Vol. 40 **May 15, 2023** No. 17

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##

**House Floor Actions**

**(May 9 - 11, 2023)**

On the afternoon of Thursday, May 11th, the House adjourned *sine die*; subsequently, on May 12th, by Executive Order No. 2023-13, the Governor called the General Assembly into extra session beginning at 12:00 noon on Tuesday, May 16, 2023.

The House of Representatives concurred in Senate amendments to **H. 3726**, the **“Statewide Education and Workforce Development Act,”** and enrolled the bill for ratification. Drawing upon the work of the Ad Hoc Committee for Economic Development and Utility Modernization appointed by the Speaker of the House, the legislation makes comprehensive revisions geared towards realizing South Carolina’s full workforce potential by implementing initiatives to coordinate and make the most of all publicly funded job training, scholarships, apprenticeship programs, and other workforce development services. To provide centralized oversight of all services, the Office of Statewide Workforce Development is created in the Department of Employment and Workforce to coordinate, align, and direct workforce efforts throughout the state to maximize available resources, enhance accountability and transparency, and actively foster a customer‑centric workforce development system that is readily accessible, highly effective, and easily understandable. The Director of the OSWD is appointed by the Governor, upon the advice and consent of the Senate, and is subject to removal from office by the Governor. All functions, powers, and duties of the Department of Commerce relating to the former Education and Economic Development Coordinating Council are transferred to the Department of Employment and Workforce to provide for a reconstituted and expanded Coordinating Council for Workforce Development made up of representatives from pertinent state agencies, legislative committees, K-12 public education, higher education, technical and comprehensive education, and private sector employers ranging from largescale industries to small businesses. The legislation provides for an executive committee of the CCWD, composed of the heads of key state agencies and appointees of legislative leadership. The CCWD is charged with formulating and updating a comprehensive Unified State Plan that provides a systemwide approach to streamline and unify efforts of all those involved in education and workforce development in South Carolina. The plan must be formulated using time‑sensitive metrics including educational attainment and labor participation rate targets. A dashboard must be developed to enable the public to monitor and track progress of the USP.

The Office of Statewide Workforce Development is charged with monitoring the compliance of each state and local government agency, nonprofit group, and quasi‑governmental group that is appropriated state funds or is authorized to expend federal funds related to workforce development. When necessary, the OSWD is to issue directives for any actions that are necessary to comply with the responsibilities set forth in the USP. An annual report detailing all funds used for workforce development projects must be submitted to the Governor, Speaker of the House, President of the Senate, Chair of the House Ways and Means Committee, and Chair of the Senate Finance Committee.

The legislation revises requirements for employers to make Unemployment Trust Fund contribution and wage reports to the Department of Employment and Workforce by expanding reporting requirements to include more employers and providing for more detailed reports that include Standard Occupational Classification (SOC) codes and total number of hours worked.

The duties of the CCWD and the Office of Statewide Workforce Development include the creation and maintenance of an Education and Workforce Portal to provide South Carolinians with information critical to their lifelong educational journey, including: (a) an “Educational Program Alignment Toolkit” that serves as an infrastructure of resources to enable the K‑12, technical college, and higher education systems to individually and collectively ensure their respective educational curriculum, initiatives, and programming match workforce needs; (b) a “Career Pathways Tool” that uses applicable occupational data, educational programming, workforce needs, salary information, job market analyses, in-demand occupations, and other information to provide students, parents of students, job seekers, educators, and counselors, with useful information about potential career pathways and the various routes to meaningful employment; (c) real-time labor market information; (d) comprehensive inventory of all education and training assets in the state; and (e) global view of workforce‑related program data including federal, state, and local education and training options and opportunities.

The legislation provides for regional workforce advisors, overseen by the OSWD, who are charged with coordinating and facilitating the delivery of information, resources, and services to students, educators, employers, and the community within their geographic areas of responsibility.

The CCWD and the Office of Statewide Workforce Development are charged with studying and making recommendations to address barriers to labor participation, such as affordable access to childcare and transportation. The CCWD and the Office of Statewide Workforce Development are responsible for providing individuals who are receiving assistance from public benefit programs with the supports, skills, and credentials they need to gain and retain employment in occupations for which employers demonstrate persistent demands. This includes a “SC Benefits calculator” to help families, case managers, and community providers understand the impact of earnings and assist families planning their exit from the use of these public benefits, with the goal of promoting self‑sufficiency and maximizing use of available opportunities.

The CCWD is directed to coordinate with the South Carolina Department of Veterans’ Affairs to develop and implement procedures that connect active-duty military spouses, family members, veterans, and military retirees to job opportunities and career support.

The executive committee of the CCWD may recommend the appropriate actions necessary to eliminate duplicative programs and workforce activities that do not further the USP, improve programs not meeting stated performance targets, and, when necessary and to the extent not prohibited in law, recommend the discontinuation of programs that repeatedly do not meet targets or may no longer be needed. The CCWD is charged with meeting regularly with industry

associations to gain an understanding of their workforce needs and ideas and producing an annual statewide workforce and education supply gap analysis of what skills should be developed to meet demand. The CCWD is directed to make recommendations to the General Assembly on how the state of South Carolina could marshal its workforce development resources more effectively.

The House amended Senate amendments to **H. 4300**, the General Appropriation Bill, and **H. 4301**, the joint resolution making appropriations from the Capital Reserve Fund, which together comprise the **Fiscal Year 2023-2024 State Government Budget**. The House amendments largely reinstated the budget proposal approved by the body earlier in the year with certain exceptions. Notably, the House accepted the Senate’s version instead of its earlier proposal for state employee pay raises. Under the version approved by both bodies, each full-time state employee who makes no more than $50,000 a year receives a $2,500 increase in base pay, and full-time employees making more than $50,000 a year receive a 5 percent salary increase. Funding is included for various economic development and tourism projects. A Department of Health and Human Services provision is included for a biomedical research center initiative for the evaluation of genetic profiles and patterns associated with disease risk to establish effective detection and therapeutic responses. Temporary provisions were included to address delays experienced by home builders in obtaining soil analysis needed for the installation of new septic tank systems. A Department of Education provision was included to provide that the interscholastic athletic association has the authority to adjust the classifications to promote competitive balance. A conference committee was appointed to address the differences between the House and Senate on the budget legislation.

The House and Senate are in conference on **H. 4023,** whichseeks to change the **First Steps to School Readiness Act**. The House version makes the Act permanent and states that future reauthorizations are not required. Future Executive Directors of the Office of First Steps to School Readiness must be appointed by the Governor with the advice and consent of the Senate. Directors serve at the pleasure of the First Steps Board of Trustees.

The bill revises the composition, appointment process, and terms of membership for local First Steps Partnership Boards (as well as provides for the termination of certain current board members and the transition of certain tasks by local partnerships). The bill also includes provisions related to the administration of local partnerships, including establishing multicounty partnerships and developing and adopting a standard fiscal accountability system for local partnerships. It also requires all publicly funded early childhood serving agencies and entities to participate in certain data-sharing initiatives supported by the advisory council.Other changes proposed by the bill include adding the Director of the Department of Mental Health as a trustee to the First Steps Board of Trustees, revising data governance policies, providing for certain activities to build parent knowledge, and requiring the development, implementation, and review of an overall strategic plan by the First Steps advisory council.

The Senate amendments delete several provisions governing the First Steps partnership executive director and also strike a statutorily delineated framework and assert that “Each legislative delegation shall determine the number of members to serve on the local First Steps

Partnership Board. Appointments shall be made by the legislative delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school. The legislative delegation may by resolution delegate its appointments to county council.”

**H. 3728** (TIE) was amended by the Senate and returned to the House. **H. 3728** would enact the comprehensive "**South Carolina Transparency and Integrity in Education Act**.” The House version of **H. 3728**, states that ideological and viewpoint biases should not be presented as fact to students who receive instruction in public school, that all students should learn in a positive learning environment where they are made to feel welcomed, supported, respected, and free from discrimination; 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. A student, administrator, teacher, staff member, other school or district employee, or volunteer shall not be required to attend any instruction, training, or presentation that has the goal or purpose of studying, exploring, or informing attendees about gender roles or stereotypes, gender identity, gender expression, sexual orientation, or romantic or sexual relationships. No student shall attend any instruction, training, or presentation including these topics unless the school has received written permission from the student's parent.

Library and media center material, both printed and electronically accessible, must be age-appropriate and grade-appropriate. Determination of the appropriateness of materials should be guided by criteria established by the State Board of Education.

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 instruction of the historical oppression of a group of people based on race, sex, ethnicity, class, nationality, religion, or geographic region, including the fact-based and historically accurate discussion of the history of slavery. “Current events” is added to the list of topics that must be taught in a fact-based manner. The state Department of Education must develop model lesson plans accessible to the districts.

The bill provides procedures for public review of public school curricula 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.

Beginning with the 2024-2025 school year, each LEA shall prominently post information regarding curriculum and instructional materials on the school district website at least seven days prior to the start of classes. Information must indicate the materials used by school, grade or course, and subject matter, and must include: a listing of the approved textbook for every course offered in the district; a link to statewide academic standards; relevant district policies concerning curriculum development and academic transparency; a process for which parents may review and contest instructional materials and library and media center materials being used; and a process by which parents may withdraw their student from any specific instruction or presentation that that the parent, in the parent's sole discretion, objects to their student receiving. If curriculum or instructional material are added after the start of classes, they must be posted within three days. For any child who does not attend any instruction or presentation pursuant to this law, the school shall provide to the student alternative educational instruction that furthers the completion of any grade level or graduation requirements and does not include any of the objectionable content; and shall not impose an academic or other penalty upon the student.

A latter section of the bill is intended foster parental involvement and shall not be construed as a mandate on parents that could subject them to retaliation or sanctions from teachers, schools, LEAs, or the State Board of Education. 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). 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. 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, including a statement by the complainant verifying that he has made a good faith effort to communicate with the individual alleged to have included or promoted the prohibited concept and resolve the matter. The bill requires that a complaint must have a statement verifying that the complainant "has made a good faith effort to communicate with the individual alleged to have included or promoted the prohibited concept.”

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. In addition to district losing funds, the Committee amendment also calls for the educator to have their certification suspended or revoked if they fail to abide by the plan. A further amendment allows for parents to bring a suit for violations. Declaratory and injunctive relief, along with attorney's fees and costs, are recoverable.

The House and Senate adopted the conference committee report on **S. 399** and the bill was enrolled for ratification. The legislation provides for **restructuring the Department of Health and Environmental Control** and makes other provisions for reassigning and restructuring certain state government programs and duties relating to public health and environmental protection. The legislation creates the Department Public Health comprised of the divisions, offices, and programs of the Department of Health and Environmental Control that perform health related functions. DHEC’S functions related to the regulation and protection of the environment are transferred to and devolved upon the newly created Department of Environmental Services. The new departments are established as cabinet agencies in the executive branch of government under the leadership of directors who are appointed by the Governor with the advice and consent of the Senate. DHEC and its governing board are dissolved. The Department of Administration is charged with determining the best manner of efficiently and effectively dividing DHEC and reporting its recommendations to the General Assembly. The hydrology and aquatic nuisance species programs of the Land, Water and Conservation Division of the Department of Natural Resources are restructured as a division of the Department of Environmental Services. The food safety program in DHEC’s Division of Food and Lead Risk Assessment and the Milk and Dairy Lab is restructured as a division of the Department of Agriculture. The authority to establish, manage, and operate veterans homes is transferred to the Department of Veterans’ Affairs, and all powers and duties assigned to the Department of Mental Health regarding veterans homes are transferred to and devolved upon the Department of Veterans’ Affairs. Provisions are made for the Department of Administration to procure the services of independent, third-party experts to conduct a comprehensive analysis of the missions and delivery models of all state agencies concerned with the overall public health of the state, as well as certain specific populations such as children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged, and veterans.

**Act 10 (S. 341),** sets out **guardianship appointment revisions.** Probate Court authority has been expanded to allow guardianship petitions to be filed as much as 180 days prior to a youth turning 18 years old. Courts will have to determine a basis for appointing a guardian for these youths and make findings about how they will benefit from having a guardian appointed even though they will be reaching their age of majority.

The House has concurred in Senate amendments to **H. 3209 permit expiration extensions.** This Joint Resolution has been enrolled for ratification. It would extend the expiration dates of permits issued by our 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 between January 1, 2020 and December 31, 2023, and set to expire, to remain in effect for the length of time originally set out in them. Nothing in this Joint Resolution affects any development agreements; federal agency actions, other federal entities, or federal laws applicable to permits; can be used for shortening the effective dates of approvals; is to be interpreted to prohibit extensions from being granted; blunts the effect of any administrative consent orders; prevents any agency or entity from lawfully modifying or revoking any permits it has issued; prevents any federal lawful actions from being taken; affects certificates of need, or applies to any coastal island permits issued by SC DHEC.

The Senate has concurred in House amendments to **S. 36**, and enrolled it for ratification. It expands the scope of using **interlock ignition devices** in motor vehicles for minors whose licenses have been suspended for having a measurable amount of alcohol in their systems, for drivers issued a temporary alcohol license, and for habitual offenders seeking reinstatement of their drivers’ licenses.

Anyone issued a temporary alcohol license would have to install these devices in the motor vehicle they will drive using that license. However, anyone registering an alcohol concentration of 0.00 one hundredths of one percent could not be required to install a device. In cases where the license suspensions are contested, these devices could not be required to be installed until the suspension is upheld after a hearing has been conducted.

The Senate has concurred in House amendments to **S. 120, Execution Team Identity and Lethal Injection Drug Provider Information Protections.** It has been enrolled for ratification as a result.If enacted, this bill would provide protection of the personal information of state execution team members, including their names, social security numbers, dates of birth, addresses, telephone numbers, social media information, and usernames. Also, to be protected would be similar, and additional, information related to pharmacists, other healthcare professionals, and providers of lethal injection drugs for executions to be performed by our Department of Corrections.

Also enrolled for ratification this past week was **S. 459, Alcohol Consumption in Airport Secured Areas.** This proposed legislation allows screened airflight passengers to consume liquor drinks purchased from authorized airport concessionaires throughout the secured areas of the Charleston International, Columbia Metropolitan, Florence Regional, Greenville-Spartanburg, Hilton Head Island, and Myrtle Beach airports.

**S. 252,** was given third readingin the House and is being enrolled for ratification**.** It allows **judges and law enforcement officers and officials** to file an appropriate form with supporting documents. After this filing, their **personal information**, including home addresses and cell phone numbers will have to be retained **confidentially** in all state documents. It would become effective July 1, 2024.

The House concurred in Senate amendments to **H. 3952** and enrolled the bill for ratification. The legislation revises the **administrative authority of the Department of Consumer Affairs relating to motor vehicle dealers** under the state’s Consumer Protection Code. The legislation revises Consumer Protection Code provisions addressing motor vehicle sales contracts and the closing fees charged by dealers to recover their actual costs for all administrative and financial work needed to transfer and deliver the motor vehicle to the consumer. The legislation revises the criteria that the Department of Consumer Affairs utilizes to determine if a dealer’s closing fee is considered reasonable. In administering and enforcing these provisions, the department is charged with promoting education for consumers and best practices for dealers and mediating complaints between a consumer and a dealer, whenever possible. The department may review or investigate a dealer upon receipt of a complaint or other credible evidence that the dealer has violated a Consumer Protection Code provision related to closing fees. The legislation establishes a protocol for the department in the conduct of its administrative and enforcement responsibilities that includes notification requirements, limitations on the documents that the department may request from the dealer relating to alleged violations, and requirements for issuing timely decisions. A dealer may not be held liable in any action for a Consumer Protection Code violation if the dealer shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error and the dealer refunds any excess charge paid by the consumer. For an intentional violation, a dealer must refund any excess charge paid by the customer in closing fees and the dealer is subject to tiered administrative penalties that increase for repeat violations.

The House concurred in Senate amendments to **H. 3908** and enrolled the bill for ratification. The legislation makes provisions for **paid parental leave for teachers and other school district employees** upon the birth of a child or initial legal placement of a foster child or a child by adoption. Under the legislation, public school teachers and other school district employees are entitled to the paid parental leave afforded state employees. The State Board of Education is charged with promulgating regulations, guidance, and procedures to implement these provisions.

The House returned **S. 284**, a bill addressing funding for the **development of workforce housing**, to the Senate with amendments. The Senate subsequently concurred in the House amendments and enrolled the bill for ratification. The legislation authorizes a county or municipality to expend up to fifteen percent of its annual local accommodations tax revenue for the development of workforce housing, which must include programs to promote home ownership. A sunset provision is included so that the legislation is no longer effective after December 31, 2030. A temporary Land Development Study Committee is created to examine current and prospective methods to plan for and manage land development in South Carolina. The legislation provides for the study committee’s membership and charges it with providing a report to the General Assembly by December 31, 2023, at which time the study committee shall dissolve. Before the beginning of the 2030 legislative session, the Director of the Department of Parks, Recreation and Tourism, in consultation with the Secretary of Commerce and the Commission of Agriculture, shall issue a report to the General Assembly detailing the effects on tourism and workforce housing resulting from these provisions.

The House returned **S. 31** to the Senate with amendments. The Senate subsequently concurred in the House amendments and enrolled the bill for ratification. The legislation revises requirements for **local government financial audits** to make them less stringent for small towns and rural counties. The legislation provides that the council of each municipality having total recurring revenues below a set threshold may elect to provide for either an audit of financial statements or follow a procedure for providing a compilation of financial statements in lieu of an audit. The legislation provides authority for the State Treasurer to grant a county an extension of ninety days on its required financial audit deadlines.

The House approved **S. 739**, a joint resolution for a one-time **reallocation of South Carolina Housing Tax Credits** and enrolled the legislation for ratification. The legislation provides for a one-time reallocation of housing tax credit funding to assist affordable housing projects under construction that are experiencing cost overruns due to inflation, higher interest rates, and other economic pressures. The joint resolution allows for unallocated housing tax credit funding to be diverted to these existing projects under construction to allow for their completion.

The House concurred in Senate amendments to **H. 4115**, a bill making revisions relating to the licensure and regulation of **building contractors** and enrolled the legislation for ratification. The legislation increases from $5,000 to $10,000 the minimum project value that requires licensure for general contracting and mechanical contracting. The legislation revises financial surety requirements of licensees for the various project levels, including provisions that allow financial security requirements to be met based on working capital rather than net worth. The legislation defines ancillary work. Penalties for violations are revised to be more in line with penalties established for other boards and commissions under the authority of the Department of Labor, Licensing and Regulation. Private reprimands are included in the disciplinary process. Revisions are made to general contractor specialty subclassifications, including provisions for fabricating, assembling, installing, and replacing solar panels and related components.

A conference committee was appointed to address the differences of the House and Senate on **S. 108**, a bill that makes provisions for **death benefits for first responders killed in the line of duty**.

The House returned **S. 557**, a bill enhancing **tax incentives for economic development**, to the Senate with amendments. The legislation expands the income tax credit provisions for establishing a corporate headquarters in South Carolina. The legislation lowers the minimum investment threshold from three hundred million to one hundred million for a qualified recycling facility to be eligible for tax credits. Batteries, solar panels, turbines, and related structures are included in the definition of “postconsumer waste material” for recycling facilities. Provisions in the Enterprise Zone Act of 1995 are revised to allow remote employees working in South Carolina to be included in certain job creation requirements and adds incentives for certain investments. The legislation revises provisions relating to the Enterprise Zone Act credit against withholding for retraining employees to provide who is eligible for the credit and the amount of the credit allowed. To recruit an eligible business to this state or encourage an expanded investment in South Carolina, the legislation provides authority for the Secretary of Commerce, subject to approval by the Joint Bond Review Committee, to allow an eligible business to sell, exchange, or otherwise transfer job tax credits they have earned. The sale or exchange of credits applies to state income tax credits earned from 2022 until 2029 by a business that is headquartered in South Carolina, or whose primary business is in: research and development; the production of microchips, semiconductors, or circuit boards and other electronics components; the production of pharmaceuticals, including active pharmaceutical ingredients; advanced manufacturing; life sciences; or new, emerging, or high technologies. The legislation enhances apprenticeship income tax credit provisions to provide that the amount of the credit is equal to the greater of the cost of the apprenticeship or $1,000 for each apprentice employed, but not to exceed $4,000 for an apprentice, or $6,000 for the youth apprenticeship program. If the apprentice completes the apprenticeship and remains an employee of the taxpayer, the taxpayer may claim the $1,000 credit for up to three additional taxable years. The maximum aggregate credit for all taxpayers may not exceed five million dollars in any one tax year. The General Assembly, in the annual general appropriations act, may increase or decrease this maximum aggregate credit amount. Any unused credit may be carried forward for three years.

The House approved and sent the Senate **H. 3116**, a bill addressing the **timing of the property tax exemption for disabled veterans**. The legislation provides that a qualified veteran of the Armed Forces of the United States, who is permanently and totally disabled as a result of a service-connected disability and who files a certificate signed by the county service officer, may immediately claim the exemption for the entire year in which the disability occurs. Additionally, a veteran who is permanently and totally disabled for any part of the year is entitled to the exemption for the entire year. In a year in which a disabled veteran owns a property for less than a year, any other owner, who is not a disabled veteran, or otherwise entitled to an exemption, is responsible for the property tax accrued on the property for the time in which he owned the property.

The House amended, approved, and sent the Senate **H. 3072**, a bill providing for the **continuation of the owner-occupied property tax assessment ratio and homestead exemption following the owner’s death** while the estate is in probate. The legislation revises property tax provisions to provide that when an owner receiving the four-percent special assessment rate for owner-occupied residential property and homestead exemption dies, the property shall continue to receive the special assessment rate and homestead exemption until the decedent's estate is closed, upon the recording of a deed or deed of distribution out of the estate, or after December thirty-first of the year following the date of death, whichever occurs first. This extension does not apply if the property is rented for more than 72 days in or following the calendar year of the decedent's death or if a change of use occurs.

The House approved and sent the Senate **H. 3824**, a bill **expanding the alternative fuel property income tax credit** provisions to include electrical equipment and the use of electricity as an alternative fuel so that the credits may be used for the installation of electric vehicle charging stations.

The House amended, approved, and sent the Senate **H. 3948**, a bill **expanding the renewable energy resource property tax exemption** to apply to commercial solar panels.

The House amended, approved, and sent the Senate **H. 3121**, a bill establishing an **income tax credit for perpetual recreational trail easements**. 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, 2028.

The House amended, approved, and sent the Senate **H. 4145**. This bill revises provisions for **redevelopment fees** remitted by the Department of Revenue to remove an annual maximum and extends a sunset provision. The legislation amends Act 356 of 2002, relating to the Charleston Naval Complex Redevelopment Authority, to eliminate a provision requiring the sharing of certain revenue.The House gave second reading approval to **H. 3811**, a bill providing for an **Industry Partnership Fund tax credit increase**. The legislationrevises the tax credit established for contributions to the Industry Partnership Fund associated with the South Carolina Research Authority (SCRA) by increasing the aggregate credit from nine million to twelve million dollars for tax years after 2022.

The House gave second reading approval to **H. 3425**, a bill **facilitating retirees in state pension systems to return to covered employment** without being subject to earnings limitations. The legislation establishes conditions that allow earnings limitations not to apply when a retiree in the South Carolina Police Officers Retirement System returns to covered employment in a critical needs law enforcement position as determined by the Law Enforcement Training Council. Additionally, the bill removes the earnings limitation for a retiree of South Carolina Retirement System if the employee is separated from covered employment for at least twelve months before returning to covered employment.

The House gave second reading approval to **H. 3880**. This bill provides that **no admissions taxes may be charged or collected on annual or monthly dues paid to a golf club.**

The House version of **H. 3433** requires the Department of Natural Resources to provide notice (by mail) of the **suspension of saltwater privileges or hunting and fishing privileges**. The Senate amendments deal with changes in the postal provision. The giving of notice by mail is complete 20 days after the deposit of the notice and ends the same day the following year. The bill removes the mail return receipt request requirement. As a result, the Department must certify that the notice has been sent as required and is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee. A person may, within thirty days after notice of suspension, request in writing a review. A person whose privileges have been suspended may appeal the decision of the Department under the Administrative Procedures Act.

The House concurred with Senate amendments and enrolled for ratification **H. 3538**,legislation dealing with **electronic harvest reporting**. Current 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 bill also outlines that with electronic harvesting, a person who takes a big game carcass to a processor must provide the tag number and harvest report confirmation number to the processor at the time the carcass transfers from the person to the processor. The processor must record and maintain the harvest report confirmation number until the processed meat is received by the hunter or their designee. This provision takes effect July 1, 2024.

The House concurred with Senate amendments and enrolled for ratification **H. 3868**, legislation designating the third Saturday in November of every year as “**Women in Hunting and Fishing Awareness Day.”**

The House gave third reading and enrolled for ratification S. 569, a bill that convenes the advisory council to the Alzheimer’s Disease and Related Disorders Resource Coordination Center to update the **statewide plan addressing Alzheimer’s disease and related dementias**. The advisory council must solicit input from the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Social Services to ensure the formulation of a comprehensive statewide plan. An annual report must be submitted to the Governor and General Assembly by September 30, 2023, about the progress made toward fulfilling the statewide plan. The statewide plan must be updated in 2028 and every five years thereafter.

The House received and adopted the Free conference report and enrolled **S. 317**. In an effort to streamline the process, **S. 317** reduces the number of board members on the Board of Trustees for the **Veterans Trust Fund** **of South Carolina** from 19 to 11 voting members. The Governor, with the advice and consent of the Senate, appoints the board, which consists of eleven members in total. The board includes seven members selected at large, two members who are currently serving as county veterans' affairs officers, and two members representing veterans' service organizations. Of the seven members appointed at large, three must come from a rural county as designated by the U.S. Census Bureau. At least six of the eleven appointed members must be United States Armed Forces veterans. Any veteran who serves on the board must have been honorably discharged from the armed services. No more than one appointed member may reside in the same county. The Secretary of the Department of Veterans' Affairs serves as the Executive Director of the Trust Fund and is an ex officio non-voting member of the board. The Executive Director's role is to provide guidance and support but does not have voting rights. Members appointed at large by the Governor serve four-year terms, while the initial appointees serve two-year terms. After the initial terms, all members serve four-year terms until their successors are appointed and qualified. Members may serve consecutive terms but are limited to a maximum of two consecutive terms or eight continuous years, whichever is greater. A member cannot serve on the board in a hold-over capacity (after their term expires) for more than 180 days. This provision ensures a timely turnover and potential for new appointments.

The House Concurred in Senate amendment and enrolled **H. 3857** which codifies Proviso 11.20 of the FY 2022-23 Appropriations Act. This bill allows a state college or university under the Doctoral/Professional University classification to offer college-level baccalaureate, master's, and no more than five **professional doctorate or Doctor of Philosophy degrees**, and further provides that the mission of these degrees or programs include continued education or employment, limited and specialized research, and public service to the state and local community.

The Senate concurred with House amendments and enrolled **S. 549** for ratification. **S. 549** is an omnibus bill relating to a comprehensive **Vehicle Dealers/DMV Update**.

The House gave second reading to **S. 343**, a bill that amends the definition of a **crisis stabilization unit facility** to include all short-term residential stabilization and intensive crisis services. The bill removes the requirement that they be operated by or in partnership with the Department of Mental Health. Currently, the facility serves ages 18 and older, the bill expands the services to serve ages five and older.

The House gave second reading to **S. 397**, a bill that transfers regulatory authority of **athletic trainers** from the Department of Health and Environmental Control (DHEC) to the Board of Medical Examiners, which is under the Department of Labor, Licensing and Regulation (LLR). To strengthen athlete training services, the bill creates licensure for athletic trainers. "Athletic trainer” means an allied health professional with specific qualifications who provides services under the direction of or in collaboration with a licensed. Services provided by athletic trainers may include the prevention, identification, assessment, treatment, or rehabilitation of injuries and illnesses under the direction of a licensed. In carrying out these functions, the athletic trainer is authorized to use therapeutic interventions including, but not limited to, heat, light, sound, cold, electricity, or mechanical devices related to said functions. In addition, the bill creates an Athletic Trainers Advisory Committee consisting of nine members appointed by the Board of Medical Examiners. Two members must be physicians who are licensed in South Carolina, five members must be licensed athletic trainers, and two members must be from the general public who are not certified or licensed in any health care field and are not connected in any way to athletic trainers. The Board of Medical Examiners, with the advice of the Athletic Trainers Advisory Committee, must develop standards and promulgate regulations to implement the provisions. The Board of Medical Examiners may levy fees in an amount sufficient to administer the requirements.

The House approved the Committee amendment and gave second reading to **S. 407**. In an effort to save lives, the bill outlines that prescribers must offer **opioid antidotes** (such as **Narcan**), in a manner that is consistent with the existing standard of care and the FDA. In addition, the bill further outlines that a prescriber is not subject to professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions. This provision does not apply to patients who are receiving care for cancer or who are in palliative care.

The House concurred with Senate amendments and enrolled for ratification **H. 3681**, a bill that prohibits municipalities from enacting laws, ordinances, or rules pertaining to ingredients and flavors of **tobacco products** such as cigarettes or electronic smoking devices, and vapor products. Senate amendments substantially extended the bill. This bill allows cities and towns to continue to control zoning for businesses that sell these products, and “grandfathers” in cities and towns that have ordinances adopted before 2021 that pertain to ingredients and flavors of tobacco. The bill extensively regulates tobacco retailers and penalties for violating certain provisions, among those, at least: “stepped” violations, increased roles for SLED and the Department of Alcohol and Other Drug Abuse Services, establishment of definitions and subjects under this section pertaining to tobacco, electronic smoking devices, E-liquid, and establishments and retailers. Retailers are required to disclose whether they sell tobacco, tobacco products (including electronic smoking devices or e-liquid), or any other product used for smoking. If a retailer has not previously been designated as a tobacco retail establishment, they must notify the department (presumably the regulatory authority overseeing tobacco sales) in the prescribed manner before they start selling tobacco products. For retailers that already have a retail license but sell or distribute tobacco or tobacco products, they need to supplement their existing license application to inform the department of this fact. Failure to disclose the sale or distribution of tobacco products on the initial retail application or supplementing the retail license application may result in penalties. Specifically, a fine of up to $200 can be imposed, and the retailer must file the required information within 15 days of being notified of the failure to file. If the retailer fails to file within fifteen days after receiving the notification, a higher fine of two thousand dollars may be imposed.

The House concurred with Senate amendments and enrolled for ratification **H. 3797**, a bill that enacts the "**Military Temporary Remote School Enrollment Act.**" This bill requires a school district to accept electronic school enrollment for children of military personnel who are transferred to a military installation within the state of South Carolina while on active military duty (a pupil would be considered a resident of the school district). The parent or legal guardian must provide proof of residence to the school district, after arrival, on official documentation. Any ambiguity in construing the provisions of this bill must be resolved in favor of the enrolling pupil.

The House concurred with Senate amendments and enrolled for ratification **H.** **3691**, legislation stating that a **coroner, deputy coroner, or coroner's designee** may administer an opioid antidote in accordance with the requirements of the “South Carolina Overdose Prevention Act” and believes in good faith that the person is experiencing an opioid overdose and exercises reasonable care. The legislation also states that a coroner and a deputy coroner are considered public safety officers if killed in the line of duty**.**

## Committees

**Judiciary**

The committee has issued a favorable report, with amendments, to **S. 474** the **"Fetal Heartbeat and Protection from Abortion Act."**

Among other things, it would declare that life begins with a fetus’s first heartbeat. It would prohibit anyone from knowingly providing drugs to a pregnant female to cause an abortion, except in emergency situations.

However, it would not prevent a licensed physician, who fills out appropriate paperwork, from performing an abortion in cases where a pregnancy results from incidents of rape or incest. Physicians would be required to obtain and preserve a DNA sample in these cases. Doctors performing these procedures would also have to inform a pregnant woman they will be, and then, report these crimes to the county sheriff where the procedures are performed. These reports would have to be made within 24 hours of procedure completion. These doctors would also have to note they made these reports on the pregnant woman’s medical chart.

A procedure also would be permitted when a fatal fetal anomaly is present, it is needed to prevent the death of a pregnant woman, it will abate the substantial risk to any pregnant woman who has one or more of the physical conditions listed in this bill that put her in harm's way to give birth, or a substantial and irreversible physical impairment of a major bodily function would result if a mother gives birth. This physical impairment could not be a psychological or emotional one. Nevertheless, before these procedures are undertaken, reasonable efforts must be taken to save the fetus's life, without endangering the life or health of the mother.

Contraceptives, *in vitro* fertilizations [IVFs], and other assistive reproduction technologies are not subject to the prohibitions in this bill. Additionally, health care insurance will cover contraceptives, unless a religious belief exception is present. The State Health Plan cannot be used to pay for any prohibited abortion procedures or medicines.

Violators of any prohibitions, including anyone intimidating a pregnant woman into having an abortion, could be prosecuted for committing a felony, and would face two to five years in prison, and fines of up to $5,000. Violators also would face civil liability for statutory, actual, and punitive damages as well as restraining orders initiated by law enforcement, the pregnant woman, or the pregnant woman's parents if she has not yet reached 18 years of age. If an order issues, then these parties can recover their attorney fees and costs. Medical professionals also face disciplinary action, including potential revocation of their licenses, and ethics violations, as well as having to pay the costs of any investigations, fines, or other professional disciplinary actions when they violate any listed restrictions.

Pregnant women are shielded from being held criminally or civilly liable.

In addition, the biological father would be responsible for paying 50 percent of the birth mother's pregnancy expenses from the time of conception, in addition to having to pay child support, which would be calculated from the date of conception. Further, if the pregnancy was the result of rape or incest, then the biological father would also be responsible for 100 percent of the expenses incurred by the mother for mental health counseling as a result of the rape or incest. No state agency or political subdivision may accept fetal tissue from these procedures, and no public funds could be used by the Planned Parenthood organization.

**Ways and Means Committee**

The Ways and Means Committee met on Tuesday, May 9, and reported out legislation.

The Committee gave a report of favorable with amendments on **S. 399**, a bill that provides for **restructuring the Department of Health and Environmental Control**.

The Committee gave a favorable report on **S. 739**, a joint resolution for a one-time **reallocation of South Carolina Housing Tax Credits**. The legislation provides for a one-time reallocation of housing tax credit funding to assist affordable housing projects under construction that are experiencing cost overruns due to inflation, higher interest rates, and other economic pressures. The joint resolution allows for unallocated housing tax credit funding to be diverted to these existing projects under construction to allow for their completion.

## Introductions

**Education and Public Works**

**H. 4467 Additional Life Scholarship Stipends Rep. Erickson**

This bill relates to college majors that qualify for certain additional LIFE scholarship stipends, to include accounting majors among the qualifying majors.

**H. 4468 Effective Date Regarding Education Scholarship Trust Funds Rep. Erickson**

This bill relates to Education Scholarship Trust Funds, making the effective date upon approval by the Governor.

**Judiciary**

**H. 4470 Joint Criminal Information Technology Committee Rep. J. Moore**

Among many things, this bill proposes creating a Judicial Criminal Information Technology Committee. It would consist of General Assembly appointees, judicial branch members, a solicitor, public defender, law enforcement representative, and a clerk of court who will serve a three-year term. They will look for opportunities to centralize the court reporting system, make judicial branch operations more efficient, and assess its information technology infrastructure to identify opportunities for upgrades and other improvements.

In addition, before *any* sale of any firearm could be completed, this bill would require background checks using the National Instant Criminal Background Check System (NICS) to be finalized.

It also would be known as the “Asset Forfeiture and Private Property Protection Act.” This proposal would make significant changes to asset forfeiture law in our state. Civil asset forfeitures could no longer be done. Asset forfeitures in criminal cases could only be done after someone is convicted of a crime beyond a reasonable doubt. It sets out a proposed procedure to conduct asset forfeitures and proposes that owners of stolen property get their items returned to them.

As a final feature of this bill, bond hearings in magistrate or circuit court would have to include findings on whether the defendant has committed a violent crime while out on bond. These bond hearings would have to be held within 30 days of the subsequent arrest for committing a violent offense.

Any subsequent bond set would have to be paid in cash. Sureties posting these cash bonds could not recover interest or other fees if they provide bonds in violation of the requirements of this proposed legislation.

**H. 4472** **Assault Weapons Inclusion in Weapons Offenses Rep. Williams**

This bill would add a definition of what constitutes an “assault weapon” firearm to include those made after 1898, and semiautomatic weapons made after 1954. These rifles would be semiautomatic rifles with clips holding 21 or more rounds. Shotguns holding more than six rounds are also included. Any firearm modifiable to these capacities and capabilities would also be included. Dealers with firearm inventories acquired before January 1, 2023 will have 90 days after the effective date of this proposal to sell it.

**H. 4473** **State Work Program for Inmates Rep. Chumley**

This bill would set up a state work program for eligible inmates serving sentences of three to five years’ incarceration after a court order approves their participation. It would require these eligible inmates to work maintaining state roads and property while under the supervision of the Department of Corrections. If an inmate meets the eligibility requirements and consents to this program and its rules, they would become eligible for a certificate of eligibility and could be granted parole. Also included in this bill are various consequences and punishments if inmates subsequently become ill or refuse to work while participating.

**H. 4477** **Attorney General Review of Federal Laws Related to Carrying Firearms Rep. Gatch**

This bill proposes removing “concealable” from our existing law pertaining to federal laws limiting carrying concealable firearms in South Carolina. It also would add “weapon accessories” to our existing statute. Under current law, the Attorney General is compelled to review and issue opinions on Federal laws limiting concealable weapons. Under this proposed language, this statute would then apply to carrying weapons and weapon accessories in general, not just ones that are concealable.

**Labor, Commerce, and Industry**

**H. 4462 Opting Out of Receiving Commercial Circulars or Handbills Rep. Forrest**

This bill provides that an individual may opt out of receiving commercial circulars or handbills that are distributed on his private property. The legislation provides that someone who distributes commercial circulars or handbills to an individual who has notified the entity of his desire to opt out is in violation of certain littering provisions.

**H. 4463 Authority for Contractors or Companies to Repossess Equipment Rep. Forrest**

This bill establishes conditions under which a contractor or company that provides and installs any and all removable equipment that is marked with UCC identification information, model numbers, serial numbers, identification codes, or other similar markings that identify a particular piece of equipment from the same or similar equipment made by a particular manufacturer to a consumer through a consumer credit transaction may repossess the installed removable equipment from a consumer who defaults on an agreement by failing to make the required payment.

**H. 4464 Licensure Requirement for Short-Term and Long-Term Rentals Rep. Bailey**

This bill revises requirements of licensure by the Real Estate Commission to engage in certain activities to provide it is unlawful for companies to engage in the real estate brokerage business unless its activities are conducted by licensees or under the supervision of a broker-in-charge or property manager-in-charge. The legislation revises definitions applicable to the regulation of real estate brokers, salespersons, and property managers, so as to include provisions concerning short-term and long-term rentals and the conduct of real estate brokerage work .

**Ways and Means**

**S. 314 Review of Major Higher Education Construction Projects Sen. Talley**

This bill establishes requirements for certain permanent improvement projects over threshold amounts for higher education institutions to be submitted for review to the Commission on Higher Education, the Joint Bond Review Committee, and the Department of Administration.

**H. 4471 Sales Tax Exemptions for Chemicals and Oils Used in Exempt Farm Machines Rep. Forrest**

This bill establishes a sales tax exemption for chemicals and oils such as greases, lubricants, and coolants used in an exempt farm machine that are essential to the functioning of the exempt machine.

The Governor’s Executive Order No. 2023-13 calling the General Assembly into extra session beginning at 12:00 noon on Tuesday, May 16, 2023:

(Control and click, or highlight and right-click “Open Hyperlink” to read this document)

<https://governor.sc.gov/sites/governor/files/Documents/2023-05-11%20FINAL%20Executive%20Order%20No.%202023-13%20-%20Convening%20General%20Assembly%20in%20Extra%20Session.pdf>

Thursday, May 25, 2023

The House Research Office uses the 17th edition of the Chicago Manual of Style, with practical modifications [i.e., regarding numbers].

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