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## House Floor Actions

The House passed on third reading, and sent the Senate, **H. 3503**, with amendments, a bill to establish and enhance criminal penalties for **trafficking or distributing** **fentanyl**, or fentanyl-related substances, which would be considered Schedule I drugs. Anyone possessing over 4 grams of fentanyl would trigger these new criminal enforcement penalties.

As amended, first time offenders with four grams or more, but less than 14 grams, of fentanyl would face mandatory minimum jailtime sentences of 10 years, and maximum incarceration for 25 years. A fine of $50,000 would also be levied. Second and subsequent offenders trafficking these amounts potentially face a minimum of 25 years in jail and a fine of $100,000.

Second or subsequent, offenders with 14, but less than 28, grams of fentanyl would face a minimum 25 years in jail and a fine of $100,000. Subsequent offenders with 28, or more, grams of fentanyl would face a minimum of 25 years in jail and up to a maximum of 40 years incarcerated once convicted. All these categories of subsequent offenders also would be fined $200,000.

No part of any of these listed sentences or fines could be suspended by a judge. Judges also could not put these offenders on probation.

The House of Representatives approved **S. 381**, providing for the **ratification of the State Constitutional Amendment enhancing financial reserve funds** (and enrolled the bill for ratification). The legislation provides for the ratification of the amendment to the South Carolina Constitution approved by the state’s voters at the 2022 general election to enhance the state financial reserve funds that are used to cope with revenue shortfalls. The amendment provides for the state’s General Reserve Fund, currently set at five percent of General Fund revenue of the latest completed fiscal year, to be increased each year by 0.5 percent until it equals seven percent of such revenue. The amendment increases the state’s Capital Reserve Fund from two percent to three percent of General Fund revenue and provides that the first use of the Capital Reserve Fund must be to offset midyear budget reductions.

The House amended, approved, and sent the Senate **H. 3605**, a bill addressing the **screening of applicants for professional and occupational licenses** and the investigation of complaints filed against those who hold such licenses. The legislation provides that a professional or occupational board under the authority of the Department of Labor, Licensing, and Regulation may not solely or in part deny a license to an applicant because of a prior criminal conviction, unless the criminal conviction directly relates to the duties, responsibilities, or fitness of the occupation or profession for which the applicant is seeking a license. Boards are prohibited from using vague or generic terms, such as "moral turpitude" or "good character", nor may they consider charges that have been dismissed or dropped or that have resulted in a finding of not guilty as a justification for denying an applicant a license. An applicant who has submitted a completed application may not be denied a license because of a prior criminal conviction unless the licensing board has given the applicant an opportunity to appear at a hearing to determine the applicant's fitness for the occupation or profession. When a license is solely or in part denied because of the applicant's prior criminal history, the board must, within thirty days of the hearing, issue a written final order that includes the grounds for denial and notification that appeals are to be made to the Administrative Law Court. The legislationrevises provisions governing the investigation of professional and occupational licensees when complaints have been filed against them. Within 30 days after an investigation is initiated, the LLR Director is responsible for sending: (1) a letter advising the licensee that a complaint has been filed, an investigation has been initiated, and the licensee is requested to respond in writing within 14 days; (2) a copy of the complaint; (3) the name of the complainant, unless the board believes good cause exists to withhold the name; and (4) all materials filed with the complaint. In any case where an investigation prompts a licensing board to recommend a formal complaint, the legislation requires a procedural review in which the LLR Director is charged with verifying that notification requirements have been fulfilled and that any response from the licensee has been included and considered in the investigative file. Any procedural defects that the Director finds during the review must be rectified before a formal complaint can be issued.

The House approved and sent the Senate **H. 3614**, the **"Rate Payer Protection Act"**, which affords employees of public utilities whistleblower protections so that they might not refrain from reporting wrongdoing out of fear of retaliation. The legislation prohibits a public utility from dismissing, demoting, or taking other adverse employment actions against an employee who has, in good faith, reported waste, fraud, abuse, or other wrongdoing by the public utility to the Office of Regulatory Staff. Remedies are established should a public utility retaliate against an employee who acts as a whistleblower.

The House gave third reading, and sent to the Senate, **H. 3122**, a bill **repealing outdated statutory requirements** for the Attorney General to inspect local county offices and to approve all easements or other access agreements to be signed by officials with the South Carolina Department of Mental Health.

Third reading was given to **H. 3209 permit expiration extensions.** It would allow permits by the South Carolina Office of Ocean and Coastal Resource Management, Department of Health and Environmental Control, the State, other agencies, or subdivisions of South Carolina that were issued on January 1, 2018, or later, and set to expire during the COVID-19 declared emergency, to remain in effect until December 31, 2023. As amended, covered permits also include development approvals for providing water or wastewater removal services, and air quality permits.

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## Committee Actions

**Agriculture, Natural Resources and Environmental Affairs**

The Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday, January 31, 2023 and reported out four bills.

**H. 3538,** legislation dealing with **electronic harvest reporting**, was given a favorable recommendation by the full committee. Currently, the law addresses electronic reporting for wild turkey. This bill deletes “wild turkey” and substitutes references to “big game species”. “Big game species” includes white tailed deer, black bear, and wild turkey.

The committee gave a favorable with amendment to **H. 3312**, legislation that creates the **Child Food and Nutrition Services Study Committee**. This ten-member study committee is to examine the advisability of transferring the administration of certain national food and nutrition programs and initiatives currently administered by the State Department of Education to the State Department of Agriculture. These programs include, but are not limited to, the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs. In addition, the legislation provides for the membership and outlines that the committee shall make a report of its findings and recommendations to the General Assembly by January 1, 2024, at which time the study committee terminates.

**Education and Public Works**

The House Education and Public Works Committee met January 31st and submits a Committee Report (with recommended amendments) [**H. 3728**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3728&session=125&summary=B), which would enact the comprehensive "**South Carolina Transparency and Integrity in Education Act**.” The bill states that ideological and viewpoint biases should not be presented as fact to students who receive instruction in public school and that schools are to establish and foster a positive learning environment, teach critical thinking skills and prepare students to be college and career ready. The bill asserts that all stakeholders have a shared responsibility for student learning; that parents and students can raise awareness and have their concerns about objectionable material heard and addressed whenever such a topic is discussed; that all entities involved are to work to remove ideological biases from the pre-Kindergarten to grade twelve schools; and, that schools are to be a model for comprehensive, fair, and factual instruction.

The bill enumerates a list of prohibited concepts that may not be included or promoted in a course of instruction. Instructional material and professional development should not promote that one race, sex, ethnicity, religion, color, or national origin is superior, inherently privileged, or determines moral character. Moreover, these traits should not cause the assignment of fault or bias to an individual or group. Nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts (such as gender or sexual diversity training).

Districts are clearly allowed to teach state academic standards - including concepts such as the history of an ethnic group, the fact-based discussion of controversial aspects of history, and the impartial instruction of the historical oppression of a group of people based on race, ethnicity, and other characteristics. The state Department of Education must develop model lesson plans accessible to the districts.

The prohibitions also cover library and media policies. The bill provides procedures for public review of public-school curriculum and instructional materials: the State Board shall hold a public hearing before adopting any textbook or instructional material for use in the schools. A school may not accept teaching materials or technology which contains an application, link, or other access to pornographic (defined) or other prohibited materials. A school district that receives such materials must receive disciplinary action as stated in the complaint process.

Parents are encouraged, but not required, to sign a “Pledge Of Parental Expectations.” The bill asserts parental expectations and parental involvement in their children's education - that parents are expected to be the primary source for the education of their children - the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

Provisions are made for complaints and feedback (with means provided for addressing violations). Schools are to adopt a policy for procedures used to report and investigate an alleged violation and the resolution of violations. The legislation provides a comprehensive and extensive system of notices, investigations, due process, appeals, and reports. If a complaint cannot be resolved locally, an appeal can be made to the State Board for a final determination. The department may withhold funds from the district if it fails to adhere to a corrective action plan.

Several amendments are recommended by the Committee: the bill’s intent language is amended to include the words “and free from discrimination;” a requirement is added that the State Board of Education must determine the criteria for the age and grade appropriateness of library material; “Current events” is added to the list of topics that must be taught in a fact-based manner; adds the term *“*sex*”* to a list that already includes race, ethnicity, class, nationality, religion, and geographic origin; if it is known that a school official such as a department chair, principal, or superintendent has attempted to discuss a violation of the act with a teacher, counselor, aide, or other employee, it must be noted; the State Board of Education may suspend or revoke the certificate of an educator who has been found to be in violation of the act; complaints must be confidential from the time they are filed and remain so until a decision is rendered and may not be shared with a third party; signing the “Pledge of Parental Expectations” is voluntary, but the amendment clarifies that parents who refuse to sign are not prohibited from participating in any parental groups within the school. The amendment also states that the intent of the pledge is to foster parental expectations and should not subject them to retaliation or sanctions from teachers, schools, districts, or the State Board of Education.

The House Education and Public Works Committee met January 31st and submitted a Committee Report (with recommended amendments) on **H. 3518**. The bill amends DMV's **driver's license reinstatement fee payment program**. Currently, a person who has had his driver's license suspended may apply for a temporary license valid for no more than six months to allow time for payment of reinstatement fees. The bill increases the temporary license period to twelve months and allows DMV to provide the person with a fee schedule. It also allows the driver to make payments online, except for the first and final payments. Other adjustments are made regarding how often a person participates and restricts the types of driver's license suspensions that qualify for a reinstatement fee payment program.

**Medical, Military, Public and Municipal Affairs**

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, January 31, 2023 and reported out two bills.

The committee gave a favorable report to **H. 3231**, a bill **repealing Sections 44-6-300, 44-6-310, and 44-6-320, relating to the responsibility of the Department of Health and Human Services to establish and expand Child Development Services**. Upon the recommendation of the Legislative Oversight Committee, the legislation eliminates the outdated requirement of the establishment of this program. The program is no longer operated within the Department of Health and Human Services.

**H. 3508** was given a favorable recommendation from the full committee. This bill expands the **concurrent jurisdiction with South Carolina and the United States over a military installation** relating to any violation of federal law committed by a juvenile that is also an offense under state law. Currently, the only exception to the United States' exclusive jurisdiction over lands it acquires in South Carolina, including Department of Defense military installations, is for service by the state's civil and criminal process courts. The bill also states that when concurrent jurisdiction has been established, the Family court has exclusive original jurisdiction over these cases.

Introduced Legislation

**Agricultural, Natural Resources, and Environmental Affairs**

**H. 3868 Women in Hunting and Fishing Awareness Day Rep. Bauer**

The bill adds that the second Saturday in November of each year is designated as "Women in Hunting and Fishing Awareness Day" in South Carolina.

**Education and Public Works**

[**H. 3843**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3843&session=125&summary=B) **Open Enrollment Option in Public Schools Rep. Erickson**

This bill provides an open enrollment option in public schools.

**H. 3857 Doctoral/Professional Universities Rep. McGinnis**

This bill adds a new category for doctoral/professional universities.

[**H. 3871**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3871&session=125&summary=B) **Public School District Interscholastic Competitions Rep. Ott**

This bill relates to participation in public school district interscholastic competitions by charter school students and private school students so as to provide public schools may not contract with private entities for the supervision, sanctioning, or regulation of interscholastic competitions unless the entity requires member charter schools and private schools to participate at higher classification levels of competition (if they accept students living outside of the public high school attendance zone in which the they are located, and to provide modified requirements for schools already competing at the second highest level or highest level of competition)

[**S. 39**](https://www.scstatehouse.gov/billsearch.php?billnumbers=39&session=125&summary=B) **Education Scholarship Trust Fund Sen. Grooms**

**S. 39**, amended by the Senate, passed, and sent to the House on Feb. 2nd, creates an education scholarship program, the “**Education Scholarship Trust Fund**," to provide scholarship funding to qualifying elementary and secondary students to pay for eligible education expenses. The scholarship amount per pupil is $6,000 in the first year and is adjusted each year thereafter by the percentage increase in the actual state allocated revenue per pupil as calculated by the Revenue and Fiscal Affairs Office (RFA) pursuant to the annual appropriations act. The funds are allocated to the parent of an eligible student to pay for qualifying expenses.

"Eligible school" means a South Carolina public school or an independent school that chooses to participate in the program. "Eligible school" does not include a charter school.  There is a defined list of qualifying expenses.

The bill defines an eligible student as follows: a resident of this state; attended a public school in this state the during the previous school year, had not yet attained the age of five on or before September first of the prior school year but has attained the age of five on or before September first of the current school year; or, received a scholarship issued pursuant to this bill for the prior school year; has a statement of Medicaid eligibility, has an IEP, or has a sibling living in the same household who receives a scholarship pursuant to this bill. Initial funding to establish the program is dependent upon appropriations.

The program will be administered by the S.C. Department of Education (SCDE).

The bill also limits the number of annual enrollees. In the first year, school year 2023-24, the program is limited to 5,000 scholarship students. In the second year, school year 2024-25, the program is limited to 10,000 scholarship students. In the third year, school year 2025-26 and beyond, the program is limited to 15,000 scholarship students. In 2026 and every five years thereafter, SCDE must conduct an eligibility and use review of the program and must make recommendations to the General Assembly to improve the program.

The scholarship amount per pupil is $6,000 in the first year and is adjusted each year thereafter by the percentage increase in the actual state allocated revenue per pupil as calculated by the Revenue and Fiscal Affairs Office (RFA) pursuant to the annual appropriations act.  The bill provides a phase-in of the number of eligible students for the scholarship program from 5,000 students in 2023-24 through 2025-26 until the number of students reaches the maximum limit of 15,000.  This bill requires SCDE to administer the scholarship funding program and allows the agency to contract with qualified organizations or vendors. The bill also tasks SCDE with reporting requirements and to collaborate with the Education Oversight Committee (EOC) to develop a parental satisfaction survey about the program and to report its findings to the General Assembly annually.

The Department shall create a standard application process and establish the timeline for parents to establish the eligibility of their student for the Education Scholarship Trust Fund program. The Department is to process applications in the order in which they are received, after a preference has been extended to all prior-year participants and their respective siblings, among other things.

The bill has household income parameters; hence, Medicaid eligibility being required. See above.

The Department must require an independent school that applies to be an education service provider to be in the State, to have an educational curriculum that includes courses set forth in the state's diploma requirements and to meet the compulsory attendance and State Board of Education approval requirements. By February first of each year, the department will certify the list of approved education service providers for participation in the program that meet all program requirements. The Department may waive the deadline requirement upon good cause shown by an education service provider.

Amendments adopted was language governing costs for overseeing the accounts and administering the program up to a limit of two percent; prohibiting discrimination; distribution mechanics; income qualification limits; restrictions on members of the General Assembly; and, that the trust fund does not constitute a debt, among other items.

**Judiciary**

**H. 3840 Assaults on Healthcare Workers and Professionals Rep. Beach**

Anyone assaulting healthcare professionals as defined in this bill, and while these professionals are on duty, would be committing assault of a high and aggravated nature should this bill become law. It would be a felony level crime, with incarceration for up to 30 years, depending upon the exact nature of the assault committed.

**H. 3841 Prohibiting Judicial Candidate Pledges and Other Activities Rep. A. M. Morgan**

This proposal seeks to prohibit General Assembly members from pledging at any time to vote for various judicial seat candidates. It also would prohibit General Assembly members from pressuring judicial candidates to withdraw their candidacies. The Judicial Merit Selection Commission would receive any reports of prohibition violations, and then forward them on to the appropriate ethics committee.

**H. 3842 Nighttime Alcohol Sales? Rep. Tedder**

A Joint Resolution for a ballot referendum question on ending the prohibition of alcohol sales between the hours of 7:00 p.m. and 9:00 a.m. by amending SC Constitution Article VII-A, Section 1.

**H. 3844 “The Eviction Right to Counsel Program” Rep. Pendarvis**

If enacted, this bill would establish a right to legal counsel in eviction, tenancy termination, or housing cessation cases by the SC State Housing Authority. Qualifying cases would be those brought against anyone whose income is at, or below, 125 percent of the federal poverty income level. The state housing authority is proposed to administer this program.

**H. 3845 Under 21 Driver License Suspension Reforms/Ignition Interlock Device Programs/SCDL Suspensions Rep. W. Newton**

A comprehensive bill to allow, among other things, alternatives to drivers under 21 who are found to have a 0.02 per cent, or higher, alcohol concentration in their bodies while driving. It would replace route-restricted licenses with temporary licenses and opportunities for these drivers to participate in Ignition Interlock Device Programs. In addition, enrollment in these programs would become available to habitual offenders and drivers whose privileges to drive had been permanently revoked, as part of their efforts to regain their driving privileges, by following procedures set out in this pending bill.

**H. 3856 Alzheimer and Dementia Suffering Missing Person Alerts Rep. Howard**

SLED would be tasked with sending emergency wireless alerts to law enforcement officials and the public when these individuals go missing, should this bill become law.

**H. 3864 Jury Selection Process Enhancements Rep. Jordan**

This proposal would allow trial lawyers to directly question potential jurors on *voir dire* if this bill is enacted. Trial judges would have to preapprove these questions. Lawyers could not ask questions relating to a potential juror’s political or religious views; evidence to be presented at trial, and the weight they would give to it; any argumentative questions; or how they voted as a member of a jury in another trial.

**H. 3865 Additional Optional Coroner Candidate Qualification Rep. Hiott**

Under existing state law, all candidates for coroner must meet all standards set out on a list of minimum qualifications to serve. In addition to these minimum qualifications, they also must have at least one qualification from a second list of qualifications. This bill would add three years as a paramedic to this second list as a potential, additional qualification to become a coroner.

**H. 3866 Attorney General Litigation in South Carolina’s Interest Rep. Rutherford**

When the Attorney General brings litigation in South Carolina’s interest on behalf of a state agency, this bill seeks to clarify he is not doing so as the lawyer for that agency or its staff. In addition, the Attorney General would not be considered the holder of any records or other agency documents that relate to the lawsuit the Attorney General has brought. Unfair trade practice suits brought by the Attorney General would not be considered brought by state Consumer Affairs or other state agency unless it is named in the pending lawsuit as a party, should this proposal be enacted.

**H. 3867 *Ex Parte* Orders of Protection Issued in Magistrate Courts Rep. Kirby**

This bill would allow magistrates to issue *ex parte* orders of protection in situations of immediate and present danger of abuse if this bill is enacted. Once these orders would be issued, that magistrate would have to hold a follow-up hearing within seven days, after giving five days advance notice of the hearing to all interested parties.

**H. 3872 South Carolina Education Lottery Participant Personal information Protections Rep. Murphy**

A proposal to protect a lottery participant’s name, address, telephone number, birth date, Social Security number, and form of identification they gave to the commission. Public information would be limited to the date of the claim and draw; the game played, the prize amount, and location of the retailer that sold the ticket.

**Medical, Military, Public and Municipal Affairs**

**H. 3839 Delinquent Personal Property Taxes Collected by Private Contractors Rep. Forrest**

This bill authorizes property tax officials to contract with a third-party collection agency to collect delinquent property taxes on personal property.

**H. 3870 Narcotic Treatment Programs (NTP) Rep. Wooten**

Among many requirements, the bill outlines that a narcotic treatment program shall apply for and must be issued an NTP permit before methadone or other narcotic treatment medications may be administered, dispensed, or delivered to that narcotic treatment program.

**Labor, Commerce, and Industry Committee**

**H. 3846 Water Service Special Purpose District Interstate Authority Rep. Long**

This bill provides authorization for a special purpose district providing water service within a county of South Carolina that borders an adjoining state to, by majority vote of its commissioners, become a member of and participate in a joint agency or authority organized under the laws of the adjoining state.

**Ways and Means Committee**

**H. 3847 One Thousand Dollar Increase for LIFE and SC HOPE Scholarships Rep. Tedder**

This bill provides for the maximum amount of the LIFE Scholarship to be increased from $4,700 to $5,700 and for the maximum amount of SC HOPE Scholarships to be increased from $2,500 to $3,500.

**H. 3855 Single County Agency Designated to Receive Substance Abuse and Treatment Block Grant Funds Rep. Ott**

This bill provides that the single county agency designated as being responsible for implementing all substance abuse treatment and prevention services in a county shall receive block grant funds awarded to the Department of Alcohol and Other Drug Abuse Services for the provision of substance abuse treatment and prevention services in a given county. The single county agency is responsible for implementing all substance abuse treatment and prevention services and administering all federal and state funding for substance abuse treatment prevention services in a county. This single county agency may issue a subgrant to another provider in the county.

**H. 3869 Affordable Housing for Hospitality Workers Funded through Local Accommodations Taxes Rep. Bustos**

This bill revises provisions governing the expenditure of the local accommodations tax to include affordable housing for hospitality workers as a tourism‑related expenditure.

Friday, February 3, 2023

The House Research Office uses the 17th edition of the Chicago Manual of Style (with practical modifications, esp. regarding numbers).

These summaries are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) nor the House of Representatives. They are for the use of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent. These Legislative Updates are on the South Carolina General Assembly home page (<http://www.scstatehouse.gov>). Go to Publications, then Legislative Updates. This lists all the Legislative Updates by date as a Word document and a document with hypertext links to the bills. Also available under Publications is a Bill Summary Index to the Legislative Updates (bills are listed in numeric order and provide the different summary versions at the different stages and dates in the process).