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Legislative Update

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LEGISLATIVE UPDATE

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Legislative Update, 2024

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Contents

House Floor Actions 6

H. 5118 South Carolina Energy Security Act..... 6

H. 5245 Charter Schools..... 9

H. 4702 “South Carolina Computer Science Education Initiative Act” 9

H. 4703 South Carolina Stem Opportunity Act 9

H. 4874 Regulations on Captive Wildlife..... 9

H. 4820 Statewide Turkey Hunting Season..... 10

H. 5066 “Fair Access to Insurance Requirements” 10

H. 4158 Domestic Violence Survivor Rental Termination Rights 11

H. 4912 Tax Law Changes..... 11

H. 4082 Ophthalmic Disease Medicines..... 12

H. 5225 Clinical Preceptor Income Tax Credit 12

H. 4274 “South Carolina Public Expression Act 12

H. 3748 Willfully and Criminally Altering Geodetic or Other Surveying Monuments
..... 13

H. 3980 Reporting Suspected Insurance Fraud Incidents 13

H. 4559 Probate Court Appointed Representatives for Military Toxic Exposure
Victims 13

H. 5016 State Auditor Appointed by Governor..... 13

H. 4304 Loss of Consortium by Parents or Children..... 13

H. 4871 Farm Animals Being Transported by Motor Vehicle..... 14

H. 5121 Recreational Fishing Licenses for Non-Fishing Devices 14

H. 5169 “Farmer Protection Act” 14

H. 4609 Golf Carts to Operate at Night..... 14

H. 5183 Revised Certifications for Certified Medical Assistant (CMA) 15

H. 4867 Telecommunicator CPR Training (T-CPR)..... 15

H. 4953 State Veterans' Cemeteries..... 16

H. 4934 Paid Military Leave..... 16

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

H. 4681 First Responders Advisory Committee 16

H. 4673 Beginner's Permits 16

H. 4601 Preventing the Escape of Loose Material And Debris 16

H. 5244 "Catawba Nation" Special License Plates..... 16

H. 5023 Work Zone Safety Program Course 17

H. 5024 Special License Plates 17

H. 4349 Greenville Technical College Area Commission..... 17

H. 4289 Diversity, Equity, Inclusion..... 17

H. 4649 Promote Safety and Security on School Premises 18

H. 4116 Funeral Directors..... 18

H. 3121 Perpetual Recreational Trail Easements 18

H. 4548 Retired School Bus Drivers to Return to Work..... 19

H. 4294 Fire Districts..... 19

H. 4594 Tax Conformity 19

H. 4189 Captive Insurance Companies 19

H. 5154 Gas Utilities..... 19

H. 5120 Concurrent Resolution on Federal Legislation for the Deployment of Modern Energy Infrastructure..... 20

H. 3227 Pinball Playing No Longer a Youthful Status Offense 20

Committees 21

H. 5245 Charter Schools..... 21

H. 4702 "South Carolina Computer Science Education Initiative Act" 21

H. 4703 South Carolina Stem Opportunity Act 21

H. 5144 School Mapping Data Program..... 22

H. 4673 Beginner's Permits 22

H. 5024 Special License Plates 22

H. 5016 State Auditor Appointed by Governor..... 22

H. 3227 Pinball Playing No Longer a Youthful Status Offense 23

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

H. 4303 Loss of Consortium By Parents or Children 23

H. 3980 Reporting Suspected Insurance Fraud Incidents 23

H. 4622 Itemized Medical Billing 23

H. 5183 Certifications for Certified Medical Assistant (CMA). 24

H. 4867 Telecommunicator Cardiopulmonary Resuscitation (T-CPR) 24

H. 4953 State Veterans' Cemeteries..... 24

H. 4934 Paid Military Leave..... 24

H. 4681 First Responders Advisory Committee 25

H. 5154 Gas Utilities..... 25

H. 4189 Captive Insurance Companies 25

H. 4843 Use of Decks, Docks..... 25

H. 3180 Homeowners Associations' Authority 25

H. 5225 Clinical Preceptor Income Tax Credit 26

H. 5235 Medicaid Program Conformity..... 26

H. 5236 Medicaid System Procurement. 26

H. 5310 Taxation of Aircraft Owned by Airline Companies..... 27

H. 5230 Expanding Eligibility for the Retirement System for Judges Solicitors. 27

Introductions..... 27

S. 1051 Watercraft Restrictions on Lake H. Taylor Blalock Sen. Kimbrell 27

Education and Public Works 27

H. 5347 Commuter Rail Service Rep. Pendarvis..... 27

H. 5348 Shipping Transportation And Port Bridge Safety Study Committee Rep. Gilliard 27

H. 5349 Palmetto Access to HigherEd (PATH) Act Rep. Erickson 28

H. 5330 Prior Unlawful Possession of Firearms Convictions Rep. Bauer 28

H. 5331 Negligent Storing Firearms in Motor Vehicles Rep. Bauer..... 28

H. 5346 Repealing Homicide Prosecution Statutes of Limitation Rep. Haddon 28

H. 5350 Arresting Individuals Illegally in South Carolina Without Using A Port Of Entry Rep. Pace..... 28

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

S. 954 Producing Electronic Communications and Related Information Upon Lawful Request Sen. Hembree 29

S. 1074 Certified Medical Assistant (CMA) Sen. Davis..... 29

S. 728 Firefighter Cancer Health Care Benefit Plan Sen. Gustafson..... 29

S. 746 Conducting Trust Business Sen. Cromer 30

S. 1031 Uniform Money Services Act Sen. Cromer 30

H. 5329 Operation of Personal Delivery Devices Rep. Rutherford..... 30

H. 5345 Complaint Filed with the Office of Regulatory Staff Rep. Yow 30

S. 1017 Property Tax Assessment Sen. M. Johnson 30

H. 5328 Partial Property Tax Payment Schedule for Those Affected by a County's Error Rep. King..... 30

H. 5351 Taxation of Watercraft Rep. Brewer 31

H. 5355 School Board Members Rep. Pedalino..... 31

Index..... 31

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

House Floor Actions

H. 5118 South Carolina Energy Security Act

The House of Representatives amended, approved, and sent the Senate **H. 5118**, the “**South Carolina Energy Security Act**.” Drawing upon the work of the Economic Development and Utility Modernization Ad Hoc Committee established by the Speaker of the House, this bill includes restructuring initiatives and makes comprehensive provisions as a means of promoting sufficient, reliable, safe, and economical energy crucial to the health, safety, and well-being of the citizens of South Carolina and to the state’s economic development and prosperity.

Through the legislation, the General Assembly encourages Dominion Energy South Carolina, Inc. and the Public Service Authority to complete joint evaluations and pursue necessary permitting for adding natural gas generation capacity at the retired Canadys coal fired generation station in Colleton County. The legislation includes provisions authorizing the Public Service Authority to enter into joint ownership arrangements of electrical generation and transmission facilities with investor-owned electric utilities.

The General Assembly encourages Duke Energy Carolinas, LLC to complete evaluations and pursue necessary certification for constructing a second powerhouse using the existing reservoir at Bad Creek Pumped Hydro Station in Oconee County which will approximately double the size and peak hourly capacity of the facility.

The General Assembly encourages Duke Energy Carolinas, LLC and Duke Energy Progress, LLC to complete evaluations and pursue necessary permitting for constructing hydrogen capable natural gas generation or otherwise to place into service such natural gas generation within the utilities’ balancing areas serving South Carolina. Duke Energy Carolinas, LLC and Duke Energy Progress, LLC are further encouraged to determine what facilities may be necessary to interconnect such natural gas generation to the electric grid or otherwise deliver electric power from the utilities to its customers.

Should any of these projects be approved, the Office of Regulatory Staff is charged with providing continuous monitoring that includes reviewing whether projected construction timelines and financial projections are being met. ORS is required to provide monthly written updates to the Public Service Commission and to the members of the General Assembly.

The legislation includes provisions encouraging the prompt siting, permitting, and completion of energy infrastructure projects, energy corridor projects, and brownfield electrical generation projects.

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

Provisions are made for economic development electric utility rates that the Public Service Commission may offer to those who are identified by the South Carolina Department of Commerce as transformational customers who are proposing to make sizeable new commercial or industrial investments in South Carolina or significantly expand their activities in the state.

The Public Service Authority, in consultation with the South Carolina Department of Commerce, is authorized to serve as an anchor subscriber of incremental natural gas and pipeline capacity needed in the future by the state to recruit new transformational projects or to assist in the expansion of transformational projects as identified by the South Carolina Department of Commerce.

Through the legislation, the General Assembly encourages electrical utilities to explore cost effective, efficient bulk power solutions, particularly during periods of constrained capacity, for non-residential customers with electric loads in excess of 25 megawatts, including agreements for co-location of electric generation or storage.

The legislation prohibits offering any incentive that would result in a reduced electric rate to a data center until July 1, 2034.

Provisions are included for a strategic plan to advance the development of advanced nuclear generation including small modular reactors, molten salt reactors, and spent nuclear fuel recycling facilities to serve customers in this state in the most economical manner at the earliest reasonable time possible.

The legislation directs the Public Service Commission to be responsive to the clean energy needs of customers and the economic development implications for the state when reviewing and approving voluntary clean energy programs. The PSC is charged with considering updates to these voluntary renewable energy programs on an ongoing basis.

The legislation subjects facilities requiring a footprint of more than 125 acres of land, such as solar energy farms, to provisions governing the certification of major utility facilities.

The legislation makes provisions for expanding utility investment in and customer access to cost effective demand-side management programs for enhancing efficient use of existing resources, promoting lower energy costs, mitigating the increasing need for new generation and associated resources, and assisting customers in managing their electricity usage to better control their electric bill.

Legislative Update, 2024

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Under the legislation's restructuring provisions, the Public Service Commission, which provides oversight for the state's utilities, continues to have its members elected by the General Assembly, but its membership is reduced to three commissioners, chosen from the state at-large, rather than seven commissioners (representing each of South Carolina's Congressional Districts). The legislation allows for greater transparency in proceedings before the Public Service Commission.

The duties of the Division of Consumer Advocacy in the Department of Consumer Affairs are transferred to a new Division of Consumer Advocacy created within the Office of Regulatory Staff.

The Nuclear Advisory Council is transferred from the Department of Administration to the Office of Regulatory Staff and its membership is expanded to include an additional at-large member appointed by the Governor to serve as the Council's chairman and director.

The legislation establishes an Energy Policy Research and Economic Development Institute at the University of South Carolina to serve as an expert and reliable advisory resource for state policymakers, government, and industry. Supporting the efforts of the Advanced Resilient Energy Nexus, SC Nexus, the institute is charged with bringing together a coalition of experts from various domains within the energy ecosystem, individuals and organizations specializing in innovating public policy approaches, as well as specialists from across higher education, including such institutions as the University of South Carolina, Clemson University, and South Carolina State University. The EPI shall aid South Carolina in developing a strategic long term approach to address energy related challenges and economic development opportunities for the State of South Carolina. A six-member governing board is created for the EPI, made up of those who hold key legislative leadership positions or their designees.

The Office of Regulatory Staff, in consultation with a stakeholder group that includes representatives of consumer, environmental, manufacturing, forestry, and agricultural organizations, natural gas and electrical utilities, the South Carolina Public Service Authority, and other affected state agencies, is charged with preparing a comprehensive South Carolina energy assessment and action plan which must identify recommended actions over a ten-year period to ensure the availability of adequate, reliable, and economical supply of electric power and natural gas to the people and economy of South Carolina. This ten-year plan must be submitted to the Public Utilities Review Committee for approval.

Legislative Update, 2024

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H. 5245 Charter Schools

The House gave second reading to H. 5245 as amended, with third reading the next day. The bill relates to charter school admissions, and would provide that charter schools may give enrollment preference to children of active duty military service members in South Carolina if their enrollment does not constitute more than 20 percent of the overall enrollment (also revising and clarifying existing enrollment preference provisions).

H. 4702 "South Carolina Computer Science Education Initiative Act"

The House gave second reading to H. 4702 as recommended by the Education committee, with third reading the next day. H. 4702 would enact the "South Carolina Computer Science Education Initiative Act," which seeks to "continue to expand access to computer science learning experiences to all students because computer science supports literacy, math, problem solving, and technological skills, and advances productivity in every discipline, industry, and profession." H. 4702 provides for the expansion and enhancement of computer science education in public high schools through the creation and implementation of a statewide computer science education plan and the requirement that each public school offers at least one computer science course by the beginning of the 2024-2025 school year.

H. 4703 South Carolina Stem Opportunity Act

The House gave second reading to H. 4703, with third reading the next day. The bill would enact the "South Carolina STEM Opportunity Act" by establishing the South Carolina Science, Technology, Engineering, and Mathematics (STEM) Coalition, the South Carolina Science, Technology, Engineering, and Mathematics (STEM) Education Fund within the State Treasury, and the SC STEM Coalition Advisory Council. The Ex. Dir. of DEW is to be the chair of the Advisory Council, with the President of USC appointing a 12th member. The coalition would coordinate STEM education programs in K-12 and higher education, promote STEM education statewide in collaboration with business and industry, and work towards the development of a technology-ready STEM workforce in South Carolina. The coalition is also tasked with collaborating in research and development of STEM education tools and best practices, facilitating participation in STEM-related competitions, promoting STEM teaching as a career, and engaging business and industry in STEM activities for schools.

H. 4874 Regulations on Captive Wildlife

The House amended, gave third reading, and sent to the Senate **H. 4874**. South Carolina is one of three states that do not have laws that regulate captive wildlife. In an effort to ensure safety of the state's captive wildlife, the bill requires DNR to provide for **regulations on possession of all South Carolina native captive wildlife**. Among many

Legislative Update, 2024

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things, the bill outlines that DNR must establish permitting requirements for wildlife rehabilitator or apprentice wildlife rehabilitator at a cost of twenty-five dollars for three years. In addition, the department may charge twenty-five dollars for wildlife research permits valid for one year after issuance. The department may inspect any location where captive wildlife are being held during reasonable hours and if a permittee refuses to allow inspection is subject to immediate permit suspension or revocation. DNR has the authority to seize captive wildlife under certain conditions. The bill specifies that a permittee, or any other person or entity from whom captive wildlife was seized, is liable for any costs incurred by the department or its agent as a result of care provided to seized captive wildlife. This bill also establishes new offenses for violations. No one convicted of a major wildlife violation or a crime that carries a penalty of more than one year in prison within the last five years is eligible to be permitted.

H. 4820 Statewide Turkey Hunting Season

The House adopted the committee's amendment, gave third reading, and sent to the Senate **H. 4820**, a bill creating a **statewide turkey hunting season**. The bill outlines the season for hunting and taking of male wild turkey is April 10 through May 10. The bill also reduces the season bag limit from three to two for statewide residents. This provision takes effect January 2025 and expires January 2030. After which the provision is amended back to the prior language of January 2025.

H. 5066 "Fair Access to Insurance Requirements"

The House has passed **H. 5066** the **"Fair Access to Insurance Requirements"** and is sending it to the Senate. This proposal seeks to provide an affordable option for liquor liability insurance to any person or business required to have this coverage.

A person licensed to sell alcohol for on-premises consumption that is open after 5:00 p.m. would be required to carry a policy with a limit of at least one million dollars in the annual aggregate during their biennial permit effective dates. Additionally, any person or business licensed to sell liquor could not knowingly sell it to a person who is intoxicated.

Operations, which close by 10:00 p.m., having servers trained in SC Department of Insurance [SC DOI] approved courses, meeting SC DOI risk-limiting requirements, and with less than 40 percent of their revenues coming from alcohol sales, [or are nonprofits obtaining a one-time alcohol serving fundraising event permit] would potentially qualify for liquor liability policy limit mitigation. As amended, reductions are stepped up

Legislative Update, 2024

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for locations that close even earlier, also have servers participating in responsible alcohol service-based trainings, or who have higher percentages of gross receipts from food sales. Food trucks on these premises serving nonalcoholic beverages will have their sales calculated into this location's gross receipts.

Nonprofit organizations would only have to have half of the total annual aggregate policy limits, or \$500,000 coverage. In addition, and as amended, no more than 50 percent of the annual aggregate limit could be paid out on any claim.

H. 4158 Domestic Violence Survivor Rental Termination Rights

H. 4158, a bill to **allow documented domestic violence**, dating violence, sexual assault, stalking, or other criminal sexual assault **survivors to terminate any rental agreements** is on its way to the Senate after passing the House this week. These domestic violence survivors who are listed in rental agreements, must report a qualifying event as defined in this bill to their landlord within 60 days of its occurrence, and then could remain in the leased premises for up to 30 more days. They would still need to pay their monthly rent during this time and move out after it expires. Landlords could not charge any rental termination fees, or other such costs, to these tenants. Tenants would have to pay any rents owed, however.

H. 4912 Tax Law Changes

The House amended, approved, and sent the Senate **H. 4912**, a bill providing for the **retention of owner-occupied residential property tax status for relocated Department of Defense civilian employees**. The legislation provides that a civilian employed by the Department of Defense who receives orders for a DoD civilian permanent duty or temporary change of station for at least one year, retains eligibility for the special four percent tax assessment ratio for owner-occupied residential property and applicable exemptions for so long as the owner remains on such orders, regardless of the owner's subsequent relocation and regardless of any rental income attributable to the property. The legislation extends to these DoD civilian employees the property tax benefits afforded reassigned or deployed active duty military personnel. The legislation revises the **taxation of aircraft owned by airline companies** as a means of placing South Carolina in a competitive position with neighboring states. The legislation establishes a property tax exemption for a portion of the value of an airline company's aircraft and revises provisions relating to the valuation of aircraft to specify the manner in which time on the ground is calculated. The legislation revises provisions for determining whether a taxpayer is eligible for the four-percent assessment ratio on owner-occupied property to provide that **tax assessors may not require the submission of individual income tax returns for determining whether someone is eligible for the special as-**

Legislative Update, 2024

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assessment ratio for owner-occupied property. Provisions are included to address instances of **an error by a county in levying real or personal property tax** that require the county treasurer to accept partial tax payments over a six-month period from someone affected by the error. No penalties or interest may be assessed against the taxpayer for six months after the taxpayer is made aware of the error. The Department of Motor Vehicles may not revoke, suspend, or refuse to renew the driving privilege of a person for failure to pay taxes during this payment schedule period.

H. 4082 Ophthalmic Disease Medicines

The House amended, approved, and sent the Senate **H. 4082**, a bill providing a **sales tax exemption for certain ophthalmic disease medicines**. The legislation codifies a budget proviso that has been included in the general appropriations act's temporary law by placing this sales tax exemption for eye disease treatments in the state's permanent law as a statutory provision.

H. 5225 Clinical Preceptor Income Tax Credit

The House amended, approved, and sent the Senate **H. 5225**, a bill revising the **clinical preceptor income tax credit** afforded physicians, advanced practice nurse practitioners, and physician assistants who provide supervision and instruction during student clinical training experiences for a public teaching institution or independent institution of higher learning. Eligibility is expanded to include training in such specialty care as dermatology, hematology, neurology, and oncology. Under the legislation, the credit is equal to one thousand dollars for each rotation served, not to exceed four thousand dollars a year. The provider must be a Medicaid participating provider and have a minimum of at least 100 Medicaid and Medicare patients combined or be a free clinic. The credit is available through 2029.

H. 4274 "South Carolina Public Expression Act

After passing the House on third reading this week, the Senate has received **H. 4274**, proposed to be called "**The South Carolina Public Expression Act.**" This bill would allow defendants sued for civilly expressing themselves in legislative, executive, judicial, administrative, or other governmental proceedings to file a motion, within 60 days of being sued, to dismiss the case. Once procedures set out in this proposal are followed to assert these rights, all civil discovery proceedings would be stayed, and these motions would become the next priority in these cases. Exemptions from these suits include government employees acting in their official capacities, as well as government officials enforcing laws to protect against any imminent threat to public safety.

Legislative Update, 2024

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H. 3748 Willfully and Criminally Altering Geodetic or Other Surveying Monuments

Also sent to the Senate this week, was **H. 3748**. It represents a proposal to **increase criminal penalties for altering, damaging, moving, or removing geodetic, property corner monuments, control monuments, and any other land surveying monuments and markers**. Someone who inadvertently moves such a monument who then notifies the affected owner of this occurrence would not be subject to prosecution.

H. 3980 Reporting Suspected Insurance Fraud Incidents

The House has passed and is sending, as amended on third reading, **H. 3980**. **Judges would have to report all cases of suspected false statements** or misrepresentations, about conducting a business of insurance, to the Insurance Fraud Division of the Office of Attorney General should this legislative initiative become law.

H. 4559 Probate Court Appointed Representatives for Military Toxic Exposure Victims

The also passed **H. 4559**. This bill would amend the South Carolina Probate Code to allow appointment proceedings related to any claim under the 2022 PACT Act, to proceed, regardless of the date of the individual's death. The PACT Act provides benefits for individuals exposed to burn pits, Agent Orange, radiation, and other toxins --including sand and dust, particulates, oil well or sulfur fires, chemicals, warfare agents, depleted uranium, herbicides, and other occupational hazards-- during their military service. This change would ensure veterans and families could file claims under the PACT Act even if the affected veteran passed away over ten years ago.

H. 5016 State Auditor Appointed by Governor

Also receiving third reading and on its way to the Senate is **H. 5016**. Instead of being selected by the State Fiscal Accountability Authority, **South Carolina's State Auditor would be appointed by the Governor**, upon the advice and consent of the Senate. The State Auditor would serve for a four-year term and could be reappointed by the Governor to additional terms and could be removed by the Governor for cause as well. It proposes minimum qualifications for the State Auditor. Compensation would be set by the State Fiscal Accountability Authority.

H. 4304 Loss of Consortium by Parents or Children

The House is also sending the Senate **H. 4304**. This proposal would establish a **right of consortium between parent and child as well as between child and parent**. As such when either is injured, a right of recovery for proximately causing loss of companion

Legislative Update, 2024

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ship, aid, security, and services would arise, and be actionable in Common Pleas Court civil actions for recovery. This recovery would be offset by any other damages from an incident in question that have been paid prior to commencement of any loss of consortium lawsuit.

H. 4871 Farm Animals Being Transported by Motor Vehicle

The House approved the committee's amendment, gave third reading, and sent to the Senate **H. 4871**, a bill that **prohibits a person from interfering or harassing a farm animal being transported by a motor vehicle**, unless prior consent of the driver is given. For the purpose of this provision, the bill outlines the definition of "interfere" as being intentional, knowing, or reckless acts that disrupts or otherwise impede the transportation of animals. The definition of "harass" is intentional, knowing, or reckless acts having the effect of causing apparent emotional distress or fear. This provision is added to the criminal code and therefore the bill provides for penalties if there is a conviction. Also, the bill outlines that law enforcement acting within the scope of duties are exempted from this provision.

H. 5121 Recreational Fishing Licenses for Non-Fishing Devices

The House gave third reading and sent to the Senate **H. 5121**, a bill allowing **recreational license for the use of set hooks in the Congaree River and the Upper Reach of the Santee River for residents sixty-five years of age or older**. These provisions expire on January 1, 2030.

H. 5169 "Farmer Protection Act"

The House adopted the committee's amendment and gave second reading, with unanimous consent for third reading on the next legislative day to **H. 5169**, a bill addressing the possibility of denial of financing under the "**Farmer Protection Act**." As a result, this bill takes steps to ensure that financial institutions do not discriminate against agriculture producer's based, in whole or in part, upon environment social issues such as agriculture producer's greenhouse gas emissions, use of fossil-fuel derived fertilizer or the use of fossil-fuel powered machinery. The bill further states that "agriculture producer" means a person or company engaged in the growing of crops, livestock, or dairy production for retail consumption.

H. 4609 Golf Carts to Operate at Night

The House approved the committee's amendment, gave third reading, and sent to the Senate **H. 4609**, a bill that outlines that **local governments may enact ordinances to allow golf carts to operate in designated areas within their jurisdictions at night**, pro

Legislative Update, 2024

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vided that the golf cart is equipped with working headlights and rear lights. The bill further outlines that the ordinance must include a description of the boundary of the designated area(s).

H. 5183 Revised Certifications for Certified Medical Assistant (CMA)

The House approved the committee's amendment and gave second reading, with unanimous consent for third reading on next legislative day, to **H. 5183**, a bill that **revises certification for Certified Medical Assistant (CMA)**. Currently certain CMA certification standards are due to lapse on July 16, 2024. As a result, the bill expands the number of approved certification programs. The bill also states that "certified medical assistant," or "CMA" also includes medical assistants who have maintained certification from one of the certifying boards, such as but not limited to Board of Medical Examiners or the Board of Nursing, since January 1, 2020 and individuals employed as certified medical assistants as of the effective date of this provision who do not meet the education or training requirements required, but who meet those requirements no later than July 15, 2026. The bill also provides additional responsibilities for the unlicensed assistive personnel.

H. 4867 Telecommunicator CPR Training (T-CPR)

The House approved the committee's amendment, gave second reading with unanimous consent for third reading on next legislative day to **H. 4867**, a bill that requires all 911 telecommunicators that provide dispatch for emergency medical conditions to be required annually to be trained, utilizing the most current nationally recognized high-quality **telecommunicator cardiopulmonary resuscitation (T-CPR)**. This provision begins January 1, 2025. "T-CPR" means telecommunicator cardiopulmonary resuscitation, which is the dispatcher-assisted delivery of cardiopulmonary resuscitation (CPR) instruction by trained emergency call takers or public safety dispatchers to callers or bystanders for events requiring CPR, such as out-of-hospital cardiac arrest (OHCA)."

It further states that telecommunicators providing emergency medical conditions who have completed the specified training, nor governmental entities employing such telecommunicators, shall be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers except acts or omissions amounting to gross negligence or willful or wanton misconduct. Any civil cause of action for damages arising from this provision must be brought in accordance with the South Carolina Tort Claims Act.

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

H. 4953 State Veterans' Cemeteries

The House gave second reading, with unanimous consent for third reading on next legislative day, to **H. 4953**, a bill that **removes the residency requirement to qualify for a plot in a state veterans' cemetery** for a veteran that has been honorably discharged.

H. 4934 Paid Military Leave

The House adopted the committee's amendment and gave second reading, with unanimous consent for third reading on the next legislative day, to **H. 4934**. This bill increases the **paid military leave** allotted to state employees, including school district employees, who are either enlisted or commissioned members of the South Carolina National Guard or Armed Forces Reserves from 15 to 30 days per year for training purposes or other duties as required.

H. 4681 First Responders Advisory Committee

The House gave second reading, with unanimous consent for third reading on next legislative day, to **H. 4681**, a bill that increases the **First Responders Advisory Committee** membership from nine to ten by adding the South Carolina Coroner's Association. The First Responders Advisory Committee provides an annual report identifying concerns and issues pertaining to first responders to the General Assembly.

H. 4673 Beginner's Permits

The House approved and sent to the Senate H. 4673. H. 4673 would amend the law regarding **beginner's permits**, hours and conditions of vehicle operation, renewal and fees, driver's training courses, and eligibility for full licensure. The bill would provide that persons at least 18 years old may take the driving test after maintaining a beginner's permit for at least 30 days.

H. 4601 Preventing the Escape of Loose Material And Debris

The House gave third reading and sent to the Senate H. 4601. H. 4601 would amend current law relating to preventing escape of materials loaded on vehicles by incorporating that "No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway." The provisions would not be applicable to and do not restrict the transportation of certain agricultural products.

H. 5244 "Catawba Nation" Special License Plates

The House gave third reading and sent to the Senate H. 5244. H. 5244 would provide that the Department of Motor Vehicles may issue "**Catawba Nation**" special license plates.

Legislative Update, 2024

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H. 5023 Work Zone Safety Program Course

The House gave third reading and sent to the Senate H. 5023. The bill would establish the **work zone safety program** within the Department of Motor Vehicles. The DMV must require all persons obtaining an initial driver's license, and who are required to complete a driver's education course to take the work zone safety program course.

H. 5024 Special License Plates

The House gave third reading and sent to the Senate **H. 5024**, which would provide that surviving spouses of members of the National Guard may apply to obtain National Guard license plates or transfer National Guard license plates issued to their spouses. The committee passed two amendments adding additional special license plates: Autistic and Neurodivergent special motor vehicle license plates to owners of private passenger-carrying motor vehicles registered in their names who are autistic or neurodivergent or who are parents of children who are autistic or neurodivergent. The application for this special motor vehicle license plate must include an original certificate from a licensed physician that certifies the applicant, or his child is autistic or neurodivergent. Also, South Carolina Association for Pupil Transportation Special License Plates are included in this bill.

H. 4349 Greenville Technical College Area Commission

The House gave third reading to H. 4349 which relates to the **Greenville Technical College Area Commission**. The bill would set out its powers and responsibilities.

H. 4289 Diversity, Equity, Inclusion

The House gave second reading and ordered H. 4289 to third reading, as amended. H. 4289 would hold that "When determining admissions or employment decisions, a public institution of higher learning may not...promise admission, benefits, or promote or engage in differential treatment to an applicant for admission, or hire or promote a faculty member or employee, [or deny] on the applicant's or faculty member's or employee's commitment to or making a declaration of personal support for or disagreement with any political ideology or movement, including a promise or statement regarding **diversity, equity, inclusion**, or other associated political issues." Related to that "a public institution of higher learning may not ask for or demand any such political promise or declaration from an applicant, or a faculty member or employee." Other elements of the bill include free speech, antidiscrimination laws and accreditation issues. Reporting is required by each school (schools must report to CHE and CHE must report to the General Assembly).

Legislative Update, 2024

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H. 4649 Promote Safety and Security on School Premises

The House gave second reading to **H. 4649**, as amended, with third reading the following day. **H. 4649** would provide that public school districts with more than 15,000 students may use uniformed security personnel over 21 years old who are armed or delegated arrest authority to work on the premises of the district to promote safety and security on the premises (provided they are licensed as a proprietary security business). These persons do not play an advisory, mentor, nor instructional role. The bill provides requirements regarding training, licensure, registration, and certification those security officers (with exceptions): the State Law Enforcement Division (SLED) mandates specific training and registration requirements for security officers in schools. Schools must have a dedicated division for security and emergency management, would be required to form a written agreement with local law enforcement for joint training and continuous education in areas like firearms handling, defensive tactics, and managing active scenarios, ensuring uniformity in training and responses, and security officers would undergo recertification every two years. The bill maintains the obligation of districts to use school resource officers as currently required by law and that these private security persons would not supplant school resource officers, nor can they act as mentors to students.

H. 4116 Funeral Directors

The House made appointments to a conference committee to address its differences with the Senate on **H. 4116**, a bill making revisions relating to the licensure and regulation of **funeral directors and other licensed funeral service providers**.

H. 3121 Perpetual Recreational Trail Easements

The House concurred in Senate amendments to **H. 3121**, legislation establishing an **income tax credit for perpetual recreational trail easements** and enrolled the bill for ratification. The legislation makes provisions for a one-time income tax credit equal to ten cents for each square foot of property that a taxpayer encumbers with a perpetual recreational trail easement and right-of-way. To qualify for this tax credit, the trail must provide a connection between a trail within a municipality's or county's regional trail system plan and a local or regional attraction or point of interest, such as other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. User groups may include equestrians, pedestrians, bicyclists, and other non-motorized users. The maximum amount of tax credits allowed to all qualifying taxpayers under these provisions may not exceed one million dollars for each calendar year. The legislation includes a sunset provision that repeals these tax credits on January 1, 2029.

Legislative Update, 2024

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H. 4548 Retired School Bus Drivers to Return to Work

The House amended, approved, and sent the Senate **H. 4548**, a bill **allowing retired school bus drivers to return to work** without being subject to earnings limitations. The legislation allows school bus drivers who have retired under the South Carolina Retirement System to return to employment with public school districts as school bus drivers without affecting the monthly retirement allowance that they are receiving from SCRS.

H. 4294 Fire Districts

The House amended, approved, and sent the Senate **H. 4294**, a bill providing **temporary authority for rural counties to suspend millage limitations to support fire districts** instead of relying upon fees to fund these fire protection services. The legislation establishes a protocol that allows a county with a population of no more than seventy thousand that lacks a full-time fire department that is fully supported by the local fire millage to approve a one-time suspension of its millage limitation resulting in no more than a two percent increase in the county's overall annual fire budget. Should a rural county make use of this option by approving the suspension with a two-thirds vote of the county council, any increased revenue resulting from the suspension of the millage limitation must first be used to eliminate fees or other similar charges that support fire protection with the remainder used to support the fire protection district. This authority for suspending the millage limitation sunsets after a year.

H. 4594 Tax Conformity

The House approved and sent the Senate **H. 4594**, this year's **state / federal income tax conformity** bill. The legislation updates reference to the federal Internal Revenue Code in state income tax statutes and provides for conformity so that any extensions adopted at the federal level are adopted for South Carolina income tax purposes.

H. 4189 Captive Insurance Companies

The House amended, approved, and sent the Senate **H. 4189**, a bill revising provisions governing **captive insurance companies**. Notably, the legislation provides authority for captive insurance companies or their protected cells to include plans to operate with foreign currency, upon approval of the Director of the Department of Insurance. The legislation provides for forty percent, rather than twenty percent, of captive insurance company premium tax revenue to be distributed to the "Captive Insurance Regulatory and Supervision Fund."

H. 5154 Gas Utilities

The House approved and sent the Senate **H. 5154**, a bill revising provisions setting the **maximum civil penalty imposed on gas utilities** for regulatory violations to bring them into alignment with federal law.

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

H. 5120 Concurrent Resolution on Federal Legislation for the Deployment of Modern Energy Infrastructure

The House approved and sent the Senate **H. 5120**, a **concurrent resolution urging federal legislation for the deployment of modern energy infrastructure**. Through this concurrent resolution the members of the South Carolina General Assembly urge federal legislators to work in good faith to enact legislation that reforms federal permitting and environmental review processes to promote economic and environmental stewardship by expediting the deployment of modern energy infrastructure. These recommended reforms should enable faster and lower cost construction of energy infrastructure of all kinds, without prejudice, including considering steps to: (1) limit excessive use of judicial processes to slow projects inappropriately; (2) prevent inappropriate usage of the Clean Water Act and other laws to hamstring the lawful building of linear energy infrastructure, such as pipelines and transmission lines; (3) enact reforms to plan, permit, and pay for the necessary build out of electricity transmission infrastructure to support a more reliable energy grid that lowers costs for consumers and businesses; and (4) enable the domestic build out of the full array of modern energy technologies, including nuclear, emissions management, hydrogen, critical mining and processing, and all other needs for a modern energy system. These legislative reforms should also strive to ensure accountability for federal agencies conducting permitting and environmental review processes, including better data, more aggressive timelines, and permitting shot clocks. These legislative reforms must be accompanied by a redoubling of efforts to streamline federal regulations to support the efficient building of new energy infrastructure. It is further resolved that failure to act to update federal permitting system to support building new energy infrastructure will further harm consumers, workers, and businesses, while making the United States less competitive and more vulnerable to both foreign adversaries and domestic outages. Congress is called upon to act with urgency in the coming months to fix the broken permitting system.

H. 3227 Pinball Playing No Longer a Youthful Status Offense

The Senate will also be receiving **H. 3227**. Under its current version, minors would **no longer face status offense prosecutions for playing pinball** if this bill becomes the law in South Carolina.

Legislative Update, 2024

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Committees

H. 5245 Charter Schools

The Education and Public Works Committee adopted H. 5245 as amended by subcommittee. The bill relates to charter school admissions, to provide that charter schools may give enrollment preference to children of active duty military service members in South Carolina if their enrollment does not constitute more than 20 percent of the overall enrollment (also revising and clarifying existing enrollment preference provisions).

H. 4702 "South Carolina Computer Science Education Initiative Act"

The Education and Public Works Committee recommends to the House H. 4702 as amended (adding cybersecurity in the state's computer science standards). H. 4702 would enact the "South Carolina Computer Science Education Initiative Act," which seeks to "continue to expand access to computer science learning experiences to all students because computer science supports literacy, math, problem solving, and technological skills, and advances productivity in every discipline, industry, and profession." H. 4702 provides for the expansion and enhancement of computer science education in public high schools through the creation and implementation of a statewide computer science education plan and the requirement that each public school offers at least one computer science course by the beginning of the 2024-2025 school year.

H. 4703 South Carolina Stem Opportunity Act

The Education and Public Works Committee recommends to the House H. 4703 as amended. H. 4703 would enact the "**South Carolina STEM Opportunity Act**" by establishing the South Carolina Science, Technology, Engineering, and Mathematics (STEM) Coalition, the South Carolina Science, Technology, Engineering, And Mathematics (STEM) Education Fund within the State Treasury, and the SC Stem Coalition Advisory Council. The Ex. Dir. of DEW is to be the chair of the Advisory Council, with the President of USC appointing a 12th member. The coalition would coordinate STEM education programs in K-12 and higher education, promote STEM education statewide in collaboration with business and industry, and work towards the development of a technology-ready STEM workforce in South Carolina. The coalition is also tasked with collaborating in research and development of STEM education tools and best practices, facilitating participation in STEM-related competitions, promoting STEM teaching as a career, and engaging business and industry in STEM activities for schools.

Legislative Update, 2024

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H. 5144 School Mapping Data Program

The Education and Public Works Committee recommends to the House **H. 5144** as amended (an amendment provided FOIA protections; funding provisions and an office dedicated to this subject). H. 5144 would create the **school mapping data** program within the State Department of Education for the purpose of facilitating efficient emergency responses in public schools by public safety agencies.

H. 4673 Beginner's Permits

The Education and Public Works Committee recommends to the House H. 4673. **H. 4673** would amend the law regarding **beginner's permits**, hours and conditions of vehicle operation, renewal and fees, driver's training courses, and eligibility for full licensure. The bill would provide that persons at least 18 years old may take the driving test after maintaining a beginner's permit for at least 30 days.

H. 5024 Special License Plates

The Committee on Education and Public Works submitted a favorable report with amendments on H. 5024 would provide that surviving spouses of members of the National Guard may apply to obtain National Guard license plates or transfer National Guard license plates issued to their spouses. The committee passed two amendments adding additional special license plates: "Autistic and Neurodivergent" special motor vehicle license plates to owners of private passenger-carrying motor vehicles registered in their names who are autistic or neurodivergent or who are parents of children who are autistic or neurodivergent. The application for this special motor vehicle license plate must include an original certificate from a licensed physician that certifies the applicant, or his child is autistic or neurodivergent. Also, South Carolina Association for Pupil Transportation Special License Plates are included in this bill.

Judiciary

H. 5016 State Auditor Appointed by Governor

The committee issued a favorable report on H. 5016. Instead of being selected by the State Fiscal Accountability Authority, South Carolina's State Auditor would be appointed by the Governor, upon the advice and consent of the Senate. The State Auditor would serve for a four-year term. This Auditor could be reappointed by the Governor to additional terms and could be removed by the Governor for cause as well. It proposes minimum qualifications for the State Auditor. Compensation would be set by the State Fiscal Accountability Authority.

Legislative Update, 2024

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H. 3227 Pinball Playing No Longer a Youthful Status Offense

Also receiving a favorable report was **H. 3277**. Minors would no longer face status offense **prosecutions for playing pinball** if this bill becomes the law in South Carolina.

H. 4303 Loss of Consortium By Parents or Children

Another favorable report issued on **H. 4303**. If enacted, this proposal would **establish a right of consortium between parent and child as well as between child and parent**. As such if either is injured, a right for recovery for proximately caused loss of companionship, aid, security, and services would arise and be actionable in common Pleas Court civil actions for recovery. This recovery would be offset by any other damages from the incident in question paid prior to commencing the loss of consortium lawsuit.

H. 3980 Reporting Suspected Insurance Fraud Incidents

The committee issued a favorable report, with amendment, on **H. 3980**. **Judges would have to report all cases of suspected false statements** or misrepresentations, about conducting a business of insurance, to the Insurance Fraud Division of the Office of Attorney General should this legislative initiative become law.

Medical, Military, Municipal and Public Affairs

The full committee met on Tuesday, March 26, 2024, and report out several bills.

H. 4622 Itemized Medical Billing

H. 4622, a bill dealing with **itemized medical billing**, was given a favorable with amendment recommendation by the full committee. Beginning January 1, 2025, a health care provider that requests payment from a patient shall submit with the request an itemized bill of the service(s) provided during that visit. "Health care provider" means a hospital or ambulatory surgical facility. A health care provider may issue the itemized bill electronically, including through a patient portal on the provider's website. The provider must submit the itemized bill no later than thirty days after the provider receives a final payment. The legislation further outlines what must be contained in the itemized bill. The bill outlines that a provider cannot send to collections until an itemized bill is provided to a patient. It is provided that a collection agency is not liable under this provision for billing inaccuracies provided by the health care provider. If any inaccuracies are determined, the collection agency must cease collection activities and return the account back to the health care provider.

Legislative Update, 2024

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H. 5183 Certifications for Certified Medical Assistant (CMA).

The committee gave a favorable with amendment report to **H. 5183**, a bill that **revises certifications for Certified Medical Assistant (CMA)**. Currently certain CMA certification standards are due to lapse on July 16, 2024. As a result, the bill expands the number of approved certification programs. The bill defines "certified medical assistant" or "CMA" to include medical assistants who have maintained certification from one of the certifying boards, such as but not limited to Board of Medical Examiners or the Board of Nursing, since January 1, 2020 and individuals employed as certified medical assistants as of the effective date of this provision who do not meet the education or training requirements required, but who meet those requirements no later than July 15, 2026. The bill also provides additional responsibilities for the unlicensed assistive personnel.

H. 4867 Telecommunicator Cardiopulmonary Resuscitation (T-CPR)

The committee gave a favorable with amendment recommendation to **H. 4867**, a bill that requires all 911 telecommunicators that provide dispatch for emergency medical conditions to be required annually to be trained, utilizing the most current nationally recognized high-quality **telecommunicator cardiopulmonary resuscitation (T-CPR)**. The training is to begin January 1, 2025. "T-CPR" means telecommunicator cardiopulmonary resuscitation, which is the dispatcher-assisted delivery of cardiopulmonary resuscitation (CPR) instruction by trained emergency call takers or public safety dispatchers to callers or bystanders for events requiring CPR, such as out-of-hospital cardiac arrest (OHCA)." It further states that telecommunicators providing emergency medical conditions who have completed the specified training, nor governmental entities employing such telecommunicators, shall be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers except acts or omissions amounting to gross negligence or willful or wanton misconduct. Any civil cause of action for damages arising from this provision must be brought in accordance with the South Carolina Tort Claims Act.

H. 4953 State Veterans' Cemeteries

H. 4953, a bill that removes the residency requirement to qualify for a plot in a **state veterans' cemetery** for a veteran that has been honorably discharge, was given a favorable report by the committee.

H. 4934 Paid Military Leave

The committee gave a favorable with amendment report to **H. 4934**, a bill that increases the **paid military leave** allotted to state employees, including school district employees, who are either enlisted or commissioned members of the South Carolina National Guard or Armed Forces Reserves from 15 to 30 days per year for training purposes or other duties as required.

Legislative Update, 2024

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H. 4681 First Responders Advisory Committee

The committee gave a favorable with amendment report to **H. 4681**, a bill that increases the **First Responders Advisory Committee** membership from nine to ten by adding the South Carolina Coroner's Association. The First Responders Advisory Committee provides an annual report identifying concerns and issues pertaining to first responders to the General Assembly.

Labor, Commerce, and Industry

The Labor, Commerce and Industry Committee met on Wednesday, March 27, and reported out several bills.

H. 5154 Gas Utilities

The committee gave a favorable report on **H. 5154**, a bill revising provisions setting the **maximum civil penalty imposed on gas utilities** for regulatory violations to bring them into alignment with federal law.

H. 4189 Captive Insurance Companies

The committee gave a report of favorable with amendments on **H. 4189**, a bill revising provisions governing **captive insurance companies**. Notably, the legislation provides authority for captive insurance companies or their protected cells to include plans to operate with foreign currency, upon approval of the Director of the Department of Insurance. The legislation provides for forty percent, rather than twenty percent, of captive insurance company premium tax revenue to be distributed to the "Captive Insurance Regulatory and Supervision Fund".

H. 4843 Use of Decks, Docks

The committee gave a report of favorable with amendments on **H. 4843**, a bill addressing the **authority for businesses to use their decks, docks, or other structures located in coastal critical areas**. The legislation provides that, notwithstanding any statutory or regulatory provision of law to the contrary, businesses containing decks, docks, or other structures located in coastal waters, tidelands, beaches, or dune areas may utilize these decks, docks, or structures for purposes that directly relate to the operation of the business.

H. 3180 Homeowners Associations' Authority

The committee gave a report of favorable with amendments on **H. 3180**, addressing **Homeowners Associations' authority to foreclose on property**. Under the legislation, a homeowners association with the authority granted in its governing documents to

Legislative Update, 2024

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foreclose on the property of a homeowners association member must in the case of a default by a defendant property owner make application for a rule to show cause to be issued to the defendant property owner. No foreclosure sale may be noticed prior to the issuance of the rule to show cause.

Ways and Means

The Ways and Means Committee met on Wednesday, March 27, and reported out several bills.

H. 5225 Clinical Preceptor Income Tax Credit

The committee gave a report of favorable with amendments on **H. 5225**, a bill revising the **clinical preceptor income tax credit** afforded physicians, advanced practice nurse practitioners, and physician assistants who provide supervision and instruction during student clinical training experiences for a public teaching institution or independent institution of higher learning. Eligibility is expanded to include training in such specialty care as dermatology, hematology, neurology, and oncology. Under the legislation, the credit is equal to one thousand dollars for each rotation served, not to exceed four thousand dollars a year. The provider must be a Medicaid participating provider and have a minimum of at least one hundred Medicaid and Medicare patients combined or be a free clinic. The credit is available through 2029.

H. 5235 Medicaid Program Conformity

The committee gave a favorable report on **H. 5235, Medicaid Program conformity** legislation. The legislation revises provisions relating to insurers providing coverage to persons receiving Medicaid, to comport with the federal Consolidated Appropriations Act of 2022.

H. 5236 Medicaid System Procurement.

The committee gave a favorable report on **H. 5236**, a bill addressing **Medicaid System Procurement**. Under the legislation, in reliance upon the prior notification published by the National Association of State Procurement Officials (NASPO) for any multi-state solicitation it issues, the Department of Health and Human Services or a successor agency is authorized to award contracts and procure Medicaid systems and services using competitively solicited NASPO ValuePoint Master Cooperative Purchasing Agreements.

Legislative Update, 2024

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H. 5310 Taxation of Aircraft Owned by Airline Companies

The committee gave a favorable report on **H. 5310**, a bill revising the **taxation of aircraft owned by airline companies** as a means of placing South Carolina in a competitive position with neighboring states. The legislation establishes a property tax exemption for a portion of the value of an airline company's aircraft and revises provisions relating to the valuation of aircraft to specify the manner in which time on the ground is calculated.

H. 5230 Expanding Eligibility for the Retirement System for Judges Solicitors.

The committee gave a report of favorable with amendments on **H. 5230**, a bill **expanding eligibility for the Retirement System for Judges Solicitors**. The legislation provides authority for the South Carolina Attorney General and full-time masters-in-equity to become members of the state's Retirement System for Judges and Solicitors.

Introductions

Agriculture, Natural Resources and Environmental Affairs

S. 1051 Watercraft Restrictions on Lake H. Taylor Blalock Sen. Kimbrell

Current law states that the hunting of waterfowl shall no longer be allowed on Lake H. Taylor Blalock after the 2023-2024. This bill extends the **hunting of waterfowl** for five years until 2028-2029.

Education and Public Works

H. 5347 Commuter Rail Service Rep. Pendarvis

H. 5347 would provide that the Department of Transportation shall conduct a study and undertake a project to establish **commuter rail service** in the state.

H. 5348 Shipping Transportation And Port Bridge Safety Study Committee Rep. Gilliard

H. 5348 is a joint resolution to create the "**Shipping Transportation and Port Bridge Safety Study Committee**" to examine current state and federal safety standards and measures concerning the navigation of large vessels under major waterway bridges while entering or leaving harbors, ports, and canals in this state, among other things, to require the study committee to prepare a report with findings and recommendations for the General Assembly, and to provide for the membership and duration of the study committee.

Legislative Update, 2024

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H. 5349 Palmetto Access to HigherEd (PATH) Act Rep. Erickson

H. 5349 would enact the "Palmetto Access to HigherEd (PATH) Act" by adding section 59-149-17 so as to establish PATH scholarships, to provide the purpose of the scholarships, to provide eligibility requirements for the scholarships, and to define necessary terminology.

Judiciary

H. 5330 Prior Unlawful Possession of Firearms Convictions Rep. Bauer

For purposes of determining a second, or more, unlawful possession of firearm violations, the current offense would have to have been within 20 years of the violator's prior offense. In addition, school officials could not give permission to anyone to have a firearm on their campuses. Students could not have firearms on campus, even if locked in their vehicle trunks or other legally approved vehicle compartments. In addition, law enforcement would be restored to their right to search citizens legally carrying firearms if this bill becomes law.

H. 5331 Negligent Storing Firearms in Motor Vehicles Rep. Bauer

This bill would create a criminal offense of negligently storing firearms in motor vehicles. Violators could be cited if their firearm is stolen from their vehicle and then used to commit a crime. If convicted, first-time offenders would face fines of up to \$1,000, and/or imprisoned for up to one year. Second-time offenders would face up to three years in prison. Third-time, or subsequent, offenders would face up to 5 years imprisonment, and be considered convicted felons if found guilty.

H. 5346 Repealing Homicide Prosecution Statutes of Limitation Rep. Haddon

If enacted, this bill would repeal the three-year statute of limitations for homicide prosecutions of someone who injures another person, and that person later dies as a result of those injuries.

H. 5350 Arresting Individuals Illegally in South Carolina Without Using A Port Of Entry Rep. Pace

Under the provisions of this bill, among other things, aliens, as defined under federal law, would violate this proposal when they enter South Carolina directly from a foreign nation at any location other than a lawful port of entry. It would allow as affirmative defenses that the federal government has granted these aliens lawful presence in the United States; or asylum under 8 U.S.C. Section 1158, their conduct does not constitute

Legislative Update, 2024

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a violation of 8 U.S.C. Section 1325(a), or they were approved for benefits under the federal Deferred Action for Childhood Arrivals program between June 15, 2012, and July 16, 2021. No affirmative defense for the Deferred Action for Parents of Americans and Lawful Permanent Residents program would be allowed, and any program not enacted by the United States Congress that is a successor to or materially similar to the listed qualifying programs could constitute an exemption from prosecution either.

Law enforcement could not arrest any alien on the premises or grounds of a public or private primary or secondary school for educational purposes; a church, synagogue, or other established place of religious worship; health care facility, including a facility a state agency maintains or operates to provide health care, or the office of a health care provider, provided that the person is on the premises or grounds of the facility or office for the purpose of receiving medical treatment; or any facility that provides forensic medical examinations to sexual assault survivors, provided that the alien is on the premises or grounds of the facility for purposes of obtaining a forensic medical examination and treatment.

It would also allow courts to enter judgments requiring these alien offenders to return to their foreign nation from which they entered or attempted to enter. They would take effect upon completion of their sentences.

S. 954 Producing Electronic Communications and Related Information Upon Lawful Request Sen. Hembree

This bill would allow law enforcement officers, circuit solicitors, or the Attorney General to require disclosure of stored wire, digital, or electronic communications, as well as transactional records and subscriber information, as long as they do so in compliance with federal law.

Medical, Military, Municipal and Public Affairs

S. 1074 Certified Medical Assistant (CMA) Sen. Davis

The bill revises requirements for certification for CMAs.

Labor, Commerce, and Industry

S. 728 Firefighter Cancer Health Care Benefit Plan Sen. Gustafson

This bill would revise the Firefighter Cancer Health Care Benefit Plan to include changes in eligibility that allow plan participation for non-residents of South Carolina who work in the state.

Legislative Update, 2024

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S. 746 Conducting Trust Business Sen. Cromer

This bill would revise provisions relating to the required written approval to conduct trust business, so as to provide that written application must be made to the State Board of Financial Institutions and to define "trust business."

S. 1031 Uniform Money Services Act Sen. Cromer

This bill would revise anti-money laundering provisions, incorporating the Uniform Money Services Act, to protect the public from financial crime, standardize the types of activities that are subject to licensing, and modernize safety and soundness requirements to ensure funds are protected in an environment that supports innovative and competitive business practices.

H. 5329 Operation of Personal Delivery Devices Rep. Rutherford

This bill establishes provisions governing the operation of certain electrically powered devices intended for transporting cargo that are equipped with automated driving technology enabling device operation with or without the remote support and supervision of a human.

H. 5345 Complaint Filed with the Office of Regulatory Staff Rep. Yow

This bill specifies the information and form required to be included on a complaint filed with the Office of Regulatory Staff. Penalties are established for wilfully filing a groundless complaint.

Ways and Means

S. 1017 Property Tax Assessment Sen. M. Johnson

This bill revises provisions of the property tax exemption for certain property of a non-profit housing corporation. The legislation places conditions on property assessed as agricultural and related property being annexed by a municipality.

H. 5328 Partial Property Tax Payment Schedule for Those Affected by a County's Error Rep. King

This bill provides that, in the case of an error by the county in levying real or personal property tax, the county treasurer must accept partial property tax payments from a taxpayer affected by the error. No penalties or interest may be assessed against the taxpayer for six months after the taxpayer is made aware of the error. The Department of Motor Vehicles may not revoke, suspend, or refuse to renew the driving privilege of a person for failure to pay taxes during the same six-month period. The taxpayer shall notify the treasurer of the payment schedule, except that the taxpayer must at least pay one-sixth of the original amount due each month.

Legislative Update, 2024

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H. 5351 Taxation of Watercraft Rep. Brewer

This bill revises provisions for the titling and taxation of watercraft.

H. 5355 School Board Members Rep. Pedalino

This bill provides for a stipend and per diem for school board members. The legislation creates a commission to redistrict the boundaries for school board members. The legislation revises eligibility provisions for State Health and Dental Insurance Plans to include school board members.

Index

A	Certified Medical Assistant (CMA) (H. 5183) revises certification for, 15 revises certifications for, 24
aircraft (H. 5310), 27	charter schools (H. 5245) enrollment preference to children of active duty military service members in South Carolina, 9, 21
aliens, 28	children pinball, 20
Attorney General, 13, 23	clinical preceptor income tax credit, 26
autistic or neurodivergent special license plates (H. 5024), 17, 22	Congaree River, 14
automated driving technology, 30	county error by a county in levying real or personal property tax, 30
B	D
beginner's permits (H. 4673), 16, 22	disclosure of communications, 29
bridges, 27	diversity, equity, inclusion (H. 4289), 17
burn pits (H. 4559), 13	domestic violence survivors (H. 4158) rental termination rights, 11
C	E
captive insurance companies, 19	energy assessment and action plan, 8
Catawba Nation special license plates, 16	
cemeteries state veterans', 24	
cemetery, state veterans' (H. 4953) removes the residency requirement to qualify for a plot, 16	
Certified Medical Assistant (CMA), 29	

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

- Energy Security Act, 6
 - Advanced Resilient Energy Nexus, 8
 - assisting customers in managing their electricity usage, 7
 - Bad Creek Pumped Hydro Station in Oconee County, 6
 - Canadys coal fired generation station in Colleton County, 6
 - Clemson University, 8
 - data center, 7
 - Department of Commerce, 7
 - Duke Energy Carolinas, LLC, 6
 - Duke Energy Progress, LLC, 6
 - Economic Development and Utility Modernization Ad Hoc Committee, 6
 - Energy Policy Research and Economic Development Institute (EPI)
 - six-member governing board, 8
 - General Assembly, 6, 7, 8
 - hydrogen capable natural gas generation, 6
 - natural gas generation capacity, 6
 - Nuclear Advisory Council
 - expanded to an at-large member appointed by the Governor to serve as the Council's chairman and director, 8
 - nuclear generation, 7
 - modular reactors, 7
 - molten salt reactors, 7
 - spent nuclear fuel recycling facilities, 7
 - Office of Regulatory Staff, 6, 8
 - Division of Consumer Advocacy, 8
 - Public Service Authority, 6, 7, 8
 - Public Service Commission, 6, 7
 - reduced to three commissioners, 8
 - SC Nexus, 8
 - solar energy farms, 7
 - South Carolina State University, 8
 - Speaker of the House
 - Rep. Murrell Smith, 6
 - University of South Carolina, 8
 - voluntary renewable energy programs, 7
 - escape of materials loaded on vehicles (H. 4601), 16
- F
- Fair Access to Insurance Requirements Fund (H. 5066), 10
 - false statements or misrepresentations, 23, *See* perjury
 - farm animals (H. 4871)
 - prohibits a person from interfering or harassing a farm animal being transported by a motor vehicle, 14
 - Farmer Protection Act, 14
 - federal legislation for the deployment of modern energy infrastructure, 20
 - federal permitting and environmental review processes, 20
 - firearms. *See* guns
 - Firefighter Cancer Health Care Benefit Plan, 29
 - First Responders Advisory Committee, 16, 25
 - funeral directors and other licensed funeral service providers, 18
- G
- gas utilities (H. 5154)

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

revising provisions setting the	H. 4934, 16, 24
maximum civil penalty imposed on,	H. 4953, 16, 24
19	H. 5016, 13, 22
General Assembly, 17, 20, 35	H. 5023, 17
geodetic, 13	H. 5024, 17
golf carts, 14	H. 5066, 10
guns, 28	H. 5118, 6
	H. 5120, 20
H	H. 5121, 14
H. 3121, 18	H. 5144, 22
H. 3277, 23	H. 5154, 19
H. 3748, 13	H. 5169, 14
H. 3980, 13, 23	H. 5183, 15, 24
H. 4082, 12	H. 5225, 12, 26
H. 4116, 18	H. 5230, 27
H. 4189, 19	H. 5235, 26
H. 4274, 12	H. 5236, 26
H. 4289, 17	H. 5244, 16
H. 4294, 19	H. 5245, 9, 21
H. 4303, 23	H. 5310, 27
H. 4304, 13	H. 5328, 30
H. 4349, 17	H. 5329, 30
H. 4548, 19	H. 5330, 28
H. 4559, 13	H. 5331, 28
H. 4601, 16	H. 5345, 30
H. 4609, 14	H. 5346, 28
H. 4622, 23	H. 5347, 27
H. 4649, 18	H. 5348, 27
H. 4673, 16, 22	H. 5349, 28
H. 4681, 16, 25	H. 5350, 28
H. 4702, 9, 21	H. 5351, 31
H. 4703, 9, 21	H. 5355, 31
H. 4820, 10	homicide prosecutions, 28
H. 4867, 15, 24	housing corporation, nonprofit
H. 4871, 14	property, 30
H. 4874, 9	
H. 4912, 11	

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

I	Palmetto Access to HigherEd (PATH) Act, 28
itemized billing for healthcare (H. 4622), 23	perjury, 13, 23
	pinball
L	no longer a status offense prosecution, 20, 23
land surveying markers (H. 3748), 13	probate code (H. 4559), 13
liquor liability insurance (H. 5066), 10	Public Expression Act, South Carolina (H. 4274), 12
liquor liability mitigation fund program (H. 5066), 10	
M	R
Medicaid Program conformity, 26	recreational trail easements (H. 3121), 18
Medicaid System Procurement, 26	remote devices, 30
medical billing (H. 4622)	Rep. Bauer, 28
itemized, 23	Rep. Brewer, 31
military leave, paid	Rep. Erickson, 28
allotted to state employees, 24	Rep. Gilliard, 27
minors	Rep. Haddon, 28
pinball, 23	Rep. King, 30
N	Rep. Pace, 28
National Guard license plates (H. 5024), 17, 22	Rep. Pedalino, 31
native captive wildlife, 9	Rep. Pendarvis, 27
	Rep. Rutherford, 30
O	Rep. Yow, 30
Office of Regulatory Staff	Retirement System for Judges Solicitors (H. 5230)
complaint filed with, 30	expanding eligibility for the, 27
ophthalmic disease medicines (H. 4082), 12	right of consortium, 13
ORS. See Office of Regulatory Staff	right of consortium (H. 4303), 23
	S
P	S. 0728, 29
PACT Act of 2022 (H. 4559), 13	S. 0746, 30
paid military leave (H. 4934)	S. 0954, 29
allotted to state employees, 16	S. 1017, 30
	S. 1031, 30

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

S. 1051, 27
S. 1074, 29
Santee River, 14
school board members
 stipend and per diem for
 commission to redistrict the
 boundaries for
 eligibility provisions for State
 Health and Dental Insurance
 Plans to include, 31
school bus drivers (H. 4548)
 retired drivers returning to work, 19
school mapping data, 22
Sen. Cromer, 30
Sen. Davis, 29
Sen. Gustafson, 29
Sen. Hembree, 29
Sen. Johnson, M., 30
Sen. Kimbrell, 27
set hooks in the Congaree River, 14
Shipping Transportation and Port
 Bridge Safety Study Committee
 to examine current state and federal
 safety standards and measures
 concerning the navigation of large
 vessels under major waterway
 bridges XE "bridges" while entering
 or leaving harbors, ports, and
 canals, 27
South Carolina Association for Pupil
 Transportation special license plates
 (H. 5024), 17, 22
South Carolina Computer Science
 Education Initiative Act, 9, 21
South Carolina STEM Opportunity Act
 (H. 4703), 9, 21
state auditor (H. 5016)
 appointed by Governor upon the
 advice and consent of the Senate;
 four-year term;
 reappointment;
 removal for cause, 13
state auditor appointed by governor
 upon the advice and consent of the
 senate;
 four-year term;
 reappointment;
 removal for cause, 22
STEM, 21
STEM education, 21

T

taxes
 aircraft (H. 5310)
 owned by airline companies, 27
DOD civilian employees, taxation of
 aircraft, verification document,
 county tax errors (H. 4912), 11
income tax credit (H. 5225)
 clinical preceptor, 12
 clinical preceptor, 26
 clinical preceptor, 26
property tax exemption, 30
sales tax exemption (H. 4082)
 certain ophthalmic disease
 medicines, 12
watercraft, 31
T-CPR. *See* telecommunicator
 cardiopulmonary resuscitation
telecommunicator cardiopulmonary
 resuscitation (T-CPR), 15
telecommunicator cardiopulmonary
 resuscitation (T-CPR)(H. 4867), 24
trust business, 30

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

turkey hunting(H. 4820)
statewide season, 10

V

veterans, 16

U

W

Uniform Money Services Act
anti-money laundering provisions, 30
uniformed security personnel (H. 4649)
who are armed or delegated arrest
authority to work on the premises
of the district to promote safety and
security, 18

watercraft
titling and taxation of, 31
waterfowl, hunting of, 27
work zone safety program (H. 5023), 17

Legislative Update, 2024

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19

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Citation Style (Chicago Manual of Style) for Students/Researchers

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- 1) a Word document showing that week's bill activity.
- 2) a Webpage (the Bill Summary Index) with hypertext links to the bills (by bill number, date, and the different stages in the legislative process).
- 3) the end of session summaries (with index).

Style

The House Research Office uses the 17th edition of the Chicago Manual of Style (with in-house style modifications, esp. regarding numbers/numerals).

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Friday, April 5, 2024