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# House Floor Review

The House made appointments to a conference committee to address its differences with the Senate on **H. 5150**, the **Fiscal Year 2022-2023 General Appropriation Bill**.

The House made appointments to a conference committee to address its differences with the Senate on **S. 1087**, the **“Comprehensive Tax Cut Act of 2022.”**

The House made appointments to a conference committee to address its differences with the Senate on Joint Resolution **S. 1106**, a **proposed state constitutional amendment for** **increasing state financial reserve funds** that are used to cope with revenue shortfalls.

The House made appointments to a conference committee to address its differences with the Senate on **H. 3346**, a bill **increasing state financial reserve funds**.

The General Assembly has ratified, and the Governor, on May 13th, 2022, signed **S. 108 [R. 165] absentee ballot and other comprehensive voting reforms**. This act, among other things, establishes Monday through Saturday from 8:30 a.m. to 6:00 p.m. early voting [8:30 a.m. to 5:00 p.m. for non-statewide elections or runoffs early voting] in South Carolina for the two weeks preceding any election. A county's population and square mileage will determine the number of early voting locations to be organized. Additional reforms include state standards for all elections to be conducted in our state, no-excuse absentee voting by mail, limiting candidates to only one party nomination and listing on any ballot, and the form of affidavits to be used in early vote ballots or to vote absentee. These voters will also have to provide the last four digits of their social security number for identification purposes. Voting systems and verification protocols, enhanced penalties for violating election laws, and witness requirements for absentee ballots are some additional features of this comprehensive legislation.

A conference committee has been appointed to work out differences in the House and Senate versions of **S. 133 Convention of States.** This bill calls for making an application to the United States Congress to call a Convention of the States. Its stated purpose is for proposing amendments pursuant to Article V of the United States Constitution that would require balanced federal budgets each year, absent a national emergency. It also contains reservations, understandings, and declarations limiting this application, including a House amendment that no consideration be given to any alterations of the 13th, 14th, or 15th Amendments to the United States Constitution. It also was amended to include **absentee ballot and other comprehensive voting reforms** as outlined in the summary of **S. 108**.

The House and Senate approved **H. 3247**, the **“Workforce Enhancement and Military Recognition Act.”** The bill was subsequently ratified by the General Assembly and signed into law by the Governor [R. 198]. The legislation allows all military retirement income to be deducted from an individual’s South Carolina income taxes, regardless of the individual’s age.

The Senate concurred with House amendments on [**S. 946**](http://scstatehouse.gov/billsearch.php?billnumbers=946&session=124&summary=B), a bill establishing at least thirty minutes of **unencumbered time on each regular school day** to all full-time teachers teaching in a grade between kindergarten and fifth grade. **S. 946** [R. 179] was signed by the Governor. The act also provides that the policy also directs a principal of any elementary, middle, or high school to provide at least thirty minutes of unencumbered time on each regular school day to any teacher who is responsible for instructing a student who is removed from the general education setting for more than twenty percent of the day. The House added an amendment regarding exceptions and establishing procedure.

The Senate concurred with House amendments regarding “youth patriotic societies” and Patriot Day, Constitution Day, and Patriotism Week observations. These were added to **S. 969** that authorizes the state Board of Education to make rules and regulations requiring the **display of the official mottos and the flags** of the United States of America and the State of South Carolina. **S. 969** [R. **181**] was signed by the Governor.

The Senate concurred with House amendments regarding **S. 1103**, providing for the distribution to all school districts and open-enrollment charter schools inkless, in-home fingerprint and DNA **identification kits** to be distributed throughout the district or school on request to the parent or legal custodian of any kindergarten, elementary, middle, or high school student. **S. 1103** [**R. 185**] was signed by the Governor.

The House agreed to Senate technical to [**H. 4608**](http://scstatehouse.gov/billsearch.php?billnumbers=4608&session=124&summary=B)**,** the "**Save Women's Sports Act**." The Governor signed the bill. The act expresses the intent of General Assembly "to maintain opportunities for female athletes...and to provide them with numerous other long-term benefits that result from participating and competing in athletic endeavors." Athletic teams and sports must adopt a sex-specific designation in order to "maintain fairness for women's athletic opportunities. The core of the act notes that an interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public elementary or secondary school or public postsecondary institution must be expressly designated as one of the following based on the biological sex at birth of team members: males, men, or boys; females, women, or girls; or coed or mixed, including both males and females. Athletic teams or sports designated for males, men, or boys shall not be open to students of the female sex, unless no team designated for females in that sport is offered at the school in which the student is enrolled. Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex. A student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth.

**H. 5182 [R. 250]**, the "**South Carolina Opioid Recovery Act**" also has been ratified. It establishes the South Carolina Opioid Recovery Fund, the Discretionary Sub-Fund, a Guaranteed Political Subdivision Sub-fund, the Administrative Sub-fund, and the South Carolina Opioid Recovery Fund Board. These entities were propounded in order to meet the settlement agreement prerequisites for states to participate in receiving funds from the national opioid litigation settlement proceeds. Another aspect of this legislation is setting out state fiscal accountability authorities that will be responsible for administrative operations over these funds. South Carolina expects to receive a total of 360 million dollars over the course of the next eighteen years. Decisions by these entities are final and non-appealable.

The House amended and returned to the Senate **H. 3056**, a bill that outlines that it is unlawful for a person to import into, possess, keep, purchase, have custody or control of, reproduce, or sell within the state, **non-native venomous reptile**, including transactions conducted via the Internet. The bill is in conference.

The Senate non-concurred in the amendments proposed by the House to [**S. 16**](http://scstatehouse.gov/billsearch.php?billnumbers=16&session=124&summary=B). On the motion of Rep. Allison, the House insisted upon its amendments. The Chair appointed Reps. Allison, Felder and Henderson-Myers to the Committee of Conference on the part of the House. The Senate appointed Sens. Hembree, Turner and Stephens. The House amendment struck the bill in its entirety and inserts a new graduation requirement for both traditional and charter school students. Beginning with students entering ninth grade in the 2026-27 school year, a one-half credit course in **basic personal finance** must be completed to earn a diploma. This does not replace the economics course requirement as required in the original bill. Instead, students will take six and a half units of elective credit instead of the seven now required. The standards must include the following: basic principles of personal finance; internet safety; use and responsibilities of loans and credit products; and health, life, automobile, and other insurance products.

Having sent the Senate [**H. 3590**](http://scstatehouse.gov/billsearch.php?billnumbers=3590&session=124&summary=B) on April 7, 2021, the Senate insisted on its own amendments, appointing Senators Hutto, Hembree and Turner to the Committee of Conference on the part of the Senate. Chair appointed Reps. Allison, Felder and Alexander to the Committee of Conference on the part of the House. The House bill would provide that public **school districts may hire noncertified teachers** if a certified teacher is not available (if certain circumstances and requirements are met). The Senate amendments to the House bill largely make the program a pilot and only certain districts are eligible.

The House made appointments to a conference committee to address its differences with the Senate on **S. 233**, a bill allowing a **real property tax exemption extension**. The legislationrevises a real property tax exemption provision to provide that a qualified surviving spouse may qualify for an exemption if the qualified surviving spouse owns the house. The legislation also revises eligibility criteria to allow for an exemption when the county assessor certifies to the Department of Revenue that the house is located on heirs’ property and the person is the owner-occupied resident of the house. The legislation includes provisions providing for **tax value adjustment for property damaged by flooding, hurricane, or wind events**. The legislation expands provisions for adjustments in valuation and assessment for purposes of ad valorem property taxation by requiring an adjustment to real property for damages caused by flooding, hurricane, or wind events, in addition to the adjustments currently allowed for property damage caused by fire.The legislation establishes a **property tax exemption for all farm buildings and agricultural structures** owned by a producer in this state used to house livestock, poultry, crops, farm equipment, or farm supplies.The legislation revises provisions relating to **special license plates for military medals** to ensure that veterans receive the exemptions from fees to which they are entitled. The legislation also addresses a **local government’s authority to impose service or user fees**. The legislation specifies that revenue generated from a service or user fee imposed by a local government must: (a) be used to the benefit of the payers, even if the general public also benefits; (b) only be used for the specific improvement contemplated; (c) not exceed the cost of the improvement; and (d) be uniformly imposed on all payers. The legislation also includes a provision that a local governing body that repealed a road maintenance fee after June 30, 2021, and subsequently approved a millage increase for road maintenance, must repeal the millage imposed to replace the previous road maintenance fee before reimposing the road maintenance fee.

[**S. 945**](http://scstatehouse.gov/billsearch.php?billnumbers=945&session=124&summary=B) was read a third time and returned to the Senate with amendments. This bill seeks to promote **public access to school board meetings** by requiring school boards to adopt and implement policies that provide live electronic transmission of such meetings. The Committee added language from [**H. 5183**](http://scstatehouse.gov/billsearch.php?billnumbers=5183&session=124&summary=B), the **Transparency and Integrity in Education Act** earlier sent to the Senate. The bill was not sent back from the Senate.

Also being discussed in conference committee is **H. 4776** the **"Medical Ethics and Diversity Act."** This proposed bill would extend the right of conscience to health care industry professionals, medical students, and health care insurance payers. With impunity, they could elect to not to participate in health care services, or pay for them, when to do so would violate their conscience. In addition, this bill would protect them from civil, criminal, or administrative actions. They also could not be discriminated against for exercising their rights under this proposed legislation. However, as amended, it does not allow these medical providers to refuse to provide healthcare assistance based on a patient's race.

The House concurred in Senate amendments to **H. 3144**, enacting the **South Carolina Workforce Industry Needs Scholarship (SCWINS)**, and enrolled the bill for ratification. The bill was subsequently ratified by the General Assembly and signed into law by the Governor. The legislation establishes the South Carolina Workforce Industry Needs Scholarship (SCWINS) to address costs of South Carolinians who are pursuing professional certificates, industry recognized credentials (IRC), diplomas, or degrees from public South Carolina technical colleges that equip students for a career, with priority given to industry sectors experiencing a high demand for qualified employees. The SCWINS scholarship is equal to the cost of tuition, fees, or expenses for required course-related materials after applying all other federal or state scholarships or grants, not to exceed five thousand dollars each year for no more than three years of instruction, if the student is enrolled in an associate degree program, or no more than two years of instruction, if enrolled in an IRC, diploma, or professional certificate program. The legislation establishes eligibility criteria including a requirement that a student must be employed, take a financial literacy course offered at the public technical college, or complete one hundred hours of voluntary time contributing to a nonprofit or public service organization approved by the State Board of Technical and Comprehensive Education. Credit-seeking recipients of SCWINS shall maintain their scholarship eligibility by showing substantial progress on their coursework and maintaining a grade point average of 2.0 or better on a 4.0 grading scale. The SBTCE and the South Carolina Department of Employment and Workforce shall collaborate to inform individuals who are receiving unemployment insurance about short term training programs available at their local technical college through the SCWINS Program.

Another conference committee is slated to take up differing versions of **S. 202 Inspector General reforms and updates.** As proposed, this legislation would update the definition of "agency" for investigations to be conducted by our State Inspector General. Authority of the Inspector General would be expanded to include public schools, public school districts, public charter schools, public charter school authorizers, and any voluntary association or nonprofit that establishes and enforces bylaws or rules for interscholastic sports competition for public secondary schools in South Carolina. These investigations could be initiated by the Governor, State Superintendent of Education, or a majority of any county legislative delegation, and must be made in writing. It would not include the judicial department, quasi-judicial bodies, or political subdivisions, unless the political subdivisions are specifically enumerated to be subject to Inspector General investigations elsewhere in the South Carolina Code. This legislation was amended to include the election law reforms described in our summary of **S. 108**.

The General Assembly passed, and then enrolled for ratification, **S. 236 [R. 235] pooling city election precincts and election reforms**. City election precincts could be pooled under this proposal, so long as the pooled precincts do not exceed three thousand voters. This new amount represents an increase from the former one thousand five hundred voters limit. In addition, these pooled municipal polling places could not be more than five miles, up from three miles, from the nearest part of any pooled precinct, once this legislation becomes law.

A conference committee has been appointed to iron out differences between the House and Senate over **S. 243 SC DSS report information availability.** Information in SCDSS unfounded child abuse and neglect reports, about child fatalities or near fatalities, could be released under the parameters set out in this legislation. Releasable information is proposed to be limited to causes and circumstances of fatality or near-fatality unfounded abuse reports, the age and gender of the child, any prior reports related to the fatality or near fatality incident[s], prior investigation reports, and lists of any state-provided resources. This legislation was also amended to include the election reforms described in the summary of **S. 108**.

Also in a conference committee is the proposed **S. 560 Heirs' Property Study Committee.** This committee will investigate how much heirs’ property exists in South Carolina, examine current and prospective methods for addressing heirs' property issues and related costs, determine the

effect of state and federal laws on partitioning it, and also compare our laws related to heirs’ property against these types of laws in other states. Committee membership, the report to be submitted to the General Assembly, and the timing of committee dissolution are contained in this legislation. This legislation was also amended to include the election reforms described in the summary of **S. 108**.

**S. 1025 [R. 240] Legal Representatives Who Can Obtain Birth Certificates**, passed the General Assembly and has been enrolled for ratification.As passed, this legislation allows certified copies of birth certificates to be issued to legal representatives, which include any persons or agencies—including SCDSS—with court-ordered temporary or permanent custody of the child, as well as legal custodians, caregivers or kinship caregivers, attorneys, other state agencies, or school district liaisons to the homeless. It also modifies existing procedures to obtain these certified birth certificate duplicates.

**H. 5000,** legislation to make **original birth certificates available to all adult adoptees** has been ratified as **R. 226** by the General Assembly and the Governor signed it into law on May 16. Adult adoptees can now obtain this information by submitting a written request to the records registrar. After doing so, they would be given access to their original birth certificate, contingent upon first obtaining the permission of their biological parent, a notarized statement from this parent consenting to the certificate being issued, or appropriate certification that their biological parent has died. Information about living, nonconsenting biological parents must be redacted prior to issuing birth certificates under these circumstances.

Also ratified after passing the General Assembly was **S. 1031 [R. 241] Minimum Qualifications to hold the Public Office of Registers of Deeds.** This legislation establishes qualifications for candidates to be eligible to become a register of deeds, including, but not limited to, being a citizen of the United States and of South Carolina; a qualified elector in the applicable county; and possessing a four-year bachelor's degree from an accredited post-secondary institution, or at least four years' experience in the fields of law, real estate, or accounting, or as an employee in a register of deeds office in South Carolina, or as a register of deeds in South Carolina. It also amends existing law to require the Register of Deeds to process recorded documents within thirty days of their filing.

Also ratified was **S. 1092 [R. 243] Minimum Age for Corrections Officers.** The Criminal Justice Academy, and the Law Enforcement Training Council, must ensure that detention and correctional officer candidates in South Carolina are at least eighteen years old, rather than the former minimum age of twenty-one years old for these officers.

**H. 3050 [R. 246],** covering **Noncertified Law Enforcement Officer Chaperones** has been ratified**.** This bill limits noncertified law enforcement officers hired after July 1, 2022 from performing any law enforcement duties unless they are accompanied by a certified law enforcement officer for one year after their hire date. It has language limiting the use of chokeholds, and spelling out additions to the use-of-force continuum, vehicle pursuit standards, officers' duties to intervene in abuse of anyone by other officers and subjecting them to misconduct prosecutions for failing to intervene in these situations, use of no-knock warrants, and use of body cameras. Also, law enforcement agencies must fully cooperate in any investigations performed by the Law Enforcement Academy or its Law Enforcement Training Council, or face penalties for not doing so. Effective January 1, 2023, a Compliance Division will become operational to enforce standards set out in this act for training and exercises of law enforcement authority.

**H. 3271, Name Change Residency Prerequisites** has been ratified as **R. 199**, and was signed by the Governor on May 16, 2022.Under this legislation, name change petitions cannot be filed until a petitioner has resided in South Carolina for at least six months, with exceptions. These exceptions include anyone surviving dating violence, domestic violence, stalking, or similar victimization incidents. Their name change petitions can be sealed by the court if these survivors can show they are in reasonable fear for their safety.

**H. 4075 [R. 249]** **Sex Offender Registration Exemptions** has been ratified. It addresses the potential sun setting of existing state laws allowing courts to require offenders to register as sex offenders for the rest of their lives. This trial court authority was ruled to be an unconstitutional permanent penalty by our South Carolina Supreme Court. This legislation addresses these constitutionality concerns by establishing three tiers of sex offenders or offenses. Tier I includes criminal sexual conduct in the third degree, incest, buggery, voyeurism, sex with a patient or trainee, so-called ‘date rape drug’ use, and any offense falling under the federal Adam Walsh Act. Tier II includes criminal sexual conduct in the second degree, facilitating sexual performances by children, sex trafficking, criminal sexual conduct with minors, and solicitations for sex. Tier III includes criminal sexual conduct in the 1st degree, criminal sexual conduct with a minor, assault with intent to commit criminal sexual conduct, kidnapping, and other related offenses. Offenders in different tiers can petition to be delisted or to be relieved from the annual sex offender registration renewal requirements. Tier II offenders can do so twenty years after completing their sentences, and Tier III offenders may attempt to do so thirty years after completing their sentences. Listed sex offender information is mandated to be made available via an internet website. All sex offender registrants are prohibited from working in child related businesses, as defined in the act, and include day care centers, child recreation facilities, and child education venues.

Ratified as **R. 232**, and signed by the Governor on May 16, 2022, was **H. 5338** that establishes regulations for implementing the **South Carolina Electronic Notary Public Act**.

The Senate concurred in House amendments and enrolled for ratification **S. 1117 [R. 186]** (and the Governor signed). This act **adds cotton to the definition of the state’s agricultural commodities list** to provide self-assessment insurance against unforeseen issues. It sets an assessment at fifty cents per bale of cotton when delivered to a gin. It increases the Guaranty Fund from four million dollars to twenty-five million dollars. The act also creates the SC Agricultural Commodities Advisory Commission to assist the Department of Agriculture in the duties and administration of the Grain and Cotton Producers Guaranty Fund.

The House insisted upon its amendments and conference committee was appointed for **H. 3055**, a bill that **cleans up language and provides for technical changes in the law for the Department of Natural Resources.** These changes are as a result of the Legislative Oversight Committee’s review of the Department. The changes include, but are not limited to, updating names of the division departments as a result of the department's name change; updating the department's name on enforcement officers' badges; deleting language regarding enforcement officer’s requirement for bond; and updating boundary description for the Wildlife Sanctuary at Charleston Harbor by simply deleting old references to location descriptions and replacing them with GPS coordinates. In addition, the bill outlines that the State Geological Survey Unitin the Department of Natural Resources conduct **topographic mapping using light detection and ranging (LiDAR) data collections by December 31, 2022,** and at least every seven years thereafter. The unit is authorized to work with local, state, and federal governmental entities in South Carolina to complete the topographic mapping and share the results of the topographic mapping with these agencies. The unit shall work with the Flood Mitigation Program to publish the result to the public on the Department of Natural Resources' website. The provisions only may be enforced when the General Assembly appropriates the necessary funding for the topographic mapping in the General Appropriations Act. This bill adds the language from the election reform bill (H. 4919) that was passed by the House and sent to the Senate on March 3, 2022.

The Senate insisted upon its amendments and a conference committee was appointed for **H. 4775**, the **“E-Waste bill”**, legislation establishing a new statewide **“Manufacturer Electronic Waste Recovery Program”** for covered televisions and computer monitor devices, etc. Due to a decrease in the market for these devices, counties are currently faced with large financial burdens to recycle these items. Under the old program, manufacturers recycled eighty percent of what was sold, leaving counties with the cost of recycling any devices that remained at county recycling centers. The new program would require that all covered television and computer monitor devices must be picked up by manufacturer from counties. The bill provides language that protects counties from financial liability once these devices leave a recycling facility. The bill requires all stakeholders to reconvene on June 1, 2026, to assess how the program is working and whether there needs to be changes or updates to the program. There is also a 2029 sunset provision on the program. The Senate amendment outlines that the Department of Health and Environmental is to regulate storm water discharges of pre-production plastic at facilities that are not regulated based on the existing criteria of the National Pollutant Discharge Elimination System Storm Water Program. Pre-production plastics are those products, to include pellets, powders, and flakes, that are utilized in the production of plastic products and post-production plastics are those products created by activities including the melting, shaping, and molding of pre-production plastics.

The House concurred in Senate amendments and enrolled for ratification **H.** **3291**, a bill, referred to as the **“purple paint bill,”** that provides for an **additional method of posting notice of trespassing** on a property. As an alternative to the posting of “No Trespassing” signs, the legislation establishes a procedure that allows trespassing notice to be posted on tracts of land by marking immovable, permanent objects along the boundary lines with purple paint.

The Senate concurred in House amendments, enrolled for ratification, and the Governor signed **S. 613 [R. 172]**, an act that updates the requirements for **delegating certain nursing tasks to an unlicensed assistive personnel (UAP)** and makes it clear that a physician assistant may delegate these tasks to a UAP. Among many things, the act defines a category of unlicensed medical staff - the Certified Medical Assistant (CMA). The act also outlines that the unlicensed assistive personnel must not administer medications except as provided by law. The act provides that medical assistants employed at the time of the passage of this act may continue to work but must become certified within two years of the act’s effective date to continue to work in the role of a CMA. The limitation on specific tasks that may be delegated to a CMA applies when the delegation is done by a PA or an APRN.

The Senate concurred in House amendments and enrolled for ratification **S. 1011**, a bill that enacts the **“South Carolina Parkinson’s Disease Research Collection Act.”** In an effort to address the growing concern of Parkinson’s Disease, this bill directs MUSC to establish a database for the collection and dissemination of information on the incidence of Parkinson’s disease and related Parkinson’s disorders. The bill requires all Parkinson’s disease diagnosed or treated to be reported to MUSC. The database must include information regarding medical and nonmedical treatments and that the database may be shared with other states, Parkinson’s disease registries, or Federal disease control agencies.

The House nonconcurred in Senate amendments and a conference committee was appointed for **S. 968**, a bill which establishes the **“Veterans Service Organization Burial Honor Guard Support Fund.”** The fund helps to offset the costs paid by South Carolina chapters of congressionally chartered veterans service organizations that provide well-equipped and properly trained honor guard burial details at the funerals of qualifying South Carolina veterans. The bill requires the Secretary of the S.C. Department of Veteran Affairs to authorize a disbursement from the fund, not exceeding the per funeral cap established annually by the secretary. The fund may accept gifts, grants, federal funds, or donations from any source, as well as appropriated funds by the General Assembly.

The House received and adopted the conference report and ratified **S. 506**, a bill that allows **home based food production operations** to sell online and mail order or to retail stores including grocery stores.

The House received and adopted the conference report and enrolled for ratification **S. 628,** a bill that enacts the **"Pharmacy Access Act.”** This bill allows a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive in accordance with a standing prescription drug order by a prescriber to a patient who is eighteen years of age or older or someone under eighteen-year-old who has evidence of a previous contraceptive prescription. “Injectable hormonal contraceptive” means a drug composed of a hormone or a combination of hormones that is approved by the US Food and Drug Administration to prevent pregnancy and that a practitioner administers to a patient by injection. “Injectable hormonal contraceptive” does not include any drug intended to terminate a pregnancy. Among many things, the bill outlines that the Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a pharmacist to dispense a self-administered hormonal contraceptive. The bill reduces the pharmacist hormonal contraceptive continuing education requirement from three hours to one hour. It also provides limited liability protection from civil or criminal liability if pharmacist acts in accordance with these provisions.

This bill also states that an originating pharmacy may outsource a prescription drug order filling to a central fill pharmacy under certain conditions. The bill provides guidelines for a central fill pharmacy. “Central fill pharmacy” means a pharmacy facility permitted by the state, upon the request of an originating pharmacy permitted by the state, fills a prescription drug order and returns the filled prescription to the originating pharmacy for delivery to the patient.

The House concurred in Senate amendments and enrolled for ratification **H. 4519**, a bill allowing a **licensed barber to practice scope of work in a cosmetology salon.**

The House concurred in Senate amendments and enrolled for ratification **H.** **4597**, a bill stating that a person in need of an **anatomical gift** shall not be deemed ineligible to receive an anatomical gift solely because of the individual’s physical or mental disability.

The House concurred in Senate amendments and enrolled for ratification **H. 3166**, a bill enacts the **“Rena Nicole Grant Sickle Cell Disease Voluntary Patient Registry Act.”** The bill directs DHEC to develop and maintain the Sickle Cell Disease Voluntary Patient Registry for individuals who have been diagnosed with sickle cell disease. The purpose of the registry is to provide a means for health care practitioners providing care, including pain management, to a sickle cell patient to confirm whether the individual has been diagnosed with sickle cell. The registry also would be a means to collect and study data on the incidence and nature of sickle cell disease in order to improve patient care and access to services. If a physician diagnoses a patient with sickle cell disease, the physician shall notify the patient of the Sickle Cell Disease Voluntary Patient Registry and his or her right to register as a person having sickle cell disease. DHEC may provide a copy of the registration to a physician or other health care practitioner who is treating a patient and who requests the information after certifying that the patient, or the patient’s parent or caregiver if the patient is a minor or is incapacitated, has indicated that the patient has submitted a registration and would like the physician or other health care practitioner to verify the registration.

The House recommitted **S. 1136**. As a result, the Senate gave third reading and enrolled for ratification and the Governor signed the companion House bill **H. 3840**, a bill that establishes the **"Audiology and Speech-Language Interstate Compact Act.” [R. 208].**

The House concurred in Senate technical amendments to [**H. 3006**](http://scstatehouse.gov/billsearch.php?billnumbers=3006&session=124&summary=B)**,** the bill was enrolled for ratification and signed by the Governor. This act would prohibit public schools or districts from using debt collection agencies to collect or attempt to collect outstanding debts on **student school lunch or breakfast accounts**, nor assess or collect any interest, fees, or other such

monetary penalties for outstanding debts for student school lunch or breakfast accounts, and forgives current debt ("provisions of this act apply to debts on student lunch and breakfast accounts outstanding on the effective date of this act and incurred after the effective date of this act."). The act takes effect upon approval by the Governor.

[**H. 4766**](http://scstatehouse.gov/billsearch.php?billnumbers=4766&session=124&summary=B) merges the Education and Economic Development Act Coordinating Council (EEDA CC) with the **Coordinating Council for Workforce Development** (CCWD). Currently, the Secretary of the Department of Commerce, the State Superintendent of Education, the Executive Director of the State Board for Technical and Comprehensive Education, and the Executive Director of the Commission on Higher Education or their designees serve on the CCWD. The House version removes reference to designees and requires the principals to serve. The Senate version kept reference to designees.

The State Superintendent of Education is directed to appoint a school district superintendent, a school counselor, and a career and technology education director to the merged council. The Chairs of the House Education and Public Works Committee and Senate Education Committee each have one appointment to the CCWD in the same manner as their appointment to the EEDA CC. The Governor must appoint two representatives from the business community who have professional expertise in economic development and workforce issues. Language requiring the President of the South Carolina Chamber of Commerce to make an appointment is removed. CCWD is given the additional requirement of facilitating and coordinating a unified statewide workforce plan. CCWD must also take on the EEDA CC role of ensuring that the EEDA is properly implemented. Language limiting CCWD's focus to persons age twenty-one and over is removed.

The House non-concurred in Senate amendments to [**H. 3588**](http://scstatehouse.gov/billsearch.php?billnumbers=3588&session=124&summary=B), a bill that would strengthen requirements of high school seniors seeking **LIFE scholarships.** The House’s position focused on mathematics or computer science and one unit of credit in English/language arts during the **senior year** of high school for better college preparation. College expectations remain. The bill also establishes a minimum ACT score of 22 for LIFE eligibility instead of having the ACT score tied to concordance with a score of 1100. The amendment also included elements of [**H. 3017**](http://scstatehouse.gov/billsearch.php?billnumbers=3017&session=124&summary=B), that would allow a “student who uses a Palmetto Fellows Scholarship to attend an eligible two-year institution shall receive a maximum of four continuous semesters, and may continue to use the scholarship to attend an eligible four-year institution, subject to the maximum number of semesters for which the student may be eligible for the scholarship."The Senate removed the focus of the bill regarding the senior year of high school and added “education” as a qualification in addition to science and mathematics and continued the focus on college. The House and Senate disagreed with details on how to arrive at this qualification.

The House concurred in the Senate’s amendment and enrolled [**H. 3795**](http://scstatehouse.gov/billsearch.php?billnumbers=3795&session=124&summary=B). **H. 3795** [**R. 206**] was signed by the Governor. This act would enact the "**Sign Language Interpreters Act**" to require a specified level of competence for sign language interpreters used by certain entities of state government, public schools, and hospital systems. A person may provide interpreting services for a state agency or hospital only if they have a recognized certification. The act defines “recognized certification” as certification in sign language interpretation as approved by the South Carolina Association of the Deaf, the South Carolina Registry of Interpreters for the Deaf, or the National Registry of Interpreters for the Deaf. It also defines “Sign Language” or “American Sign Language” or “ASL.” The act also recognizes the “South Carolina Association of the Deaf” or “association” or “SCAD” as the state chapter of the National Association of the Deaf acting as a consumer advocacy organization serving the deaf and hard-of-hearing population of South Carolina, as incorporated at the time of enactment, or any successor organization of it. And the “South Carolina Registry of Interpreters for the Deaf” or “SCRID” meaning the state affiliate chapter of the Registry of Interpreters for the Deaf, serving as an interpreter-advocacy and professional organization, as incorporated at the time of enactment, or its successor organization.

A person only may provide interpreting services for an agency or hospital if he holds a recognized certification. Exceptions apply, but to the extent that provisions conflict with other minimum competency standards, the more rigorous standards must prevail. In consultation with relevant stakeholders, the State Board of Education shall develop and promulgate regulations for the appropriate credentialing of sign language interpreters in the public and special schools of this State.

The House amended and the Senate concurred regarding [**S. 1237**](http://scstatehouse.gov/billsearch.php?billnumbers=1237&session=124&summary=B)**.** The bill was enrolled for ratification. The bill authorizes a University of South Carolina 2022 **Women's Basketball National Champions'** Special License Plate. The bill states that the DMV must issue to registrants who have a license plate commemorating only the 2017 Women's Basketball National Championship a license plate commemorating both the 2017 and 2022 national championship once the 2017 license plate reaches the end of its ten-year lifecycle. This subsection does not apply to registrants who choose to switch to the '2017 and 2022' license plate on their own. The bill also adds several military related license plates.

[**S. 908**](http://scstatehouse.gov/billsearch.php?billnumbers=908&session=124&summary=B), a bill **disallowing the driving of certain modified vehicles** including the modifications commonly referred to as the "Carolina Squat" or the "California Lean," has landed in conference committee, with Senators Rankin, Grooms and McElveen on the part of the Senate and Representatives Wooten, Hardee and Rutherford on the part of the House. The legislation makes it unlawful to drive a passenger motor vehicle, including a pickup truck, on the highways of this state that has been altered so that the height of the front fender is raised or lowered four or more inches above or below the height of the rear fender. Penalties are established for

violations. The legislation includes provisions (previously approved by the House in [**H. 3600**](http://scstatehouse.gov/billsearch.php?billnumbers=3600&session=124&summary=B)) governing **utility terrain vehicles** including conditions and requirements that allow for a UTV to be operated on roads. The legislation includes provisions (previously approved by the House in [**H. 4534**](http://scstatehouse.gov/billsearch.php?billnumbers=4534&session=124&summary=B)) that restructure penalties and make other changes to provisions targeting **catalytic converter theft**.

**S. 888**, [**R. 176**] was signed by the Governor. This act relating to **contractors**, to provide for a voluntary contribution to be made upon application for a contractor's license to be applied to accredited public institutions of higher learning offering courses in building science or civil engineering; to provide for distribution; and to impose a reporting requirement.

The House agreed to Senate amendments on **H. 3591** [**R. 202**], the **teacher preparation report card**. The Governor has signed this legislation. This act would improve the means for evaluating educator preparation programs to train new teachers by directing several agencies to develop and annually publish an online report card known as the "South Carolina Teacher Preparation Report Card." The report will evaluate the ability of educator preparation programs including alternate programs, to train new teachers. The act also would require SDE to share data regarding the graduates of the various preparation programs with the respective providers. In addition to the State Board of Education, the Department of Education and the South Carolina Commission on Higher Education, the committee amendment adds the Center for Research on Teacher Education (SC-TEACHER). These entities will form a commission to conduct a detailed assessment of the teacher data infrastructure, develop metrics, determine weightings, construct a data upload system and create reports regarding educator preparation programs. The educator preparation report card must be published on the websites of SDE, CHE and educator preparation programs. Data on "nationally normed performance assessments that are data and evidence-based and can assess teacher effectiveness" are to be used.

The House and Senate approved **S. 460**. The bill was subsequently ratified [**R. 171**] by the General Assembly and signed into law by the Governor. The legislation revises numerous provisions to consolidate and simply the statutory authority of the **State Fire Marshal**. The legislation’s revisions are not to supersede or impair the authority granted to the State Board of Pyrotechnic Safety relating to the manufacture, sale and storage of fireworks. The legislation includes **enhancements to the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program** which awards grants to volunteer fire departments for purchasing protective gear, vehicles, and other firefighting equipment and for funding such initiatives as firefighter training and upgrades to fire stations. The V-SAFE Program revisions include changes that allow for increased funding that is awarded in grants each year, rather than every three years, to volunteer fire departments and combination departments that employ some firefighters, but are mostly composed of volunteers.

The House concurred in Senate amendments to **S. 533**, a joint resolution **prohibiting the payment of subminimum wages to individuals with disabilities**, and enrolled the legislation for ratification. The resolution provides that employers, community rehabilitation programs, and hospital patient care workers at regional centers shall not use a provision of the Fair Labor Standards Act of 1938 to pay disabled employees a subminimum wage. No individual with a disability may be paid less than the federal minimum wage. The Department of Disabilities and Special Needs is required to submit an annual report to the General Assembly concerning the payment of a subminimum wage in South Carolina. The legislation establishes a South Carolina Task Force on Eliminating the Subminimum Wage charged with identifying and developing protections for disabled subminimum wage employees to maintain competitive employment while phasing out the use of the subminimum wage by August 1, 2024. The legislation includes the **“Employment First Initiative Act”** under which all state agencies and South Carolina’s political subdivisions are encouraged to consider adopting a policy that encourages competitive integrated employment for individuals with disabilities. The legislation creates the South Carolina Employment First Oversight Commission and charges the volunteer commission with making annual progress reports and identifying barriers to achieving the outcomes and effective strategies and policies that can help realize the employment first initiative.

The House concurred in Senate amendments to **H. 4062** and enrolled the bill for ratification [**R. 248**]. The legislation provides **enhancements for the Public Service Commission** charged with oversight of the state’s public utilities. Conditions are established that allow members of the Public Service Commission to meet together to receive technical and legal advice from the commission’s staff on matters pending on the commission’s docket. Such briefings do not constitute a ‘public meeting’ for purposes of the Freedom of Information Act. The legislation includes provisions for Public Service Commissioners to receive subsistence and mileage when conducting official business with the amounts of these allowances adjusted according to how far a commissioner must travel for a meeting. The legislation eliminates a provision that allows the Public Utilities Review Committee, which screens PSC candidates, to find someone qualified as a commissioner with a supermajority vote of the committee even though the candidate does not meet the criteria for expertise in pertinent fields. The legislation authorizes an expedited process for approving **competitive electric power pricing for potential economic development prospects** that the Department of Commerce can offer to encourage these businesses and industries to invest in South Carolina and bring jobs to the state. The legislation authorizes the Public Service Commission to consider quantifiable net benefits to utility customers due to economic development in deciding whether to approve the competitive rates proposed by an electric utility. These economic development rates must not be below the marginal cost of energy production. The provisions expire on July 1, 2026. The legislation provides that the construction of a proposed **renewable energy facility** by or on behalf of a qualifying customer

to support electric power generation at its economic development location or expansion must comply with federal, state, and local laws and ordinances. In compliance with federal, state, and local laws and ordinances, the utility may expedite interconnection of a proposed renewable energy facility to be constructed by a qualifying customer to support electric power generation at its economic development location or expansion where high quality and reliable electric service are not adversely impacted.

The House concurred in Senate amendments to **H. 3340**, a bill enhancing **utilities infrastructure project license tax credits** for contributions to qualifying infrastructure and economic development projects. The bill was subsequently ratified [**R. 201**] by the General Assembly and signed into law by the Governor. The legislation increases the maximum aggregate credit that may be claimed in any tax year by a single company from four hundred thousand dollars to six hundred thousand dollars. Provisions are included that allow for additional credits above the cap for companies making investments in economically disadvantaged counties.

The House and Senate approved **H. 5144**, legislation addressing the **inclusion of mixed-use property under the rural telephone service property tax exemption**. The bill was subsequently ratified [**R. 229**] by the General Assembly and signed into law by the Governor. The legislation addresses a tax exemption for the property of telephone companies and rural telephone cooperatives operating in this state that is used in providing rural telephone service by clarifying that this existing exemption applies to mixed-use property, without regard to: (1) the extent to which such property is used in providing services in addition to telephone service in rural areas; and (2) the technology used, such as the provision of broadband over a high-speed Internet connection that allows the customer to access basic voice grade local service from the voice provider of the customer’s choice.

The House and Senate approved **S. 152**, the **“County Green Space Sales Tax Act.”** The bill was subsequently ratified [R. 166] by the General Assembly and signed into law by the Governor. The legislationexpands provisions for county local sales and use taxes to allow a county to impose a sales and use tax of up to one percent with revenue that is collected used to defray debt service on bonds issued to pay for preservation procurements. Before a county may impose a green space sales tax by ordinance, it must first be approved by the county’s voters as a ballot referendum question. A county in which a referendum has passed must assemble an advisory committee to assist the Department of Revenue with directing the distribution of the taxes collected to ensure a transparent and equal distribution within the county.

The House concurred in Senate amendments to **H. 4837**, a bill establishing requirements and authorization that allows a not-for-profit program to operate **mobile optometry units** to visit Title I public schools and provide services onsite to their students. The bill was subsequently ratified [R. 221] by the General Assembly and signed into law by the Governor.

The House concurred in Senate amendments to **H. 4220**, a bill establishing a protocol for the **mutual rescission of a life insurance policy** which could, otherwise, only be obtained through a court proceeding. The bill was subsequently ratified [R. 212] by the General Assembly and signed into law by the Governor. The legislation details how mutual rescission of a life insurance policy may be accomplished through an agreement entered into by the involved parties that rescinds and voids a policy in instances when false statements were made in the application for insurance.

The House concurred in Senate amendments to **S. 158**, a bill allowing an **exemption from continuing education requirements for experienced real estate professionals and financial advisors**. The bill was subsequently ratified [R. 167] by the General Assembly and signed into law by the Governor. The legislationallows a licensed real estate broker or salesperson who is at least sixty-five years old and has a minimum of twenty-five years of licensure in South Carolina to apply for a full exemption from continuing education requirements. A financial advisor subject to securities registration is also eligible for this full continuing education waiver based on age and experience.

The House concurred in Senate amendments to **H. 4889**, a bill addressing **alarm system business false alarms**, and enrolled the legislation for ratification. The bill was subsequently ratified [**R. 222**] by the General Assembly and signed into law by the Governor. The legislationrevises the South Carolina Alarm System Business Act to provide that an alarm business or contractor, or an alarm business call center, must not be fined or assessed a penalty by a local government for false alarms which are not attributed to improper installation, defective equipment, or operational error by the alarm business contractor.

The House concurred in Senate amendments to **H. 4161**, a bill that revises provisions relating to prohibited gaming machines to allow manufacturers to produce **gaming machines and equipment designated for out-of-state use**. The bill was subsequently ratified [R. 211] by the General Assembly and signed into law by the Governor. The legislation allows for the development, manufacture, processing, selling, possessing, provision of technical aid, or transporting of any printed materials, gaming equipment, devices, or other materials, software, or hardware used or designated for use in out-of-state jurisdictions by a gaming device manufacturer. In order to make use of this authority, a gaming device manufacturer must be in good standing with the South Carolina Secretary of State’s Office, registered with the United States Department of Justice Gambling Device Registration Unit, authorized to do business in the State of South Carolina, and have all appropriate local business licensure and zoning authorization.

The House and Senate approved **S. 1045** and the bill was enrolled for ratification. The legislation revises provisions governing the certification of **motor vehicle common carriers** by the Transportation Division of the Office of Regulatory Staff, including provisions for the

establishment of a maximum rate schedule governing the charges of carriers of household goods and hazardous waste for disposal carriers. The legislation also revises provisions governing the **dissolution of special purpose districts** to allow a hospital district that is undergoing dissolution to transfer its assets to a tax-exempt affiliated organization.

The House concurred in Senate amendments to **H. 4048**, a bill addressing the duty of the state of South Carolina to provide a legal defense and **indemnification for state officials and employees**. The bill was subsequently ratified [**R. 210**] by the General Assembly and signed into law by the Governor. The legislation establishes provisions under which the state of South Carolina must defend a state agency, department, or instrumentality, and the members of its governing board against an uninsured claim or suit relating to the performance of official duties, and must indemnify them for an uninsured loss or judgment, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. The legislation also establishes provisions under which the state must provide this legal defense and indemnification for directors, officers, and employees of the state agency or other entity, and for legislative employees, in the performance of their official duties unless they were acting in bad faith, such as acting outside the scope of official duties, or in instances that constitute actual fraud, actual malice, intent to harm, or a crime involving moral turpitude. These provisions do not waive any defense, immunity, limitation, or jurisdictional bar, including the Tort Claims Act, and they do not affect the terms or conditions of any applicable policy of insurance.

The House and Senate adopted the conference committee report on **H. 3729**, a bill addressing **charges for storing towed vehicles**. The legislation establishes notification requirements that must be followed before a towing company, storage facility, garage, or repair shop may collect storage costs from vehicle owners or lienholders.

The House adopted the conference committee report on **H. 3255**, a bill revising qualifications and other provisions governing the licensure and regulation of **real estate appraisers** to bring these state provisions into alignment with federal standards.

The House made appointments to a conference committee to address its differences with the Senate on **S. 935**. As approved by the House, the bill establishes a three-year **“Parental Choice in Education Program”** that allows up to five thousand public school students in kindergarten through eighth grade to be awarded annual scholarships of up to five thousand dollars to expand educational options. An Education Scholarship Trust Fund is established with seventy-five million dollars from the state’s contingency reserve fund that is to be used for awarding scholarships to children in economically disadvantaged families, up to five hundred children in active duty military families, and up to five hundred students from the South Carolina Early Reading Development and Education program in order to address tuition and other costs of receiving instruction at a participating independent school or an alternate public school. Scholarships may be used to address such attendance costs as tuition, fees, textbooks, and transportation.

The House made appointments to a conference committee to address its differences with the Senate on **S. 1077**, a bill authorizing the issuance of **electric utility storm recovery bonds**.

The House made appointments to a conference committee to address its differences with the Senate on **S. 17**, the **“Permit Extension Joint Resolution of 2022”**, which provides for the extension of various valid permits issued for construction, reconstruction, and other development of land.

The House made appointments to a conference committee to address its differences with the Senate on **H. 4831**, a joint resolution that directs the Department of Commerce to conduct an **Offshore Wind Energy Supply Chain Industries Economic Development Study** to evaluate the state’s business advantages, economic climate, workforce readiness, and any other relevant state assets to create a roadmap for South Carolina to effectively compete in attracting offshore wind energy supply chain industries to the state. The legislation includes language directing the Department of Commerce to conduct a **study evaluating the impacts on taxpayers for any** **economic development project that fails to reach completion** and report to the General Assembly any recommendations for taxpayer reimbursements for impacts from a failed project.

The House made appointments to a conference committee to address its differences with the Senate on **S. 901**, a bill providing for a revised and extended **nonresidential solar energy property income tax credit** of up to five million dollars for facilities located on Environmental Protection Agency National Priority List properties and other environmental clean-up sites. These tax credit provisions are repealed on December 31, 2024. The legislation includes **tax incentives for apprenticeship programs employing veterans and individuals who have been incarcerated** for nonviolent offenses. The legislation makes provisions for a tax credit for any taxpayer who employs in an apprenticeship program a newly-hired veteran of the U.S. Armed Forces who was honorably discharged or released from such service due to a service‑connected disability. The legislation makes provisions for a tax credit for any taxpayer who employs in an apprenticeship program a newly-hired individual who was formerly incarcerated for nonviolent offenses. These apprenticeship tax credits may be claimed for no more than three years. The amount of the credit is set at three thousand dollars for each eligible employee for the first year it is earned and is reduced to two thousand five hundred dollars for second year, and one thousand dollars for a third year. The legislation includes a provision **limiting the taxation of watercraft motors** to the maximum sales tax established for boats. The legislation includes a provision expanding eligibility for the one percent **senior sales tax exemption on accommodations**. The legislation lowers the age of individuals exempt from paying one percent of the total seven percent sales tax on accommodations from age eighty-five or older

to age seventy-eight or older. For each accommodations tax return filed with multiple locations, the filer also must provide electronically the location information by address and the amount of net taxable sales for each location. The legislation provides for **Enterprise Zone Act enhancements** including revisions that allow affiliated businesses to claim job development credits for creating new jobs in the state.

The House made appointments to a conference committee to address its differences with the Senate on **H. 3244**. The legislation enacts the **“Employment First Initiative Act”** under which all state agencies and South Carolina’s political subdivisions are encouraged to consider adopting a policy that encourages competitive integrated employment for individuals with disabilities. The legislation creates the South Carolina Employment First Oversight Commission and charges the volunteer commission with making annual progress reports and identifying barriers to achieving the outcomes and effective strategies and policies that can help realize the employment first initiative. The legislation includes provisions establishing the **South Carolinians with Disabilities Self-Employment Development Trust Fund**.

The House approved and sent the Senate **H. 5278**, a **continuing resolution allowing state government operations**.This joint resolution makes provisions for the continuing authority to pay the expenses of state government if the 2022-2023 Fiscal Year begins without a general appropriations act for that year in effect. The resolution provides for appropriations that are sufficient for timely debt service on state obligations and for satisfying constitutional requirements such as the Capital Reserve Fund and the General Reserve Fund and otherwise authorizes that recurring expenses of state government continue to be funded at the level of amounts provided in the Fiscal Year 2022-2023 general appropriations act.

A conference committee has been appointed on **H. 3696**, **additional circuit and family court judges.** The current version adds Circuit Court judges in the 2nd, 9th, 14th, and 15th Judicial Circuits and Family Court judges in the 1st, 7th, and 16th circuits.

The House concurred in Senate amendments and enrolled for ratification **H. 3775**, a bill dealing with **health benefit plan for stage four advanced, metastatic cancer**. The bill outlines that no health benefit plan that directly or indirectly covers the treatment of stage four advanced, metastatic cancer may limit or exclude coverage for diagnostic imaging services for the diagnosis and treatment of the patient’s stage four advanced, metastatic cancer if the National Comprehensive Cancer Network Clinical Practice Guidelines in Oncology provide a consensus that the diagnostic imaging service in question is appropriate and is supported by peer‑reviewed literature.

The House concurred in senate amendment and enrolled for ratification **H. 3225**, a bill that removes the exemption for certain individuals from the **mandatory electronically filing of death certificates**. The bill removes physicians who certify fewer than twelve deaths per year and funeral homes that perform fewer than twelve funerals per year from the mandatory electronically filing exemption list, requiring all physicians and funeral homes to file electronically. As a result, only those who act, without compensation, as a funeral director on behalf of a deceased family member or friend remain covered by the exemption from electronic filing. In addition, the Bureau of Vital Statistics shall notify the State Election Commission of the decedent's death who shall subsequently notify the County Board of Voter Registration and Elections in which the decedent was a resident of the decedent's death for purposes of removing the decedent from the voter roll.

# Introduced Bills

**Judiciary**

**H. 5381 Study Committee on Youth Violence and Delinquency Rep. Govan**

A joint resolution to create the "Study Committee on Youth Violence and Delinquency" to investigate the causes of youth violence and delinquency in this state. This study committee would make recommendations for proposed changes to state laws, and any other remedies, to address issues including, but not limited to, gang violence and the ‘school house to jail house pipeline.’

**S. 614 South Carolina Unorganized Militia Sen. Corbin**

This bill proposes to spell out duties and responsibilities of the South Carolina Unorganized Militia.

5/23/2022

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