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**(Legislative actions for the week of Jan 16th)**

**Contents**

[**House Floor Actions 2**](#_Toc125475462)

[**Introduced Legislation 3**](#_Toc125475463)

[**Agriculture, Natural Resources and Environmental Affairs 3**](#_Toc125475464)

[**Education and Public Works 3**](#_Toc125475465)

[**Judiciary 4**](#_Toc125475466)

[**Labor, Commerce, and Industry Committee 6**](#_Toc125475467)

[**Medical, Military, and Municipal Affairs Committee 6**](#_Toc125475468)

[**Ways and Means 7**](#_Toc125475469)

##

## House Floor Actions

The House of Representatives amended and gave second reading approval to **H. 3604**, a joint resolution authorizing **Contingency Reserve Fund and American Rescue Plan Act appropriations**. The legislation provides for the appropriation of $500 million from the Contingency Reserve Fund for infrastructure funding related to economic development projects that have been authorized by the Joint Bond Review Committee and the State Fiscal Accountability Authority so that the state can finance these projects without issuing additional debt. For remaining funds available, the Department of Commerce shall identify and recommend potential projects for review and comment by the Joint Bond Review Committee before any funds may be awarded or expended.

From the funds disbursed to the state under the federal American Rescue Plan Act (ARPA) of 2021, the legislation appropriates $586 million to the Rural Infrastructure Authority ARPA Water and Sewer Infrastructure Account to be used towards fulfilling existing grant applications. $86 million of this amount must be available for projects designated by the Secretary of Commerce as being significant to economic development. American Rescue Plan Act funds may not be disbursed to any company owned by a member of the General Assembly; however, a member of the General Assembly may own public shares of a company offered to the general public.

The legislation adds clarification language to Act 244, specifically to the ARPA Resilience Account, to expand eligible expenditures to projects that mitigate the impacts from potential releases of contamination associated with natural hazards.

## Introduced Legislation

## Agriculture, Natural Resources and Environmental Affairs

**H. 3729 Home-based Food Production Operations Rep. S. Jones**

The bill outlines that a home-based food production operation may use eggs collected from chickens kept at the individual's dwelling or purchased from a roadside stand near the farm at which the eggs were produced.

## Education and Public Works

[**H. 3728**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3728&session=125&summary=B) **“South Carolina Transparency and Integrity in Education Act” Rep. Felder**

This bill 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 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 (predominately that one group is inherently superior to another race, sex, ethnicity, color, or national origin) that may not be included or promoted in a course of instruction. Nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts. The prohibitions also cover library and media policies and mandatory gender or sexual diversity training.

The legislation notes that nothing prohibits concepts as part of a course of instruction if these concepts involve: the history of an ethnic group; the fact-based discussion of controversial aspects of history; or, the fact-based instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region.

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.

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 or other prohibited materials. A school district that receives such materials must receive disciplinary action as stated in the complaint process.

The bill references parental expectations in the parental involvement in their children's education and that parents are expected to be the primary source of the education of their children. The bill asserts that parents are the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

[**H. 3731**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3731&session=125&summary=B) **Physical Activity and Physical Education Rep. Haddon**

This bill relates to standards for physical activity and physical education in kindergarten through fifth grade, so as to provide mandatory daily recess periods totaling 45 to 60 minutes for students in four-year old kindergarten through fifth grade and 30 to 45 minutes for students in sixth through eighth grade of unstructured, self-directed outdoor physical activity (recess periods are in addition to existing physical education or other curriculum requirements – the same unstructured, self-directed recess periods must be held indoors during times of inclement weather without the use of individual electronic devices by students).

[**H. 3732**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3732&session=125&summary=B) **Classic and Antique Motor Vehicles Rep. Chumley**

This bill designates the restoration, exhibition, showing, and enjoyment of classic and antique motor vehicles as the official family-friendly pastime of South Carolina.

[**H. 3735**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3735&session=125&summary=B) **Opioid Antidotes for Schools Rep. McCravy**

A bill to allow governing authorities of public and private schools to maintain a supply of opioid antidotes to be administered by trained employees in an emergency.

[**H. 3745**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3745&session=125&summary=B) **Registered Faith-Based / Church-Operated Childcare Centers Rep. A. M. Morgan**

This bill relates to the State Advisory Committee on Regulation of Childcare Facilities, so as to provide that members appointed to represent church-operated childcare centers must be from registered faith-based centers and one of whom must be an operator of a registered faith-based or registered church-operated childcare center and one of whom must be a parent of a child who is receiving childcare services in a registered faith-based or registered church-operated childcare center at the time of appointment.

[**H. 3747**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3747&session=125&summary=B) **Preapproval of Construction Contract Extensions Rep. Erickson**

This bill provides that the Department of Transportation commission is not required to provide preapproval of construction contract extensions and to provide that the commission must ratify extensions at the next commission meeting.

[**H. 3750**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3750&session=125&summary=B) **Infrastructure Repair Rep. Erickson**

This bill relates to exemptions from the state procurement code, to add planning for repairs to bridges, highways, roads and other improvements on the state's rights of way to the list of exemptions/exceptions.

## Judiciary

**H. 3706 "Protection of Minors from Pornography and Obscenities Act" Rep. Beach**

This proposed bill would add the advertising and promotion of obscenity to our existing obscenity criminal laws. Materials that would be considered harmful to children would include profane language and portions of any materials or performances that are obscene under the scope of this bill and existing law. Profane language would include words and gestures depicting sexual or excretory organs or other activities that are deemed patently offensive after applying contemporary community standards.

**H. 3707 Paying Child Support After DUI, DUAC, or BUI Convictions Rep. S. Jones**

Any motorist committing reckless homicide while driving a motor vehicle, or operating watercraft, while under the influence of alcohol, drugs, or a combination of these two substances could be held liable for paying child support if this bill is enacted. Driving Under the Influence [DUI], driving with an unlawful alcohol concentration [DUAC] or boating under the influence [BUI] convictions would then attach child support obligations to these offenders who kill these children’s parents during the course of committing these specified crimes. These child support payment obligations would continue until these children reach the age of 18 years old and have graduated high school. County clerks of court would collect these payments and disburse them as they are currently doing with other court-ordered child support obligations.

**H. 3725 Mandatory Immigrant Criminal Background Checks Rep. Bustos**

If passed, this bill would require illegal immigrants to request and pay for criminal background checks when law enforcement or other governmental agencies ask for them to be done. Failure of any illegal immigrant to request and pay for these reports would result in them being reported to federal immigration authorities including the US Immigration and Naturalization Service.

**H. 3730 “Millstone Act of 2023” Rep. Beach**

A legislative effort to prohibit any healthcare professional from referring any patient to, or performing, any gender reassignment procedures on any patient under the age of 26. Violators would face professional discipline and criminal penalties. It also would prohibit any public funds being spent on these procedures, except in specified exceptional circumstances.

**H. 3733 Assaulting Sports Officials Rep. Carter**

This bill would increase criminal penalties for offenders who assault sports officials. These officials would include referees, umpires, linesmen, and registered members of local, state, regional, or national organizations that educate and train sports officials.

**H. 3734 Municipal Election Reforms Rep. B. Newton**

This legislative effort would require municipal elections to be conducted only in odd-numbered years on the third Tuesday in March, the first Tuesday of July, or the first Tuesday after the first Monday in November using voting systems adopted by the State Election Commission. Terms for city mayors and council members would commence at the next city council meeting held after the election results are certified. This proposal also prohibits the extension of any mayor or council member terms to the next election date when existing election dates are changed.

**H. 3738 “Uniform Antidiscrimination Act” Rep. Rutherford**

Gender identity and sexual orientation would be added to the list of prohibitions against unlawful employment practices and discrimination in the workplace, if enacted. This list currently includes race, religion, color, sex, age, national origin, and disability discrimination.

**H. 3742 Illegal Kratom Rep. Chapman**

A proposal to add Kratom as an illegal Schedule IV substance in South Carolina, with attendant criminal penalties.

**H. 3748 Altering Geodetic or Other Surveying Monuments Rep. Caskey**

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.

## Labor, Commerce, and Industry Committee

**H. 3726 “Statewide Education and Workforce Development Act” Rep. G. M. Smith**

The “Statewide Education and Workforce Development Act” establishes a unified and comprehensive statewide education and workforce development plan. The bill seeks to align workforce funding and spending with workforce needs. Promoting this will be the Office of Statewide Workforce Development Coordination in the Department of Employment and Workforce.

The bill establishes centralized oversight of publicly funded workforce development services to enhance alignment, accountability and to ensure a customer‑centric workforce system that is easy to access, is highly effective, and simple to understand. The legislation provides for various workforce training programs and responsibilities to be transferred to and consolidated within the Office. The bill seeks to address skill shortages in priority industries and in-demand occupations; achieve broader dissemination of information to help individuals make career choices based on an awareness of jobs, skills in demand, and related educational pathways; and coordinate a continuum of services to assist in overcoming obstacles unique to those seeking family-sustaining wages in rural areas. See the section on “Regional Education Centers.”

The bill’s “Educational Program Alignment Toolkit" would serve as an infrastructure of resources to enable the K-12, technical college, and higher education systems to ensure their respective educational programs and curriculums match workforce needs. Along with the "Career Pathways Tool,” these are intended to create a nexus for improved education and job alignment to then work with a workforce “portal” to offer greater access. The Office is to prepare a "Supply/Gap Analysis" by conducting an annual statewide workforce and education supply/gap analysis which must include projected employer demand of labor force composition and identification of occupational clusters.

**H. 3746 South Carolina Hurricane Damage Mitigation Program Rep. Sandifer**

This bill revises the South Carolina Hurricane Damage Mitigation Program established within the Department of Insurance. The legislation establishes grant criteria, provides that matching grant funds may be available to local governments, and makes provisions for a nonmatching grant formula. The legislation allows the Director of the Department of Insurance to provide information regarding factors that may affect premium rates. The legislation revises provisions relating to withdrawing from the market to include references to terminating policies from the market.

## Medical, Military, and Municipal Affairs Committee

**H. 3708 Midwives and Birthing Centers Rep. S. Jones**

This bill enacts the “Perinatal Integration Act of 2023.” The Department of Health and Environmental Control shall promulgate regulations that recognize midwives within the definition of facilities and integrate midwives and birthing centers into the organization of perinatal levels of care. “Integrate” means to facilitate the full exercise of a scope of practice, autonomy, self‑regulation, collaboration, and a smooth transition between midwives, birthing centers, and hospitals that provide perinatal services. “Integrate” does not mean to supervise midwives or birthing centers.

**H. 3727 Official South Carolina State Flag Rep. White**

This bill provides for the design, color, and other elements of the South Carolina State flag. In addition, it designates the flag of this design, color, and elements as the official South Carolina State flag.

**H. 3736 Opioid Prevention Rep. Sandifer**

The bill adds that the Department of Alcohol and Other Drug Abuse Services shall develop a public information campaign to raise awareness of the importance of immediately calling for 911 emergency medical assistance if a person has overdosed on a substance containing legal or illegal opioids and the limited immunities afforded a person seeking assistance for himself.

## Ways and Means

**H. 3724 Sales Tax Exemption for Electricity Used for Commercial Processing of Peaches Rep. Haddon**

This bill establishes a sales tax exemption for electricity used exclusively in the sorting, grading, and packaging of peaches for sale in their original state at harvest.

**H. 3737 “Short Line Railroad Modernization Act” Rep. Ligon**

This bill makes provisions for an income tax credit equal to 50 percent of an eligible taxpayer’s qualified railroad reconstruction or replacement expenditures as a means of encouraging the rehabilitation of certain comparatively small rail lines.

**H. 3744 Catawba Indian Nation Included in the South Carolina Police Officers Retirement System Rep. Ligon**

This bill provides authorization for the Catawba Indian Nation to apply to become an employer under the South Carolina Police Officers Retirement System.

**H. 3749 Equine and Sports Wagering Rep. Murphy**

This bill establishes provisions under which certain forms of wagering may be lawfully conducted in South Carolina and provides for the taxation, licensure, and regulation of these wagering operations. A “South Carolina Equine and Sports Wagering Commission” is created as a regulatory body and an “Equine and Sports Wagering Commission Sports Wagering Advisory Council” is created to assist the commission. Penalties are established for licensees who commit violations. A 10 percent privilege tax is imposed upon licensees, and the legislation makes provisions for 80 percent of privilege tax collections to be deposited into the state’s general fund, 15 percent of the collections to be distributed among the state’s local governments, and, 5 percent to be allocated to the Department of Mental Health for gambling disorder treatment services and prevention initiatives. One million dollars is appropriated to the Department of Revenue to be used in the administration of the privilege tax imposed in the legislation. The "South Carolina Equine Advancement Act" is established for licensing and regulating pari‑mutuel wagering on horse races. A portion of license fees along with donations, contributions, bequests, or other gifts are deposited in an “Equine Industry Development Fund” that is to be used to provide grants that promote the improvement and development of South Carolina's equine‑related agriculture, business, and recreation.

Monday, January 23, 2023

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

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