Year of Legislative Success



Jason Zacher
Executive Director

As 2016 began, we were faced with a long list of agenda items that would never pass. Since then, the public has been bombarded with negative election year rhetoric.

We're happy to report that we enjoyed a string of business successes that will propel our economy into the future.

Our successes are directly because of the power of the 13 Chambers in our Coalition, our 8,000 business members, and the more than 250,000 employees we represent. We appreciate all of your phone calls, your emails, and your encouragement. Thank you.

As we continue to build our relevance and engagement, the General Assembly took notice. On several occasions, we were stopped by legislators as far away as Myrtle Beach, saying: "We hear you. We hear the Upstate business community."

There are challenges ahead for the business community as our national politics take a populist turn. Good things will continue to happen for us as business owners and business leaders inside your organizations continue to engage with our elected officials. Your Chamber is your voice in the General Assembly, at city hall, and in Congress. Your investment in your local chamber ensures your company will have a political climate that promotes accelerated business growth.

In the next few months, the Upstate Chamber Coalition will be launching several new initiatives that will boost our effectiveness to new levels. One of which is this Legislative Report. We hope you will take the time to look at how your legislators and Senators voted on the issues that you, as business leaders, told us mattered.

Stay tuned. Thank you for your support.



Katie Busbee
Manager,
Government Affairs

THE UPSTATE CHAMBER COALITION

S T A N D S U P P O R T C H A M P I O N

13
Chambers

More than
8,000
businesses

More than
250,000
employees



		S. 897 Removal of Confederate Flag	H. 3579 House Gas Tax Plan	S. 267 Shorten Legislative Session	S. 1258 Roads Bond Bill	H. 3088 Small Biz Tax Incentives	H. 4145 Coordinating Council for Workforce Devel.	H. 3184 Outside Ethics Investigations	H. 3186 Income Disclosure	S. 3 Criminal Domestic Violence	H. 3266 Trespasser Act
Allison, Rita	R-Lyman	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Anthony, Mike	D-Union	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Bannister, Bruce	R-Greenville	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Bedingfield, Eric	R-Belton	NO	NO	YES	YES	YES	YES	YES	X	YES	YES
Brannon, Doug	R-Landrum	YES	YES	X	X	YES	YES	YES	YES	X	YES
Burns, Mike	R-Taylors	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES
Chumley, Bill	R-Woodruff	NO	NO	X	X	YES	NO	YES	YES	X	YES
Clary, Gary	R-Clemson	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Cole, Derham	R-Spartanburg	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Collins, Neal	R-Easley	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES
Dillard, Chandra	D-Greenville	YES	YES	YES	YES	YES	YES	YES	YES	NO	X
Forrester, Mike	R-Spartanburg	YES	YES	YES	YES	YES	X	YES	YES	YES	YES
Gagnon, Craig	R-Abbeville	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
Gambrell, Mike ¹	R-Honea Path	YES	YES	1	1	YES	YES	X	1	YES	YES
Hamilton, Dan	R-Greenville	YES	NO	X	YES	YES	X	YES	YES	YES	YES
Henderson, Phyllis	R-Greenville	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Hicks, Donna	R-Boiling Springs	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Hill, Jonathon	R-Townville	NO	NO	YES	NO	NO	NO	X	YES	YES	YES
Hiott, David	R-Pickens	X	YES	YES	YES	YES	YES	YES	YES	YES	YES
Loftis, Dwight	R-Greenville	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
Mitchell, Harold	D-Spartanburg	YES	X	X	YES	X	YES	YES	YES	X	X
Moss, Dennis	R-Gaffney	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
Moss, Steve	R-Blacksburg	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
Nanney, Wendy	R-Greenville	NO	X	YES	YES	YES	NO	YES	YES	YES	YES
Parks, Anne	D-Greenwood	YES	YES	YES	YES	YES	X	YES	YES	NO	YES
Pitts, Mike	R-Laurens	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
Putnam, Joshua	R-Powdersville	NO	NO	X	YES	YES	YES	YES	YES	YES	YES
Riley, Shannon	R-Hodges	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Robinson-Simpson, Leola	D-Greenville	YES	YES	NO	YES	YES	X	YES	YES	NO	NO
Sandifer, Bill	R-Seneca	NO	YES	YES	YES	X	YES	YES	YES	YES	YES
Smith, Garry	R-Simpsonville	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES
Stringer, Tommy	R-Greer	NO	NO	YES	YES	X	YES	YES	YES	YES	YES
Tallon, Eddie	R-Spartanburg	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Thayer, Anne	R-Anderson	NO	NO	YES	YES	X	YES	YES	YES	YES	YES
White, Brian	R-Anderson	NO	YES	YES	YES	X	YES	YES	YES	YES	YES
Whitmire, Bill	R-Walhall	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
Willis, Mark	R-Fountain Inn	YES	NO	YES	YES	YES	YES	YES	YES	X	YES

¹ Mike Gambrell was elected to the S.C. Senate in May following the passing of Senator O'Dell.

X Did not vote or absent

LEGISLATIVE VICTORIES

S. 897 — Removal of the Confederate Flag

The Greenville Chamber was the first out of the gate among business organizations to call for the flag's removal from the Statehouse grounds following the shooting at Emmanuel AME Church in Charleston, and was quickly joined by several Upstate Chamber Coalition members. The Governor called for removal six hours later.

H. 3579 — Infrastructure Funding and Reform

The initial House legislation (scored here) included more than \$400 million for road construction and improvement, and an increase in the wholesale tax that was the equivalent of a 10-cent gas tax increase.

S. 267 — Shorter Legislative Session

After more than 20 years, the General Assembly approved legislation that would shorten one of the longest legislative sessions in the nation. This legislation would move the end of session to the second Thursday in May — either a three- or four-week reduction.

H. 3088 — Small Business Tax Incentives (crowdsourcing)

This creates income tax deductions and credits for investment in qualified businesses. It amends state law to exempt companies from registration requirements if they crowdsource investments and authorizes companies to solicit investments inside our state.



		S. 897 Removal of Confederate Flag	S. 267 Shorten Legislative Session	Cloture on Sen. Bright (to debate road bill)	S. 1258 Roads Bond Bill	H. 3266 Trespasser Responsibility Act	S. 3 Criminal Domestic Violence	S. 229 Pollution Control Act	H. 4145 Coordinating Council for Workforce Devel.	S. 1 Ethics Reform Act	H. 3184 Outside Ethics Investigations	H. 3186 Income Disclosure
Alexander, Thomas	R-Walhalla	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES
Allen, Karl	D-Greenville	YES	YES	NO	YES	YES	YES	YES	YES	NO	YES	YES
Bright, Lee	R-Roebuck	NO	YES	NO	NO	YES	NO	YES	NO	NO	YES	YES
Bryant, Kevin	R-Anderson	YES	X	NO	NO	YES	X	X	YES	NO	X	X
Corbin, Tom	R-Travelers Rest	X	YES	NO	NO	YES	NO	YES	YES	NO	YES	YES
Fair, Mike	R-Greenville	YES	YES	NO	YES	X	YES	X	YES	YES	YES	YES
Gambrell, Mike ¹	R-Honea Path	1	X	1	YES	YES	1	1	YES	1	YES	YES
Martin, Larry	R-Pickens	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Martin, Shane	R-Pauline	X	YES	X	NO	YES	NO	X	YES	NO	X	X
Nicholson, Floyd	D-Greenville	YES	YES	X	YES	YES	YES	YES	YES	NO	YES	YES
Peeler, Harvey	R-Gaffney	NO	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES
Reese, Glenn	D-Spartanburg	YES	X	NO	X	YES	X	YES	YES	NO	X	X
Turner, Ross	R-Greenville	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Verdin, Danny	R-Laurens	NO	YES	NO	NO	YES	YES	X	YES	YES	YES	YES

¹ Mike Gambrell was elected to the S.C. Senate in May following the passing of Senator O'Dell.

X Did not vote or absent

LEGISLATIVE VICTORIES (CONTINUED)

S. 1258 — Roads Bond Bill

After the demise of H. 3579's increased funding, the Senate approved this legislation, which will redirect revenue from the Department of Motor Vehicles and the sales tax on automobiles to fund \$2.3 billion in bonds. The bonding will finish extensive work on I-85 and I-26, including widening I-26 in Dorchester County and Malfunction Junction in Columbia — both of which will help Upstate manufacturers get goods to the Port of Charleston. The bonding will also repair nearly 400 deficient and load-restricted bridges on the state's primary roads.

H. 4145 — Coordinating Council for Workforce Devel.

This legislation creates a Coordinating Council for Workforce Development under the Commerce Department, which will develop recommendations to the Education Department, tech schools, and the General Assembly. The legislation was strongly supported by the Coalition, the State Chamber, regional economic developers, technical colleges, and the Commerce Department.

S. 1 / H. 3184 / H. 3186 — Ethics Reform

The Coalition believes that faith in government is critical for a well-functioning democracy. These pieces of legislation are the closest the General Assembly has come to passing these reforms in five years. S. 1 was a comprehensive bill. H. 3184 deals with outside investigations of public officials. H. 3186 deals with public disclosure of income and the disclosure of "dark money" spending in politics. The vote on S.1 in the Senate is a motion to table an amendment that gutted their ethics reform act. H. 3184 and H. 3186 are votes on the conference reports.

S. 3 — Criminal Domestic Violence Reform

This legislation stiffened penalties for Criminal Domestic Violence, which was desperately needed since our state is routinely rated as one of the, if not the, worst in the nation for violence against women. These kinds of statistics impact economic development and the perception of our state. This legislation is important to the business community because of the negative perception on our state as well as the safety of our employees.

S. 229 — Pollution Control Act (See Below)

This legislation passed the Senate but was never considered by the House.

H. 3266 — Trespasser Responsibility Act

This bill codifies common law provision that land owners can't be held liable if a trespasser is injured on property — as long as there is no negligence or intentional acts by the landowner. These provisions have been common law for centuries, but are being knocked down in some states. We finally got the bill approved after about three years of being blocked by the trial bar in the Senate. One Senator held the bill up the entire time. He was the lone dissenting vote in the Senate.

Cloture Vote on Sen. Bright

This vote was to end Sen. Bright's filibuster of the 20-Week Abortion Bill and open debate on H. 3579.

WHEN SOME BILLS LOSE, BUSINESS WINS

H. 4457 — Magistrate Court Jurisdiction

Magistrate Court is generally not friendly to business, so we opposed a move to increase its jurisdictional limit from \$7,500 to \$25,000. Magistrates are not required to have law degrees, and this bill means more cases would go to trial instead of settling. We're sympathetic to arguments that this would expand access for small business, but the negatives are too large to ignore.

H. 5001 (Amendment 68) — DHEC Hospital Licensing

This proviso, targeted at Greenville Health System's proposed governance, would have caused our state's public hospitals to lose their DHEC operating license if they entered into certain operating agreements with private-sector companies.

S. 938 — Minimum Wage Increase to \$15 an Hour

S. 1203 — "Bathroom Bill"

Business groups across the state came together to kill the "bathroom bill," which mirrored North Carolina's controversial HB2. This legislation was a needless response to a non-issue.

State False Claims Act

We killed attempts to attach a state False Claims Act to several bills in the final week. This would allow whistleblowers, who have had their claims deemed unwarranted by the Attorney General, to use private attorneys to file suit and use the full force of the state. Only 20 percent of Federal whistleblower cases are found to have merit. This would expose companies with public contracts to a new round of frivolous lawsuits.

H. 4555 — Repeal of "Right to Work" Status

2016'S MISSED OPPORTUNITIES

S. 229 — Pollution Control Act

This legislation closes a loophole in a bill passed several years ago that disallows individuals and environmental groups to sue businesses for emissions — even if no permit was required. The legislation was needed after the business community and environmentalists hashed out a compromise agreement in 2012. Before the ink was dry on the Governor's signature, environmentalists filed suit, opening the loophole that they are still exploiting to this day. The Senate approved the bill, but it died in the House.

S. 281 — Tort Reform

Significant tort reform legislation has not been introduced or moved in the General Assembly after a series of victories last decade. However, a recent string of court rulings have opened the door for some comprehensive tort reform legislation and illustrated the need to protect small business by codifying several items that have been set in common law for centuries.

This legislation had five parts:

Court Transparency: This creates transparency, limits contingency fees, and codifies recent case law requirements to ensure that the State remains in control of litigation when it hires contingency fee counsel, including capping fees at \$50 million.

Certificate of Merit: This requires the defendant to obtain an affidavit from a professional consultant regarding the validity of the defendant's professional negligence counterclaim.

Phantom Damages: This limits the evidence offered to prove past medical expenses to the amount actually paid for these medical expenses (not charged) or, if not yet paid, to the amount necessary to satisfy these bills.

Asbestos Transparency: Since no interface exists between the trust and tort systems, asbestos claimants may "double dip" by obtaining trust recoveries and tort damages for the same injury. The thousands of asbestos personal injury lawsuits filed each year threaten the existence of many companies that had little, if anything, to do with manufacturing or supplying asbestos. Entities that played a significant role in causing claimants' asbestos-related injuries have channeled their liabilities into the trusts, insulating themselves from tort claims. There are dozens of Upstate companies — some large, some small, and even some universities — that are potential

targets of these lawsuits.

Seatbelt Admissibility: South Carolina requires seatbelt usage, yet in personal injury lawsuits in South Carolina, the admissibility of the use or non-use of seatbelts is strictly prohibited. This is clearly a relic of the past when seatbelt usage hovered around 10% in the 1970's and 1980's, and this exclusion is no longer supportable.

We are looking at splitting this bill next year.

Business License Reform

Despite two years of debate, Business License Reform failed to even get a serious committee hearing late in the 2016 session. There were major problems with both possible pieces of legislation, and we look forward working with the business community and our Upstate municipalities to clear this red tape in 2017.

Rural School Facilities

Strong bi-partisan support couldn't save this piece of legislation — meant to address the Abbeville v. South Carolina Supreme Court decision. The State Senate decided late in the session that it ran out of time to address the legislation that would have created an infrastructure bank to assist rural school districts with new facilities.





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