Vol. 40 April 11, 2023 No. 13

(April 4 - 6, 2023)

**Contents**

[**House Floor Actions 2**](#_Toc132138117)

[**Committees 9**](#_Toc132138118)

[**Introduced Legislation 11**](#_Toc132138119)

Written and compiled by

House Research

(803.734.3230)

Andy Allen, Don Hottel, Dir., Sherry Moore, Richard Pearce, Esq.

D. Hottel, editor

## House Floor Actions

The House gave final approval and sent the Senate **H. 3514**, the **"South Carolina Equine Advancement Act."** Among many things, this bill would set up a South Carolina Equine Commission. It would be chaired by the Department of Revenue Director. This Commission would select and license up to three entities in South Carolina to operate advance deposit account wagering [or ADW, i.e., parimutuel betting] for equestrian activities. This bill sets out a comprehensive list of duties and responsibilities for this commission, including awarding grants and providing financial assistance to advance equine pursuits in South Carolina.

These entities would have to be qualified to do business in South Carolina, and maintain physical offices here, with at least one staffer present from 9:00 a.m. to 5:00 p.m. Monday through Friday. The commission would be tasked with setting and collecting a license application fee of ten percent of applicants’ estimated ADW totals for their first year of operations. If licensees exceed this projected amount, then they would be required to pay a supplemental fee based on their actual earnings. Previously paid estimated fees would be credited back against this total, actual amount. After this initial year, licensees would pay their percentage ADW fee based on their prior year’s ADW. Their fees would have to be paid within four calendar weeks of the end of their ADW licensed fiscal or calendar year, as previously indicated on their application and license they are operating under. Any misrepresentation by applicants could result in criminal prosecution.

Five percent of the ten percent licensing fee would be retained by this commission to cover their operation costs as a division within the South Carolina Department of Revenue. Remaining fees from this portion would be used to set up a grant program to assist the growth and development of the equine industry in South Carolina.

The House amended, approved, and sent the Senate **H. 3690**, the **"ESG Pension Protection Act."** The billrevises provisions governing the state’s retirement system funds to require decisions about investing and managing assets to be based solely on **pecuniary factors** (factors “that a prudent person in a like capacity would reasonably believe has a material effect or impact on the financial risk or return on an investment, including factors material to assessing an investment manager's operational capability, based on an appropriate investment horizon consistent with a retirement system's investment objectives and funding policy”). Under the legislation, investment and management decisions must exclude **nonpecuniary factors** that are collateral to or not reasonably likely to affect or impact the financial risk and return of the investment, such as the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes (“ESG” refers to “Environmental, Social, and Governance”). To the extent that it is economically practicable, the “commission must retain the authority to exercise **shareholder proxy rights** for shares that are owned directly or indirectly on behalf of a system.” The legislation includes requirements for the Retirement System Investment Commission to certify compliance. The Attorney General is authorized to bring legal actions to enforce these provisions.

The House of Representatives returned **S. 604**, a joint resolution authorizing **American Rescue Plan Act (**ARPA) **appropriations**, to the Senate with amendments. From the funds disbursed to the state under the federal “American Rescue Plan Act of 2021,” the legislation appropriates $586 million to the Rural Infrastructure Authority ARPA Water and Sewer Infrastructure Account to be used towards fulfilling existing grant applications. $100 million of this amount must be available for projects designated by the Secretary of Commerce as being significant to economic development and may be funded at up to $20 million per project with no local match requirement. Members of the General Assembly who oppose the awarding of grants within their districts may notify the Rural Infrastructure Authority in writing and the authority must withhold the disbursement. The legislation specifies that the funds in the ARPA Resilience Account also may be used for projects that mitigate the impacts from potential releases of contamination associated with natural hazards.

The House amended, approved, and sent the Senate **H. 4124**, a bill **restructuring the Department of Health and Environmental Control**. The legislation replaces the Department of Health and Environmental Control with a newly created Department of Public Health to assume DHEC’s health‑related functions and a newly created Department of Environmental Services to assume DHEC’s environmental‑related functions. The Department of Public Health is established in the executive branch of government under the supervision of the DHEC Board, redesignated the Board of Public Health, which is responsible for selecting a director for the agency. The Department of Environmental Services is established in the executive branch of government and headed by a director who is appointed by the Governor upon the advice and consent of the Senate.

**H. 3558,** proposed legislation for **Prerequisite Child Safety and Placement Plans in Department of Social Services Removal Cases,** has also been sent to the Senate after House approval this past week. Before any child could be placed outside of their home, and in lieu of placement in a Department of Social Services [DSS]-approved facility, all interested parties, including relatives and fictive kin, who could qualify for placement of the child with them instead, would have to sign off on safety, placement, and --where appropriate-- treatment plans for the child under this proposal. These plans would have to be developed within three days of the child being removed by DSS. As part of this proposed approach, DSS would have to continually assess the appropriateness of its safety plan and monitor the child’s placement experience for compliance with these signed plans. Courts would retain authority to place children in these situations on an expedited basis. Records of probable cause hearings could be held open for up to 72 hours. In addition, emergency placements of children in these expedited matters could last up to 10 days as well.

The House has given final consideration to and sent the Senate, **H. 3553,** a bill to remove **Adoption Waiting Periods**. This bill would eliminate the existing statutory 90-day waiting period after adoption petitions have been filed before adoptions may be finalized with an adoption decree. Adoptions would still have to be completed within six months of the adoption petition being filed. However, adoptions of special needs children would be allowed to take up to twelve months for completion.

Also going to the Senate is **H. 3554,** a bill to establish **Family** **Court Judicial Discretion to Waive Pre- and Post-Placement Adoption Reports.** If enacted,family court judges would be given the ability to waive pre- and post-adoption report requirements in these proceedings, upon a proper petition being made to them, and the waiting period has exceeded one year.

The House has approved and sent the Senate, **H. 3555,** proposed legislation to enact **Adoption and Permanent Placement Reforms** **for Children in Department of Social Services Custody.** This bill represents an effort to speed up adoption, permanent placement, or another planned permanent living arrangement [APPA] for children in Department of Social Services [DSS] custody. As amended, relatives and fictive kin would be added into the mix of potential adopters of minors in DSS placements. In addition, termination of parental rights hearings involving pending DSS cases, could include permanent placement planning matters and be heard at the same time. DSS also could pursue adoption final hearings to be held within 30 days after filing adoption petitions. Minors aged 16 or older would have to be asked their preferences for their placements, if this bill is enacted.

Also receiving House approval and headed to the Senate is **H. 3556**, proposed legislation to modify existing state **Infant Safe Havens Law**. This bill would modify existing law to allow permanency planning hearings to include termination of parental rights determinations at the same time, when an infant was left at a designated safe haven location. Parents would be given notice they have a right to appear at these hearings and assert their parental rights. Parents leaving infants at these safe havens would be giving the family court conclusive evidence that all requirements for terminating their parental rights have been met if this bill becomes law.

The House amended, approved, and sent the Senate **H. 3786**, the **“South Carolina Conservation Enhancement Act.”** This bill reinstates a dedicated funding stream for the South Carolina Conservation Bank from a share of the deed recording fee by providing that twenty-five cents of each one dollar and thirty cents of the fee is devoted to the Conservation Bank Trust Fund. The legislation expands the Conservation Bank’s governing board from fourteen members to seventeen by adding the Commissioner of Agriculture, the Secretary of Commerce, and the Secretary of Transportation as members who serve in an ex officio capacity without voting privileges. The ex officio board members may be represented by their designees. The legislation revises qualifications criteria for voting members appointed to the board by adding farming as one of the fields of expertise.

The House amended, approved, and sent the Senate **H. 4087**, a bill enhancing **tax incentives for economic development**. The legislation expands the income tax credit provisions for establishing a corporate headquarters in South Carolina. The legislation lowers the minimum investment threshold from three hundred million to one hundred million for a qualified recycling facility to be eligible for tax credits. Batteries, solar panels, turbines, and related structures are included in the definition of “post-consumer waste material” for recycling facilities. Provisions in the Enterprise Zone Act of 1995 are revised to allow remote employees working in South Carolina to be included in certain job creation requirements and adds incentives for certain investments. The legislation revises provisions relating to the Enterprise Zone Act credit against withholding for retraining employees to provide who is eligible for the credit and the amount of the credit allowed. To recruit an eligible business to this state or encourage an expanded investment in South Carolina, the legislation provides authority for the Secretary of Commerce, subject to approval by the Joint Bond Review Committee, to allow an eligible business to sell, exchange, or otherwise transfer job tax credits they have earned. The sale or exchange of credits applies to state income tax credits earned from 2022 until 2029 by a business that is headquartered in South Carolina, or whose primary business is in: research and development; the production of microchips, semiconductors, or circuit boards and other electronics components; the production of pharmaceuticals, including active pharmaceutical ingredients; advanced manufacturing; life sciences; or new, emerging, or high technologies.

The House amended, approved, and sent the Senate **H. 3810**, a bill **reducing corporate license fees** by excluding certain initial investments in a business. The legislationprovides that a corporation whose headquarters and principal place of business are in South Carolina may exclude from its paid-in or capital surplus subject to the annual corporate license fee the first fifty million dollars of equity contributions from a qualifying venture capital fund, angel investor, or private investment firm.

The House gave third reading and sent to the Senate **H. 3691,** legislation stating that a  **coroner,** deputy coroner, or coroner's designee may administer an opioid antidote in accordance with the requirements of the “South Carolina Overdose Prevention Act.” The legislation also states that a coroner and a deputy coroner are considered public safety officers if killed in the line of duty**.**

The House gave third reading and sent to the Senate **H. 3870,** legislation that authorizes the permitting and operation of **Narcotic Treatment Programs** for associated pharmacists and practitioners. "Narcotic Treatment Program (NTP)" means a program licensed by the Department of Health and Environmental Control that dispenses and administers methadone or other narcotic treatment medications. This bill requires the Board of Pharmacy to issue a narcotic treatment program (NTP) permit to a NTP before methadone or other narcotic treatment medications may be administered, dispensed, or delivered to the NTP. The permit must be inspected annually by the Board of Pharmacy. In addition, the bill outlines that inventory must be secured against access and alteration when the pharmacist is not on site but allows for the secure distribution of medication.

**H. 4122** proposes to expand the authorized use of **epinephrine auto-injectors** in schools to include the provision of lifesaving medications (e.g., Narcan). The bill would also provide certain related responsibilities for the Department of Health and Environmental Control and the Department of Education. The House approved the bill and will send it to the Senate. The bill would expand the provision to include other lifesaving medications in addition to epinephrine. The Department of Health and Environmental Control and the Department of Education would determine which medications would be appropriate and safe for use in schools. The bill would also require the Department of Health and Environmental Control and the Department of Education to work together to develop and implement policies and procedures for the storage, maintenance, and administration of these lifesaving medications in schools. The bill would also require the Department to provide training for school personnel on the proper administration of these medications.

**H. 3865,** **Additional Optional Coroner Candidate Qualifications,** has also gone to the Senate after the House approved it**.** Under existing state law, all candidates for coroner must meet all standards set out on a list of minimum qualifications in order to be able to serve in this office. In addition to these minimum qualifications, they also must meet at least one listed qualification from a second list of qualifications. This bill would add anyone with three years of experience as a licensed paramedic to this second list as a potential, additional qualification to become a coroner.

**H. 3267,** a bill to confirm the **Secretary of State Public Charities Division** as the single authority with oversight of these entities, has been sent over to the Senate after being approved by the House. It would repeal outdated SC Code Section 1-7-117 that references a Division of Public Charities as part of the Attorney General's office operations. These organizations are currently being monitored by the Secretary of State and have been so monitored since 1998.

[**H. 3142**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3142&session=125&summary=B), adopted and given third reading, is a bill designating the thirteenth day of May each year as "**Robert Smalls Day**" in South Carolina.

The Senate is also receiving **H. 3500,** proposed legislation for **Identifying Drafters of Real Estate Mortgages and Deeds,** after the House gave the bill third reading this week.Once enacted, preparers of real estate-related mortgages and deeds, prepared after December 31, 2023, would have to include the name of the document preparer, or the name of the South Carolina licensed lawyer who handled the closing. Absent this information appearing on these documents, Registers of Deeds and Clerks of Court could refuse to accept them for filing.

The House gave third reading and sent to the Senate **H. 3138**, a bill dealing with the disposal of **abandoned aircraft** by an airport manager. The bill provides requirements for the notification and sale process for an airport manager of a publicly owned or public-use airport when it is determined an abandoned aircraft or derelict aircraft is located on the premises of the airport. The bill applies to publicly owned aircraft. It also increases the timeframe for which an abandoned aircraft (due to being wrecked, or in partially dismantled condition) be located or stored on the premises from 60 days to 120 days. In addition, a "derelict aircraft" means any aircraft that is located or stored on the premises of an airport for at least 180 days. Also, the bill outlines that the courts must establish ownership before any court-ordered sale or transfer of the aircraft.

The House gave third reading and sent to the Senate **H. 3877**, legislation that revises an anesthesiologist’s supervisory requirements for **anesthesiologist’s assistants**. The bill outlines that an anesthesiologist may not supervise more than four anesthesiologist's assistants at any one time.

The House gave third reading and sent to the Senate **H. 3681**, a bill that prohibits municipalities from enacting laws, ordinances, or rules pertaining to ingredients and flavors of **tobacco products** such as cigarettes or electronic smoking devices, and vapor products. This bill allows cities and towns to continue to control zoning for businesses that sell these products, and grandfathers in cities and towns that have ordinances adopted before 2021 that pertain to ingredients and flavors of tobacco.

**H. 3414,** prohibiting motor **vehicle modifications** that result in the motor vehicle’s front fenders being raised four or more inches above or below the height of the rear fenders, passed the full Education Committee and was sent to the House. This provision sets forth regulations for passenger motor vehicles, including pickup trucks. It prohibits the **alteration of the suspension, frame, or chassis of a vehicle** in a manner that causes the height of the front fender to be raised or lowered more than four inches above or below the height of the rear fender. The measurement of the fender height is taken vertically from the ground, through the centerline of the wheel, and to the bottom of the fender. An amendment in the House clarified that "fender" means the pressed and formed part mounted over the road wheels of a motor vehicle to reduce the splashing of mud, water, and similar substances. Violation of this provision is considered a misdemeanor offense, and a person convicted of a first offense may be fined $100. A second offense may result in a fine of $200, and a third offense may result in a fine of $300 *and* a twelve-month suspension of the offender's driver's license by the Department of Motor Vehicles. The provision also specifies that only offenses occurring within five years of each other, including and immediately preceding the date of the last offense, shall constitute prior offenses under this section.

The House amended, approved, and sent the Senate **H. 4020**, a bill enhancing **motion picture production company tax rebates**. The legislationrevises the tax rebate provisions for certain motion picture production companies by increasing the total annual limit from ten million to thirty million dollars and by allowing the use of rebates for certain additional expenditures and expenses. Provisions are made for a rebate to a motion picture production company of up to thirty percent of its in-state expenditures if the motion picture production company has a minimum in‑state expenditure of one million dollars. A portion of the rebate allotment may be used to fund the operations of the South Carolina Film Commission and for the promotion of collaborative production and educational efforts between institutions of higher learning in South Carolina and motion picture-related entities. The legislation repeals provisions relating to the distribution of admissions taxes for rebates to motion picture production companies and certain departmental expenses. The legislation establishes tax incentives for live theater productions by making provisions for an income tax credit equal to thirty percent of total production, performance, and transportation expenditures for an accredited theater production performed in South Carolina that is either a pre-Broadway or post-Broadway production.

The House amended, approved, and sent the Senate **H. 3908**, which makes provisions for **paid parental leave for school district employees** upon the birth of a child or initial legal placement of a foster child or a child by adoption. Under the legislation, teachers and other school district employees are entitled to the paid parental leave afforded state employees.

The House approved and sent the Senate **H. 3563**, a bill establishing a **sales tax exemption for feminine hygiene products** including tampons, sanitary napkins, and other similar personal care items for use in connection with the menstrual cycle.

The House approved and sent the Senate **H. 3737**, the **“Short Line Railroad Modernization Act.”** This bill makes provisions for an income tax credit equal to fifty percent of an eligible taxpayer’s qualified railroad reconstruction or replacement expenditures to encourage the rehabilitation of certain comparatively small rail lines.

The House amended, approved, and sent the Senate **H. 4118**, a bill providing an **extension for community development tax credits** so that these tax credit provisions are set to terminate on June 30, 2029, rather than 2023.

The House approved and sent the Senate **H. 4017**, a bill providing for **state and federal income tax conformity**. The legislationupdates references to the federal Internal Revenue Code in state tax laws and aligns provisions so that extensions granted at the federal level prompt extensions for South Carolina income tax purposes.

The House approved **S. 490** and enrolled the legislation for ratification. This joint resolution provides that funds from Act 94 of 2021 appropriated to the Department of Parks, Recreation and Tourism may be extended for the current **Fair Play Welcome Center** project.

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

The House amended, approved, and sent the Senate **H. 4116**, a bill making revisions relating to the licensure and regulation of **funeral directors and other licensed funeral service providers**. The legislation revises criteria for those who are considered to be in the practice of funeral service so that licensure requirements apply to someone who, not only engages and participates in the active management of a funeral establishment, but also works actively, regularly, and directly with the families of the deceased. Continuing education requirements are enhanced, including a requirement for one credit hour to be an ethics in funeral service course. The legislation provides that it is unlawful to aid and abet those who are unlicensed to engage in the practice of funeral service. Provisions are included to target the unlawful division of funeral service fees and other payments. The legislation enhances penalties for violations. The legislation includes a requirement that a licensed funeral director or embalmer who commits a violation must be reported to the State Board of Funeral Services for immediate investigation and disciplinary proceedings. Someone convicted of a felony in South Carolina is permanently banned from conducting preneed funeral contract sales. The legislation includes requirements that all cremations must be performed by a trained individual who: (1) successfully completed a crematory operator training course approved by the board of not less than eight hours instructional time; (2) has submitted an affidavit of good character from at least one crematory operator; and (3) has submitted a nationwide employment clearance indicating that he has not been convicted of, or pled guilty to, any felony crime in South Carolina or any other jurisdiction in this country. The legislation provides a more detailed definition of cremation. Apprentices are redesignated as interns. The legislation revises the criteria for the issuance of funeral home permits that include a requirement that a manager resides within the boundaries of the state. A manager must live within a radius of one hundred miles, rather than twenty-five miles, of the funeral home. The legislation makes revisions that allow requirements for displaying options to consumers to be satisfied with showing photographs or other representations of available caskets and other necessary funeral supplies.

## Committees

**Education and Public Works**

The Committee gave a favorable report to Senate bill 39 which establishes the "Education Scholarship Trust Fund (ESTF)." Eligible elementary and secondary students may be awarded scholarships in the amount of $6,000 to pay for education expenses. The scholarship amount may not be altered unless directed by the appropriations act. Expenses may include, among other items, tuition and fees, instructional materials, tutoring, computer hardware, assessments, and transportation (not to exceed $750 per year).

Public and independent schools may accept scholarship funds, but charter schools and home-schooled students are excluded. Eligible students must reside in the state and have attended a public school in the state during the previous school year or received a scholarship the previous school year. Families must meet a specified percentage of the federal poverty guidelines to qualify:

* 200 percent of the federal poverty guidelines for the 2024-25 school year;
* 300 percent of the federal poverty guidelines for the 2025-26 school year;
* 400 percent of the federal poverty guidelines for the 2026-27 school year and for all subsequent school years.

The bill establishes a cap in the number of students who may participate in the ESTF:

* A maximum of 5,000 students may participate in the 2024-25 school year;
* A maximum of 10,000 students may participate in 2025-26 school year; and,
* A maximum of 15,000 students may participate in the 2026-27 school year and for all subsequent school years.

The State Department of Education (SDE) must create an application process for the Fund, determine student eligibility, and inform students and parents about eligibility and providers. Before receiving funds, parents or guardians must agree to provide instruction in at least English/language arts, mathematics, social studies, and science.

SDE may deduct no more than two percent of the ESTF to administer the program and may contract with vendors to manage accounts and provide services. Providers may be banned if they do not comply with accountability standards or provide educational services. Participating independent schools meet curricula, diploma, and attendance requirements, comply with health and safety codes, and do not unlawfully discriminate based on race, color, or national origin.

Scholarship recipients attending an online Education Service Provider must visit their resident public school at least once per semester for a wellness check and SDE is to keep data about the visit. If a student’s academic program is ended before the end of a school year or semester, the parent must notify SDE, and remaining funds revert to the ESTF.

Education Service Providers providing full-time instruction must provide the following assessments:

* Grades three through eight must take the SC Ready or SC Ready alternative assessment.
* Grades four and six must take the SC Pass or SC Pass alternative assessment.
* Alternatively, grades three through eight may take a nationally normed formative assessment at the beginning, middle and end of the school year. SDE must approve the assessment and it must have a linking study.
* Grades nine through twelve must take a nationally norm referenced, or formative assessment approved by SDE.

The Education Oversight Committee must report on learning gains and graduation rates of scholarship recipients to include delineate aggregated data. An ESTF Review Panel is established to provide advice to the Department.

**Labor, Commerce, and Industry**

The House Labor, Commerce and Industry Committee met on Thursday, April 6, and reported out several bills.

The Committee gave a favorable report on **H. 3255**, the **“Living Donor Protection Act”**. This bill prohibits issuers of individual life insurance policies, group life insurance policies, disability income insurance policies, and long-term care insurance policies from discriminating against living organ donors.

The Committee gave a favorable report on **H. 3799**, a bill designating the first Monday of March of each year as **"Water Professionals Day"** in South Carolina.

The Committee gave a favorable report on **H. 4049**, a bill authorizing **remote shareholders meetings**. The legislation revises requirements for holding meetings in provisions governing corporations, partnerships, and associations and provisions in the South Carolina Nonprofit Corporation Act to allow for remote participation instead of in-person attendance.

The Committee gave a report of favorable with amendments on **H. 3769**. This bill provides that the Department of Health and Environmental Control shall not deny a property owner the **right to repair and replace any existing well or septic tank** solely because of any other available water and/or sewer service.

## Introduced Legislation

**Agriculture, Natural Resources and Environmental Affairs**

[**H. 4303**](https://www.scstatehouse.gov/billsearch.php?billnumbers=4303&session=125&summary=B) **Inoculations Rep. Caskey**

This bill seeks to expand the availability of rabies inoculations and provide for more detailed information in reports of animal bites. It also establishes certification requirements for individuals who administer vaccines to animals and clarify who is authorized to do so.

[**H. 4292**](https://www.scstatehouse.gov/billsearch.php?billnumbers=4292&session=125&summary=B) **Subsistence Fishing Rep. Rivers**

This bill deals extensively with the subject and tradition of subsistence fishing --touching on the subjects of saltwater fishing licenses, fees and revenues, the definition of the term “subsistence,” shellfish grounds, fish stocks that support subsistence fisheries and related items.

**Education and Public Works**

**S. 629 Children's Advocacy Center Day Sen. Shealy**

This concurrent resolution recognizes that abuse and neglect of children is a significant problem, to honor the important work being done to combat child abuse, and to declare April 4, 2023, as "Children's Advocacy Center Day" in South Carolina.

**4280 Educator Assistance Act Rep.** [**Erickson**](https://www.scstatehouse.gov/member.php?code=539772663&chamber=H)

This bill proposes several amendments to the South Carolina Code of Laws through the enactment of the "Educator Assistance Act." Among the issues: professional certificates issued by the State Board of Education will be permanent unless revoked or suspended and are not subject to renewal. Additionally, it specifies that no teacher may be required to renew a professional certificate issued by the board. The bill proposes authorizing the use of data collected under current procedures to report on certain postsecondary matters concerning graduates of South Carolina public schools. This section also requires the streamlining of data collection timelines and processes. The bill allows contract acceptances submitted before the statutory notification deadline to be withdrawn by submission of written notice to the school district within ten days after publication of the school district salary schedule for the upcoming school year. It also prohibits school districts from reporting such withdrawals as a breach of contract. It also revises the penalties for breach of contract resulting from the unauthorized execution of an employment contract with another district, revises the period for educator certificate suspension due to breach of contract, and to make such revocations discretionary. Lastly, the bill proposes the repeal of certain reporting requirements to the Superintendent of Education and the tabulation of reports.

**Judiciary**

**H. 4246 Federal Treaty Implementation Restrictions Rep. Magnuson**

A bill that proposes prohibiting the state, its agencies, its political subdivisions, any of its publicly funded institutions, and any of their officials or employees from implementing the provisions of federal treaties before they have been ratified by an appropriate vote in the United States Senate.

**H. 4248 Conditional Discharge Orders For Underage Drinkers Rep. Rose**

Minors charged for the first time with possession of beer, ale, porter, or wine offenses could enter into conditional discharge orders after paying appropriate fees under this bill. Compliance with these orders would dispose of the pending charges and no conviction would appear on their record as a result.

**H. 4258 Collecting Building Code Fines And Levies Rep. Magnuson**

Building code enforcement actions against county and city property owners resulting in fines or other levies could be collected by them in the same way they collect delinquent property taxes, should the governor sign this bill. Exempt from these levies; however, are agricultural use properties, residences, outhouses, and purely aesthetic structures.

**H. 4259 “Hand Count Audit Act” Rep. Harris**

The proposed “Hand Count Audit Act” would require each county board of voter registration and elections to conduct a postelection audit of election results by a hand count of votes cast in at least five contested races in at least three precincts. In addition, a county chairperson of any certified political party, and a county governing body, would have up to two years after any election to be able to investigate the integrity of that election. They could do so by requesting a full hand recount, a postelection audit of paper ballots, or a forensic audit.

**H. 4260 “Voter Access And Transparency Act” Rep. Harris**

The “Voter Access and Transparency Act” would, among other things, require the use of paper poll books at voting locations throughout South Carolina. It sets out rights of elections observation by any citizen. It also applies chain of custody principles to all election‑related materials as well as the maintenance of chain of custody records for up to twenty-four months after any election. Curbside voting requested by handicapped and elderly electors would require them to affirm their inability to enter a polling place or stand in line before they could get a ballot. Absentee ballot laws would be modified to delete references to early voting. Anyone sixty‑five years of age or older would no longer be able to vote by absentee ballot. As a final provision of this bill, early voting would no longer be available to any voter in South Carolina.

**H. 4261 “Clean Voter Roll Act” Rep. Harris**

The “Clean Voter Roll Act” would allow county boards of voter registration and elections to maintain separate master files of active and inactive registered electors. These lists would have to be promptly furnished to qualified voters at no charge. South Carolina’s State Election Commission Executive Director would take on list maintenance and assist county boards with keeping their active and inactive voter rolls current.

Any statewide voter registration database confidential information or data could not be shared with third‑party nonprofit groups or entities. Change of address forms accepted at the department of motor vehicles would be timely transmitted to the county boards of voter registration and elections to keep their records current. County boards of voter registration and elections would have to require any voter on a master file of inactive registered voters to produce valid photographic identification in order to be returned to the master file of active qualified electors.

**H. 4273 Rescinding South Carolina’s Constitutional Convention Application Rep. Long**

This bill would rescind South Carolina’s application to the US Congress to hold a constitutional convention on adding a federal balanced amendment to the US Constitution and implore all other states that have made similar applications to rescind them as well.

**H. 4274 “South Carolina Public Expression Act” Rep. W. Newton**

This proposed act would allow defendants sued for civilly expressing themselves in legislative, executive, judicial, administrative, or other governmental proceeding to move to dismiss the case. Once procedures are followed to assert these rights set out in this bill, all civil discovery proceedings are stayed, and these motions become the next priority in these cases. Exemptions from this act include government employees acting in their official capacities, as well as government officials enforcing laws to protect against any imminent threat to public safety.

**H. 4275 Noneffective Noncompete Agreements Rep. Herbkersman**

This proposal seeks to limit statutory loyalty provisions applicable to members of limited liability companies [LLCs]. Absent a noncompete agreement to the contrary, an LLC member who is also a member of another LLC would be exempt from this statutory duty.

**H. 4293 Limiting The Uniform Interstate Depositions And Discovery Act Rep. Bannister**

If enacted, this bill would prevent application of this uniform law to out-of-state grand juries, state grand juries, and special grand juries in states that do not have the same powers and duties as we have in South Carolina, including protecting the secrecy of these proceedings.

**H. 4295 Judicial Appointments And Elections Constitutional Referendum Rep. White**

This joint resolution calls for a ballot referendum to have appellate and administrative court judges appointed by the governor with the advice and consent of the General Assembly. It also would seek voter input on popularly electing circuit court judges and ending the Judicial Merit Selection Commission.

**H. 4296 Revising Statutory Law On Judicial Selections Rep. White**

This bill represents proposed comprehensive statutory changes to how appellate judges, trial judges, and magistrates obtain seats on benches across South Carolina.

**S. 602 Department Of Disabilities And Special Needs [SCDDSN] Senator Shealy**

This existing state agency would become a state-level cabinet agency headed by a director appointed by the governor upon the advice and consent of the Senate. It would eliminate its

existing commission as the governing body of this department and transfer its powers to the agency director. It also contains a comprehensive and extensive list of the duties, powers, responsibilities, and authority to be held by this reconstituted agency.

**Labor, Commerce, and Industry**

**S. 483 Consumer Protection Code Enforcement Relating To Motor Vehicle Dealers Sen. Alexander**

This bill revises the administrative authority of the Department of Consumer Affairs relating to motor vehicle dealers under the state’s Consumer Protection Code. The legislation revises Consumer Protection Code provisions addressing motor vehicle sales contracts and the closing fees charged by dealers to recover their actual costs for all administrative and financial work needed to transfer and deliver the motor vehicle to the consumer.

**H. 4247 “Unfair Service Agreements Act” Rep. Ligon**

This bill establishes provisions prohibiting the recording of a service agreement that is designated as unfair under the legislation when the service subject to the agreement is not to be performed within one year after the time it is entered into and has any of the following characteristics: (1) the service agreement purports to run with the land or to be binding on future owners of interests in the real property; (2) the service agreement allows for assignment of the right to provide service without notice and agreement of the owner of residential real estate; or (3) the service agreement purports to create a lien, encumbrance, or other real property security interest. Penalties are provided for violations.

**H. 4271 Vision Care In Health Maintenance Organizations And Health Benefit Plans Rep. B. L. Cox**

This bill provides that no health maintenance organization, vision care organization, or health benefit plan may: require an ophthalmologist, optometrist, or optician to join a network solely for the purpose of credentialing the licensee for another organization’s vision network; require an ophthalmologist, optometrist, or optician to utilize specific suppliers of materials or optical laboratories; or, close a provider panel in a manner that precludes the covered individual from receiving covered materials from a provider who offers the covered materials.

**H. 4282 Energy Efficiency And Conservation Programs Rep. Tedder**

This bill requires the Public Service Commission to adopt procedures to require electrical utilities and encourage gas utilities to plan for and invest in all cost-effective energy efficiency and demand-side resources. The Office of Regulatory Staff is required to study potential costs and benefits of establishing a third-party administrator for energy efficiency and other demand-side management programs.

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

**H 4272 Advanced Practice Registered Nurse (APRN) Rep.** [**M. M. Smith**](https://www.scstatehouse.gov/member.php?code=1724999793&chamber=H)

This bill provides the scope of practice of medical acts for a licensed APRN.

**Ways and Means**

**S. 284 Funding For Workforce Housing Development/ Land Development Study Committee Sen. Davis**

This bill revises provisions governing the use of revenue from local accommodations taxes and local hospitality to provide that the revenue may also be used for the purpose of developing workforce housing, which must include programs to promote home ownership. A temporary Land Development Study Committee is created to examine current and prospective methods to plan for and manage land development in South Carolina. The legislation provides for the study committee’s membership and charges it with providing a report to the General Assembly by December 31, 2023, at which time the study committee shall dissolve.

**S. 298 Calculating The Net Income Of A Business For Tax Purposes Sen. Bennett**

This bill revises provisions for alternate methods for the allocation and apportionment of income for state income tax purposes to establish a process for the Department of Revenue and taxpayers to determine the net income of a business accurately.

**H. 4281 South Carolina Wildlife Law Enforcement Officers’ Association Dues Rep. Mcginnis**

This bill authorizes the Comptroller General to deduct dues for the South Carolina Wildlife Law Enforcement Officers’ Association from the compensation of state employees and retirees.

**H. 4294 Rural Counties Authorized To Suspend Millage Limitations To Support Fire Protection Districts Rep. Connell**

This bill provides authority for a rural county to exceed its millage limitation to support fire services. Any increased revenue resulting from the suspension of the millage limitation first must be used on a dollar-for-dollar basis to reduce fees or other similar charges that support fire protection.

**H. 4299 Continuing Resolution Rep. Bannister**

This joint resolution provides continuing authority to pay the expenses of state government if the 2023-2024 Fiscal Year begins without a general appropriations act in effect.

Tuesday, April 11, 2023

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

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