



MINUTES
Spartanburg County
Legislative Delegation
Monday, February 4, 2013
5:30 p.m.

A public meeting of the Spartanburg County Legislative Delegation was held on Monday, February 4, 2013 at 5:30 p.m. in County Council Chambers of the Spartanburg County Administrative Office Building, located at 366 North Church Street, Spartanburg, SC. Senator Shane Martin presided. The following members were present or absent as indicated:

Senator Tom Corbin - Present
Senator Glenn Reese – Present
Senator Lee Bright – Present
Senator Shane Martin – Present
Senator Harvey Peeler – Absent
Representative Harold Mitchell – Present
Representative J. Derham Cole, Jr. – Present
Representative Edward R. Tallon, Sr. – Present
Representative Mike Forrester – Present
Representative William Chumley – Present
Representative Rita Allison – Present
Representative Donna Wood – Present
Representative Doug Brannon – Present

In compliance with the Freedom of Information Act, notices of this meeting were mailed/e-mailed in advance to the local news media and other interested parties.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation was rendered and the Pledge of Allegiance was led by Representative Donna Wood.

PRESENTATION to CRYOVAC

Representative Chumley presented Mr. Karl Deily, President of Cryovac's Sealed Air Food and Beverage Business the original Resolution from the South Carolina General Assembly to recognize and congratulate Cryovac on their Fiftieth Anniversary of a Revolutionary Food-Packaging Product. Mr. Patrick Smith, Senior Account Supervisor from Atlanta, was also in attendance for the presentation.

1. APPROVAL OF NOVEMBER 12, 2012 MEETING MINUTES

Representative Brannon moved to approve the November 12, 2012 meeting minutes as presented and printed. The motion was seconded and carried.

2. MS. MARY LYNN TOLLISON, ALCOHOL/TOBACCO ENFORCEMENT TEAM COORDINATOR AT SPARTANBURG ALCOHOL AND DRUG ABUSE COMMISSION – INTRODUCE CHANGES IN THE SOUTH CAROLINA YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006

Ms. Tollison is the Alcohol/Tobacco Enforcement coordinator for the 7th Judicial District which includes Spartanburg and Cherokee Counties. Currently, State Code Section 16-17-500 states it is unlawful for an individual to sell, furnish, give, distribute, purchase for, or provide a tobacco product to a minor under the age of eighteen years. However, underage youth are unable to buy tobacco products. Page 3 of Exhibit 1, “distribute” means to sell, furnish, give, or provide tobacco products, including tobacco product samples, cigarette paper, or a substitute for them, to the ultimate consumer. This piece of legislation includes e-cigarettes, therefore, making it illegal for merchants to sell e-cigarettes and tobacco based cigarettes to minors.

However, page 2 of Exhibit 1 section (E) (1) of the legislation refers to minor’s ability to have cigarettes. As stated, *a minor under the age of eighteen years must not purchase, attempt to purchase, possess, or attempt to possess a tobacco product. . .* Reference page 3 of exhibit I, the definition of a tobacco product does not include e-cigarettes. Therefore, it is not a violation of the law in the State of South Carolina for a minor under the age of eighteen to have in their possession e-cigarettes.

Youth are able to access and use these e-cigarettes; and, law enforcement officers and people working in the field with adolescents are unable to deny them the right to use these e-cigarettes because they don’t contain tobacco.

Ms. Tollison is proposing this piece of legislation be changed to include the e-cigarettes as reflected on Exhibit 1 of suggested changes.

Ms. Tollison and law enforcement sees a trend among young people as they cannot possess tobacco but are able to get their hands on the e-cigarettes leaving law enforcement officers’ hands tied as far as writing citations. It also ties the hands of schools, allowing the products to be on campus, because e-cigarettes are not listed as tobacco products.

Depending on the e-cigarette purchased, some contain the same amount of nicotine as a cigarette and are a nicotine delivery system.

Heart disease is a concern in Spartanburg County. Statistics indicate about 75% of adult smokers begin as a student. If delaying the onset or introduction of early use of these nicotine products, a decrease in heart disease could be possible.

3. MR. MATTHEW BYARS – RECENT CYBER ATTACK AGAINST THE SC DEPARTMENT OF REVENUE

Due to another obligation, Mr. Matthew Byars was unable to attend the meeting.

4. MR WILLIAM BAYLOR – MEDICAID FRAUD WASTE AND ABUSE DRAFT LEGISLATION

Mr. Baylor is with a company called Emdeon from Nashville, Tennessee testifying in support of draft legislation that is focused on preventing Medicaid fraud, waste and abuse. According to a Senator,

Medicaid and – Medicare paid more than \$430B in medical claims for beneficiaries in 2009, but more than ten percent (\$45B) was due to improper payments resulting from fraud, waste and abuse. Likewise, state Medicaid programs paid over \$380B in medical claims for 51M recipients. Nearly 5% or \$18B was attributed to fraud. Since our nation is facing this \$14T+ national debt, it is unacceptable to throw away billions of taxpayers' dollars due each year to fraud, waste and abuse.

Emdeon is the largest financial and clinical transaction company, processing about six billion health care claims in the United States. Currently, in the State of South Carolina, Emdeon submits and processes about 1.2M Medicaid claims and connects to about 4500 providers and processes a little over 13M medical claims. Emdeon supports a variety of different companies; virtually connected to all the pairs in the State including but not limited to Etna, Blue Cross, Blue Shield, Cigna, Coventry and Humana. Emdeon is one of the largest submitters of Medicaid claims in the State of South Carolina. About 90% of SC Medicaid beneficiaries have been shifted over to the Managed Care organizations. In an era of budget constraints and pending increases in projected Medicaid enrollment under the Affordable Care Act, it has never been more important to utilize multiple safety nets.

This legislation accelerates the time line to achieve potential Medicaid savings. Changing the funding model to a contingency based model and providing tools the State is not currently using by integrating a management system in a link analysis system comparing the various transactions with relationships of people and third parties that conduct those transactions. It also includes a cross pair database so that you are integrating not only Medicaid claims, but also commercial claims.

This legislation provides a per claim data verification. As the Medicaid claims come in, you are checking to see if that provider is still alive? Is his National Provider Identifier (NPI) number still correct? Is he sanctioned maybe by the State of North Carolina or the State of Georgia – you will know that. This kind of data is currently being done in the commercial space as well as the Medicare space, but it is not being done in the Medicaid space which is one critical element.

The second element is called 'predictive modeling' which actually looks for fraud and scores claims based on providers levels of average seen risk. It uses a neural network as a basis for predictive analytics and it learns as more data is fed into the system allowing you to look at what potentially could be fraud. Simply put, the data builds the case itself.

Seated analytics is used as a cross pair database providing information of how providers behave with each other by looking at the full spectrum; i.e., are they invested financially with other providers? How are the providers' referral patterns? Patterns are linked one to another based on data. As more data is infused into the program, it begins to learn and helps build the case allowing investigators to do more with less, because the data builds the case.

The State continues to rank above the top 25 in terms of all fraud recoveries with over 19M. They are tied for 20th in terms of fraud convictions with four other states. And they are 7th in Medicaid fraud recovery rate. Potentially this program can save between \$2.6 and \$5M in this fiscal year and potentially \$3.6 to \$7M in 2014.

Before cutting benefits, look at tools to help fight fraud first.

5. MR. HENRY LAYE, DIRECTOR, VOTER REGISTRATION AND ELECTIONS – SC PHOTO ID AND EARLY VOTING

Pamphlets have been distributed throughout the community regarding the new Photo ID law. The requirements to register to vote in the State of South Carolina have not changed. Proof of residence establishes precinct, and political districts. The South Carolina Photo ID came into effect on January 1, 2013, which means voters arriving at Polling locations on election day must present one of five forms of photo ID: Driver's license; DMV issued ID card; Passport; military ID and now the fifth form is a Photo ID Voter Registration Card. All counties in the State are equipped, to take a voter's picture for placement on a

voter registration card. The photograph will be transmitted digitally to the State Election Commission. The State Election Commission will issue a permanent, plastic photo ID card with the person's name, voter registration number, as well as a place for their signature on the back. If a person has one of the acceptable Photo ID forms already, it is not necessary for a pictured Voter Registration card.

The address does not have to match what is on the Voter Registration rolls. All that the Voter Registration Photo ID is used for is to look at and compare that you are who you say you are.

For registered voters who show up at the Polling location on Election Day who have neither one of the preferred Photo ID forms but do have that plain voter registration card without a picture on it, they will be permitted to vote a paper provisional ballot. However, they must sign an affidavit saying they were unable to obtain a Photo ID that will be witnessed or notarized at the polling location. The affidavit will be put in an envelope, transported back to the Voter Registration office before election results are certified, and those provisional ballots will be counted.

Poll Managers may not question a voter's reasonable impediment as to why they were not able to obtain a Photo ID. Some examples of a reasonable impediment are: They do not have a birth certificate; they were unable to get transportation to a place to get a photo; they were at work; they are a caregiver; etc.

If a voter had left their Photo ID at home - They will still be able to vote a provisional ballot. It will be placed in a sealed envelope. The difference is that before those envelopes are opened to be counted, the voter must come to the Voter Registration office, prior to certification and present one form of photo ID - if they said they have it.

This process does not apply to voters participating in the absentee Voting process. If a voter calls in or sends in a letter requesting an absentee ballot, they do not have to present any proof of a Photo ID. If however, they show up to vote in person absentee, that person must present one of the five forms of Photo ID.

Since January 1, 2013 there has been a tremendous amount of bills pre-filed in the House and the Senate with regard to various aspects of voting laws throughout the State. Mr. Laye feels there is a need for early voting as demonstrated by the number of people that are willing to participate in the absentee process. Mr. Laye requested delegation members consider early voting with in-person absentee voting to cease at noon on Monday before the election.

The Early Voting Bills require one to five different sights open at the discretion of the county. If early voting is passed, some Libraries will be established as polling places. Mr. Laye has had some conversations with School Superintendents and they have made a wise decision, with a little bit of urging from the Registration office, that they are going to declare the November in the odd numbered years a voting holiday, so that children are not at school when the polls are open where schools are used as a voting location.

Senator Bright asked what the cost savings would be if the School Board elections were held in the even numbered years.

Mr. Laye informed all of the cost associated to fully staff all 98 precincts; the number of ballot styles; ballots would be extremely long when considering Presidential/Gubernatorial along with the statewide/constitutional amendments, the seven school districts, special purpose districts; municipal elections; as well as reconsidering the amount of time people could stand in the voting booth, which is asking for long lines, and that is something that is being taken under consideration for being more efficient.

This time, we tried to eliminate electronic voter registration laptops at all the precincts as younger poll managers with keyboard experience are desperately needed. Ms. Hubbard, the County Administrator, has pledged to try to get some support. We are just unable to get people interested in becoming Poll Managers. If you could split the day up, you might get a little more people in there, but to be there at 6:15 a.m. until 10:00 to 10:30 p.m. on a presidential election is more than people are willing to give. Turnout determines the number of Poll Managers needed.

Mr. Laye hoped he could get County Council to fund scanning devices that would read the barcode on the driver's license or an ID. Those barcode scanners are \$325.00 each. Spartanburg would need 157 at a cost of \$51,000, which will be requested in the Voter Registration and Elections next budget cycle.

COMMITTEE REPORTS

6. REPRESENTATIVE ALLISON – SPARTANBURG CHAMBER OF COMMERCE

No report at this time.

7. SENATOR SHANE MARTIN – CHAPMAN CULTURAL CENTER

Mrs. Jennifer Evins, president of the Arts Partnership of the Chapman Cultural Center presented the report.

A celebration of the 5th anniversary of the Chapman Cultural Center was held in October. Many worked very hard to receive funding from the State of South Carolina to complete the project.

In July, The Center retired all of the bonds, making the Chapman Cultural Center paid for. A small construction debt of \$243,000 will be paid for from pledges

261,000 people came to the Chapman Cultural Center in 2012. Those are counted electronically and through ticket sales. There were 157 zip codes represented of these visitors coming from not just Spartanburg and surrounding areas, but other cities, counties, and states. Six of the zip codes were from other countries.

Other colleagues across the state need to know that 86 different zip codes from our neighboring counties came into the Chapman Cultural Center.

The Chapman Cultural Center's mission is very focused on Arts education and youth development. Just last year, 103,000 children benefited from visual and performing arts, as well as history and science education programs.

The Center is serving adults as well as children. Over 600 adults came every week to take an art, dance, theater, or stained glass window making advancing their own creativity.

The economy is very important to the Center, as the Center sees their role to recruit companies and jobs to Spartanburg as well as other areas of South Carolina. Consumers are spending their disposal dollars at the Chapman Cultural Center on products that our partners provide - whether it is in classes, tickets, or the summer camps.

The Chapman Center also returns over \$4.6M to the local economy every year and employs people. The Center is making a big impact, but it isn't without the State's investments.

Ms. Evins thanked the delegation for the State's investment as they continue to serving the citizens of the state.

8. REPRESENTATIVE FORRESTER – COUNCIL OF GOVERNMENT (COG)

No report as the quarterly meeting was cancelled due to the weather.

9. REPRESENTATIVE FORRESTER – SPATS

SPATS elected new officers. Representative Forrester was elected Chairman. Councilman Jeff

Horton became first vice-chair and Mayor Junie White was elected second vice-chair.

The committee approved some transit authority funding for the county and the city; and some adjustments were made to the Transportation Plan. A briefing was held regarding the California Avenue Bridge. The bridge is scheduled to be replaced and the landscape beautified around the bridge.

10. REPRESENTATIVE WOOD - CHILDREN'S SHELTER OF THE UPSTATE

Ms. Chamlee Losciuto presented the update as effective January 1, 2013, the Ellen Hines Smith Girls home and the Children's Shelter of the Upstate merged together as one. Both Boards of Directors have spent many hours of time over the last couple of years deliberating through both missions. As needs in the community continued to grow and change, the Board realized that programs offered by both organizations overlapped. The Board studied and realized the missions to protect the children and prevent child abuse and neglect were the same. After a lot of due diligence, the decision was made that together, the two different entities could create a broader continuum of services under one roof, in a more efficient manner with further assurance that every dollar is going straight to those that are served.

The Shelter is in the process of actually relocating all of the staff of the Ellen Hines Smith Girls Home over to the Children's Shelter campus on Hudson Barksdale Road. There is great building space that was underutilized over the last few years, and plenty of space for all sixty staff and services. By April, those who have been served by the Girls Home are going to be moving over to the Children's Shelter campus on Hudson Barksdale Road.

There will be four programs – two of them are prevention focused programs serving families, and two residential programs – the emergency shelter and low management (a longer term care program for girls). The combined unit this year will serve about 2300 individuals with all four programs. All of the programs focus on preventing child abuse and neglect while building healthy families.

Historically, county fund has helped to fund the Children's Shelter and the General Fund dollars have helped support the Ellen Hines Smith Girls Home for longer term care for girls.

Ms. Losciuto requested continued support.

11. REPRESENTATIVE CHUMLEY - DEPARTMENT OF NATURAL RESOURCES

No report at this time.

12. REPRESENTATIVE BRANNON - POLICY AND PROCEDURES

No report at this time.

13. REPRESENTATIVE MITCHELL – UPSTATE CAUCUS

No report at this time.

14. REPRESENTATIVE TALLON– SPARTANBURG COUNTY TRANSPORTATION COMMITTEE

Representative Tallon reported that Representative Brannon's set-aside monies were approved to install solar shoulder mount flashers at the New Prospect Fire Department and the Cooley Springs Fire Department; and, to help replace a culvert on Foster Road in northern Spartanburg County. There was also \$1,341,475.00 approved to resurface Spartanburg County roadways.

15. REPRESENTATIVE MITCHELL – PARKS AND RECREATION DEVELOPMENT

Representative Mitchell reported there were no funds currently available, but a memorandum was sent to members from Ms. Cushman regarding two uncompleted projects in the City of Spartanburg. The remaining funds are required to be spent and reimbursement requested prior to May 31, 2013.

NOMINATIONS FOR APPOINTMENTS

16. FOSTER CARE REVIEW 7A

Resignations of Todd Stephens and Weldon Davis. Application received: None

Applications have not been received for this appointment; therefore, Representative Forrester moved to carry this appointment over for consideration at the May meeting. The motion was seconded and approved.

17. DEPARTMENT OF SOCIAL SERVICES BOARD

Term of Doris Tidwell. Application received: Cheryl Ann Jeter Jones

An application was received from Cheryl Jeter Jones. Representative Brannon moved to nominate Ms. Jones. Representative Wood seconded the motion. However, a motion was made to carry over the appointment for consideration at the May meeting. Therefore, Representatives Brannon and Wood withdrew their motions to nominate and second the motion. The motion to carry over the appointment was seconded and carried.

18. GLENDALE FIRE DISTRICT COMMISSION

Term of Ed Brown. Application received: Ed Brown

Representative Tallon moved to carry the appointment over at this time. Mr. Brown has served in his position as commissioner and will continue to serve until the appointment is considered at the next meeting. There is some house keeping things that need addressed before the next meeting. Therefore, the appointment will be carried over until the next meeting.

19. CROFT FIRE DISTRICT COMMISSION

Unexpired term of James V. Painter. Applications received: James R. Miller and Bruce Schoonover.

Representative Forrester moved to nominate Bruce Schoonover. Senator Martin seconded the motion. The motion carried.

20. SPARTANBURG COUNTY COMMISSION FOR HIGHER EDUCATION

Terms of Milton A. Smith, Jr., Harold Dean McClain, Jane Bottsford, Jennifer C. Evins, William R.

Cobb, and Russell Booker. Applications received: Russell Booker, Milton A. Smith, Jr., Harold Dean McClain, Jennifer C. Evins, William R. Cobb, and Jane Bottsford.

Representative Tallon made a motion for all applicants to be re-appointed. Representative Wood seconded the motion. The motion carried.

21. SPARTANBURG COUNTY COMMISSION FOR TECHNICAL AND COMMUNITY EDUCATION

Terms of Bartlett Compton Winkler (District 1); F. Gary Towery (District 4); William G. Sarratt (District 6); James M. Folk (At-Large). Applications received: James M. Folk (At-Large District 6); F. Gary Towery (District 4); Bartlett Compton Winkler (District 1); William G. Sarratt (District 6).

Representative Brannon moved to nominate Bartlett Compton Winkler to the District 1 seat. Representative Wood seconded the motion. Representative Forrester abstained. The motion carried.

Representative Allison moved to nominate Mr. F. Gary Towery to the District 4 seat. Representative Brannon seconded the motion. Representative Forrester abstained. The motion carried.

Representative Tallon moved to nominate Mr. William G. Sarratt be to the District 6 seat. Representative Cole seconded the motion. Representative Forrester abstained. The motion carried.

Representative Wood moved to nominate James M. Folk to the District 6 At-Large seat. Representative Allison seconded the motion. Representative Forrester abstained. The motion carried.

22. GLENN SPRINGS FIRE DISTRICT COMMISSION

Term of Edward B. Peeler. Application received: Edward B. Peeler.

Representative Tallon moved to nominate Edward B. Peeler. Senator Martin seconded the motion. The motion carried.

23. OLD BUSINESS

No old business was discussed.

24. NEW BUSINESS

No new business was discussed.

Before adjournment of the meeting, the members signed the required weighted vote forms

WITH NO FURTHER BUSINESS, THE MEETING ADJOURNED.

Shane Martin, Chairman

Attested: Carol Crowe