



South Carolina House of Representatives

# *Legislative Update*

G. Murrell Smith, Speaker of the House

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Vol. 41

January 29, 2024

No. 4

(for the week of Jan. 23 - 25)

## *LEGISLATIVE UPDATE*

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## **Legislative Update, 2024**

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### **Note to the reader regarding these Legislative Summaries**

#### **Sources**

The versions of bills and acts that these summaries are based on can be found in the House and Senate Journals of the 125th Session (First and Second Sessions, 2023-2024) and other webpage resources: (<https://www.scstatehouse.gov>).

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

South Carolina General Assembly, South Carolina House of Representatives, *Legislative Update*, 2024. <https://www.scstatehouse.gov/hupdate.php>

#### **Online Resources**

These summaries are on the South Carolina General Assembly homepage (<http://www.scstatehouse.gov>). Go to "Publications" and then "*Legislative Updates*" (<https://www.scstatehouse.gov/publications.php>). This lists all of the *Legislative Updates*.

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

#### **Style**

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

NOTE: In the Word file *within* the Table of Contents, you can go directly to the act or bill summary by pointing the cursor at the line, pressing the Ctrl key + left click the mouse.]

#### **Use**

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### **House Floor Actions**

#### **H. 3523 Fallen First Responder Survivor Advocate**

The House gave Second Reading to **H. 3523**. It would create a new position of “**Fallen First Responder Survivor Advocate**” within the SC Department of Administration if this bill becomes law. The responsibilities of this new position are spelled out in this proposal. The Governor will be able to make an appointment to this position after it is funded by the General Assembly.

#### **H. 4029 Legal Representation in Housing Authority Cases**

The House gave Second Reading to **H. 4029**, legislation to allow **Public Housing Authorities**, in the same manner as private corporations and other business entities are already able to do, to designate a representative to appear on their behalf in state magistrate court cases. These representatives could not be charged with the unauthorized practice of law when acting in their designated role.

#### **H. 3782 Video Streaming Services**

The House of Representatives concurred in Senate amendments to **H. 3782** and enrolled the bill for ratification. The legislation makes clarifications in statutes governing telephone, cable television services, and other telecommunications public utilities to specify that **video streaming services** are not subject to the franchise fees that local governments charge for the use of public rights of way.

### **Committees**

#### **Agriculture, Natural Resources, and Environmental Affairs**

The full committee met on Wednesday, January 24, 2024, to hear a presentation from the State Forestry Commission on the latest economic impact report of the state's forestry industry. The current annual economic impact of the forestry industry on the state of South Carolina totals approximately \$23.2 billion. This figure reflects the dollar value representing all final goods and services produced statewide that can be attributed (directly or indirectly) to the forestry industry. This level of economic activity corresponds to 100,133 jobs and more than \$5.5 billion in labor income.

The committee also heard a presentation from the SC Forestry Association and the state's pulp wood industry.

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### **Education and Public Works**

#### **H. 3309 "Seizure Safe Schools Act"**

**H. 3309**, the "**Seizure Safe Schools Act**," outlines detailed procedures and requirements for schools in managing and supporting students with seizure disorders. School districts are required to adopt a seizure *training* program that addresses the basics regarding epilepsy and its impact on student learning. Training must address the signs and symptoms of seizures and how to properly respond in the administration of medication. Training must meet guidelines established by qualified non-profit organization that supports the welfare of individuals with epilepsy and seizure disorders. Training may be provided virtually by district or school staff or by trained individuals the district must document completion of training. A "Seizure Action Plan" is a written, emergency action plan that supplements the Individual Health Plan. The school district and its employees are not liable for injuries arising from the administration of medication authorized by the Individual Health Plan, with parents and guardians of indemnifying and holding harmless the district and its employees against the claim arising from administration of medication authorized by the Individual Health Plan.

#### **S. 245 Booster Clubs**

The committee recommends to the House an amended **S. 245** (pertaining to the operation and **oversight of booster clubs** within the state's school districts -- charter schools are included). The possible legislation defines booster clubs and financial officers. Individuals with felony criminal convictions (i.e., forgery, larceny, embezzlement) are prohibited from serving as financial officers in booster clubs. Any current financial officers with such convictions are required to resign immediately. For oversight, booster clubs must register annually with the school district board of trustees. This registration includes details about the club and its officers. Upon registration, the school district board of trustees is required to conduct a state criminal records check on the booster club's financial officer. The board must notify the club if the officer is found ineligible due to their criminal record. The school district board of trustees is allowed to charge fees to offset the costs associated with these criminal background checks. A booster club may be required by the school district board of trustees to submit an accounting compilation or review (an external audit may not be required except for a finding of specific cause).

#### **H. 4674 The Display of License Plates on Motor Vehicles**

**H. 4674** would amend laws relating to the **display and fastening of license plates**, holding that license plates must be fastened to vehicles and to provide for the display of temporary license plates on large commercial vehicles (CMV) (in the windshield).

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### **Judiciary**

#### **H. 3424 No Pornographic Website Access for Minors**

**H. 3424** received a favorable report with amendments. This new law would be added to the South Carolina Consumer Protection Code. **Any commercial entity that knowingly and intentionally distributes obscene material**, or material that depicts, describes, or promotes child pornography or child sexual exploitation on the internet, from a website that contains a substantial portion of such material, could be held civilly liable if they fail to perform reasonable age verification methods-- including digitalized identification cards, independent third-party age verification services, or any other private or commercial concern using public or private transactional data-- for those attempting to access their material. The commercial entity or third-party using age verification methods would be prohibited from retaining any individually identifiable information after access to the website has been granted. Failure to properly age verify users would allow harmed individuals --including minors--to seek nominal, actual, and punitive damages; file class action lawsuits; and recover their costs and attorney fees. In addition, the Attorney General would be allowed to seek an injunction against commercial entities that fail to comply with reasonable age verification requirements.

#### **H. 4700 South Carolina Social Media Regulation Act**

**H. 4700** received a favorable report, with amendments. **Social media companies** would be required to make commercially reasonable efforts to **verify the age of their users** under this bill that received a favorable report with amendments. Its proposed effective date would be March 1, 2025. They would become answerable to the requirements of our Unfair Trade Practices Act. Minors would be prohibited from being account holders on social media unless they have express consent from their parents or guardians. The proposed legislation sets forth a variety of methods for obtaining consent. Minors accounts would be limited, and account supervision would be given to their parents or guardians. The Attorney General could be responsible for investigating complaints and violations, and imposing penalties upon social media companies. The Office of the Attorney General would have to compile and publish an annual report of all fines and penalties levied against violators. The Department of Education would be responsible for developing a model program concerning online safety for minors accessing these providers' content and services.



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### **H. 4029 Legal Representation in Housing Authority Cases**

The committee also gave a favorable report, with amendment, to **H. 4029. Housing Authorities**, as corporations and other business entities are already able to do, would be allowed to designate a representative to appear in state magistrate court cases. These representatives could not be charged with the unauthorized practice of law by acting in this designated role.

### **H. 4825 Luring a Child**

A favorable report was rendered on **H. 4825**. Unlawfully **luring a child** would be added as a serious crime under our criminal attempted kidnapping statutes should this bill be enacted. A maximum penalty of five years in jail is proposed for these offenders. A minor under this bill would be considered to be anyone under the age of 18.

### **H. 4231 Sunday Retail Liquor Sales**

Also receiving a favorable report with amendments, was **H. 4231**. The Department of Revenue could issue permits to allow the **Sunday liquor sales** between the hours of 1:00 p.m. to 5:00 p.m. by a licensed retail dealer if their county or municipality has authorized them and a favorable referendum has been held. An application would include a nonrefundable, \$100 filing fee. However, single-location retailers of alcohol would not have to pay any application fee. The Department would then charge a non-refundable \$3,000 fee for their annual permits. The Department would have authority to create terms and conditions applicable to these permits. Further provisions for properly conducting these referendums are addressed in the recommended amendments. Anyone violating these provisions could be found guilty of a misdemeanor and face fines and incarceration.

### **H. 4364 Delivered or Drive Up Alcohol Sales**

**H. 4364** received a favorable report with amendments. Under this comprehensive, detailed bill, among other things, retailers of beer, wine, porter, or distilled alcoholic spirits would be able to pay a \$400 application fee, and if they are found to be qualified, could become licensed to **deliver to customers, or deliver curbside, alcoholic products** in their unchilled, original, sealed containers. Notably, deliveries would not be able to be made to someone who appears to be intoxicated, churches, schools, playgrounds, college or university campuses, dormitories, or any on-premises-consumption-licensed premises, excluding hotels. The showing of a valid government issued ID would be required at pick up. Deliveries would have to be made by someone 21 years, or older.

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### **H. 3608 Ending County Auditor Deed Endorsements**

**H. 3608** received a favorable report. This bill would allow **county auditors** to opt-out of the long-standing procedure for endorsing deeds prior to being recorded in a register of deeds or a registrar of mesne conveyances office Auditor fees for this task would end as well.

### **H. 3523 Fallen First Responder Survivor Advocate**

The committee issued a favorable report to **H. 3523**. It would create a new position of **Fallen First Responder Survivor Advocate** would be created within the SC Department of Administration if this bill becomes law. The responsibilities of this new position are spelled out in this proposal.

## **Ways and Means**

The Ways and Means Committee met on Wednesday, January 24, and reported out three bills.

### **H. 4710 Maximum Duration of Unemployment Benefits**

The committee gave a report of favorable with amendments on **H. 4710**, a bill setting the **maximum duration of unemployment benefits based on seasonal adjusted statewide unemployment rates** by replacing the set maximum duration with a schedule that allows for the collection of the full 20 weeks of unemployment benefits when South Carolina is experiencing relatively high levels of unemployment and fewer weeks of benefits when the state's economy is robust enough to send the unemployment rate into decline. Under the schedule established by the legislation, the duration of unemployment benefits ranges from a maximum of twelve weeks of benefits when the state is experiencing a seasonally adjusted unemployment rate of no more than 5.5 per cent and up to 20 weeks of benefits when this unemployment rate rises above 9 per cent.

### **S. 298 Corporate Income Tax Clarifications**

The committee gave a report of favorable with amendments on **S. 298**, a bill providing clarification in **corporate income tax** provisions to address such issues as: assessing intercompany transactions in computing the taxpayer's state net income properly attributable to its business activity in South Carolina; determining when a combined tax return that encompasses affiliated groups must be submitted rather than separate filings; the apportionment formula for affiliated groups in combined returns; and, the process for appealing determinations made by the Department of Revenue.

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### **H. 4810 Clothing Required in Perishable Prepared Food Manufacturing Facilities**

The committee gave a favorable report on **H. 4810**, a bill establishing a **sales tax exemption for clothing required in perishable prepared food manufacturing facilities**. The legislation codifies a budget proviso that has been included in recent general appropriations acts by establishing a sales tax exemption for clothing, such as outer garments, gloves, hairnets, headbands, beard covers, and caps, required for persons working in direct contact with food, food contact services, and food packaging materials to protect against contamination in perishable prepared food manufacturing facilities.

## **Introductions**

### **Agriculture, Natural Resources and Environmental Affairs**

#### **H. 4911 Aging Fuel Tank Replacement Program Rep. Forrest**

The bill establishes an Aging Petroleum Tank Replacement Program. An "aging petroleum tank" is defined as a petroleum tank installed or made before January 1, 2004. The bill outlines program requirements.

#### **H. 4958 NPDES Outlet Sign Posting Rep. Hewitt**

The bill outlines that any person possessing a National Pollutant Discharge Elimination System (NPDES) permit which allows for the discharge of effluent into state waters must post a conspicuous and legible NPDES Outlet sign. The bill also establishes certain exemptions and circumstances to waive the requirement to post.

### **Education and Public Works**

#### **H. 4933 Law Enforcement Vehicles And Sunscreen Devices Rep. Wooten**

H. 4933 relates to sunscreen devices and would provide that the provisions do not apply to law enforcement vehicles.

#### **H. 4938 Biennial Vehicle Registration Rep. Crawford**

H. 4938 relates to the establishment of biennial vehicle registration periods. The bill would establish annual vehicle registration periods and provide for the annual payment of vehicle registration and license fees.

#### **H. 4944 Charter Schools Rep. Felder**

H. 4944 would provide means for the voluntary termination of charter schools. The bill also would generally revise provisions concerning the sponsorship, oversight, governance, and operation of charter schools (also regarding certain evaluations and impact

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studies of charter schools and relating to the effect of the establishment of the South Carolina Public Charter School District on pending and future applications for charter schools at the time of the formation of the district.

### **H. 4955 Special License Plates: Autistic Persons Rep. Landing**

H. 4955 would provide that the Department of Motor Vehicles may issue handicapped license plates to autistic persons.

### **H. 4956 Special License Plates: Autistic and Neurodivergent Rep. Landing**

H. 4956 would provide that the Department of Motor Vehicles may issue "autistic and neurodivergent" special license plates.

### **H. 4957 Intercollegiate Athlete's Name, Image, or Likeness Rep. Hiott**

H. 4957 relates to definitions concerning intercollegiate athletes' compensation for name, image, or likeness. The bill would revise several definitions relating to the authorization of compensation for use of an intercollegiate athlete's name, image, or likeness, so as to delete existing language and provide that institutions of higher learning and certain agents of the institutions may engage in certain actions that may enable intercollegiate athletes to earn compensation for use of the name, image, or likeness of the athlete.

## **Judiciary**

### **H. 4907 "Employee Protection from Indemnified Products Act" Rep. Magnuson**

Governmental agencies, employers, private businesses, or educational institutions would be prohibited from mandating the use of indemnified products, defined as, covered countermeasures (e.g., vaccines, etc.), for which manufacturers and distributors are shielded from direct civil or criminal liability to consumers. This right of refusal attaches if it would result in loss of employment, employment opportunity, promotion, or the ability to receive a public or private education. The South Carolina Department of Consumer Affairs would receive and process any complaints concerning anyone's refusal repercussions. The South Carolina Department of Labor, Licensing and Regulation could seek injunctions, cease and desist orders, or other relief against violators. Further, a consumer, or consumer guardian, could opt out from taking mandated indemnified products by submitting in writing that they are opting out, without having to state any specific reason for their refusal.

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### **H. 4908 Department of Social Services Rep. Bamberg**

When the Department of Social Services (DSS) makes a 'found report' in abuse and neglect cases that someone has harmed, or threatened a child with harm, they would have to notify that person in writing of their right to judicial review of the DSS finding(s). If a family court determines, by a preponderance of the evidence, that the individual abused or neglected a child, that person's name would still have to be immediately entered into the Central Registry of Abuse and Neglect.

### **H. 4927 "Executive Office of Health Policy" Rep. Herbkersman**

A new "Executive Office of Health and Policy" would be created under this proposal. The new Secretary of Health and Policy, who would be appointed by the Governor, with the advice and consent of the Senate, to develop a "blueprint" State Health Plan--after working with an advisory committee-- for public health services. Their proposed plan would address the quality of healthcare South Carolinians receive. It would also include an inventory, projections, and standards for health services, facilities, equipment, and workforce.

### **H. 4929 Recovering Water Pollution Cleanup Costs Rep. Bustos**

Anyone who directly or indirectly discharges perfluoroalkyl or polyfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate, into South Carolina waters, would be liable under this proposal for all response, containment, remedial, removal, and cleanup costs incurred by municipalities, counties, or the state.

### **H. 4930 Mandated Summer EBT Program Notice of Intent Filing Rep. Jones**

The Governor and the Director of the Department of Social Services would be required to file a notice of intent with the U.S. Department of Agriculture for the 2024 Summer Electronic Benefit Transfer Program for Children within five days after the effective date of this proposed joint resolution.

### **H. 4931 Criminally Negligent Firearms Storage Rep. Felder**

A criminal offense of criminally negligently storing firearms would be created under this proposal. If a child gains access to a readily dischargeable firearm, and a criminally negligent person failed to secure it, or left it in a manner that a child would be able to get to it, a violation would result. Someone violating this law could be found guilty of a misdemeanor. They could be fined not more than one thousand dollars, imprisoned for

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not more than one year, or both. When a child discharges such a firearm and causes death or serious bodily injury, to himself or another person, this proposal would allow fines of up to two thousand dollars, imprisonment for not more than one year, or both. Any retailers selling firearms would have to post signs warning against criminally negligently storing firearms. Any retailers not posting these notices would face fines from \$1,000 up \$5,000 dollars.

### **H. 4932 Swatting Response Restitution Rep. Bauer**

Anyone engaging in “swatting” (i.e., making false police reports to trigger a special response team deployment to a scene), must pay restitution to investigative agencies responding to their false report, should this bill become law.

### **H. 4935 “Secure, Accurate, and Verifiable Elections [SAVE] Act” Rep. Bustos**

Only paper poll books would be permitted at voting locations under this proposal. Paper ballots to be counted by hand would also be standard. These paper ballots would be hand-counted while the public, in person or online, watches.

### **H. 4948 Sexual Exploitation of Identifiable Minors Rep. Guffey**

Existing criminal laws covering sexual exploitation of minors would be expanded to include identifiable minors, defined as everyone underage when images of them were created, altered, adapted, modified, or were used in the creating, altering, adapting, or modifying images, with recognizable faces, likenesses, or other distinguishing characteristics that are sexually exploitative under this proposed bill. This term could not be construed to require proof of the actual identity of the identifiable minor. First degree, second degree, and third degree sexual exploitation of minor offenses could be prosecuted when these depicted minors are engaged in sexual activity, in a state of sexually explicit nudity, or are depicted to be engaged in these activities in any photograph, film, video, picture, computer, or computer-generated image or picture.

### **H. 4950 Mandatory Law Enforcement and EMS Technician Autism Spectrum Disorder Training Rep. Landing**

Law enforcement officers, as part of their South Carolina Continuing Law Enforcement Education Credits, as well as Emergency Medical Service Technicians, as part of their classification as emergency medical technicians, would be required to complete instruction in autism spectrum disorder should this bill become law.

### **H. 4952 Lexington County School Districts Partisan Elections Rep. Kilmartin**

Lexington County School Districts 1, 2, 3, 4, and 5 Board of Trustees candidates would run in partisan elections beginning in 2026, under this proposal.

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

#### **S. 882 Prescriptions for Minors Sen. M. Johnson**

A legal guardian of a minor who has not reached the age of 16 years old must provide prior consent in order for the medical professional to prescribe medication to the minor.

#### **H. 4928 Veterans' Trust Fund of South Carolina Rep. Davis**

The bill adds fundraising as an activity for the Veteran's Trust Fund.

#### **H. 4934 Paid Military Leave Rep. Mitchell**

This bill is in reference to the leave of absence for state employees in National Guard or Reserve Military, providing that certain state employees receive forty-five days of paid military leave each year.

#### **H. 4953 State Veterans' Cemeteries Rep. B. J. Cox**

The bill removes the residency requirement to qualify for a plot in a state veterans' cemetery.

### **Labor, Commerce, and Industry**

#### **H. 4954 Electromagnetic Pulse Protection for South Carolina Citizens Rep. Landing**

This bill establishes requirements for protecting South Carolina's critical infrastructure from the effects of an electromagnetic pulse (EMP) through the installation of equipment to harden systems and assets within a one-year timeframe. The legislation establishes requirements for the state's electrical utilities to offer a program to its residential customers who choose to receive electromagnetic pulse protection from the utility and provide for a payment plan through the customer's monthly bill. Penalties are established for failure to comply within required deadlines. The legislation requires the General Assembly to provide for funding in the 2024-2025 appropriations act to assist governmental entities with critical infrastructure to obtain electromagnetic pulse protection.

### **Ways and Means**

#### **H. 4910 Delay of All Scheduled Countywide Property Tax Equalization and Reassessment Plans Rep. Bustos**

This joint resolution provides that all scheduled countywide property tax equalization and reassessment plans for all counties are delayed until property tax year 2026.

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### **H. 4912 Retention of Owner-Occupied Residential Property Tax Status for Relocated Department of Defense Civilian Employees Rep. Murphy**

This bill provides that a civilian employed by the Department of Defense who receives orders for a DoD civilian permanent duty or temporary change of station for at least one year, retains eligibility for the special four percent tax assessment ratio for owner-occupied residential property and applicable exemptions for so long as the owner remains on such orders, regardless of the owner's subsequent relocation and regardless of any rental income attributable to the property.

### **H. 4936 Tax Exemptions for Property of Nonprofit Housing Corporations Rep. Sessions**

This bill provides that property tax exemptions for certain property of a nonprofit housing corporation only apply to the percentage of qualifying property that equals the nonprofit housing corporation's ownership interest in the qualifying property, except that if the nonprofit housing corporation's ownership interest in the qualifying property exceeds 50 percent, then the exemptions apply to 100 percent of the qualifying property. The legislation establishes a protocol for claiming the exemptions.

### **H. 4951 Free Entry to State Parks for Autistic Residents Rep. Landing**

This bill provides that any South Carolina resident who is autistic may enter any state park without charge upon presentation to the person in charge of the park a driver's license or identification card issued by the Department of Motor Vehicles that indicates he is autistic.

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