



South Carolina House of Representatives

Legislative Update

G. Murrell Smith, Speaker of the House

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(for the week of April 30 - May 2, 2024)

LEGISLATIVE UPDATE

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House Floor Actions (for the week of April 30 - May 2, 2024)

S. 1126 Only Citizens as Qualified Voters Referendum

The House has passed and being enrolled for ratification is, **S. 1126**, a Joint Resolution for holding a **ballot referendum on the question of amending Sec. 4, of art. II, of our South Carolina Constitution** to read that **only a -instead of 'every'--qualified citizen can vote** in elections in our state.

S. 1005 Watercraft Motor Restrictions

H. 4874 Captive Wildlife.

The House approved the committee's amendment, gave second reading with third reading to be given on Friday and return to the Senate **S. 1005**, a bill dealing with motor restrictions on Lake Bowen. No boat, watercraft, or any other type of vessel powered by an outdrive or inboard motor having an engine automotive horsepower rating in excess of 200 horsepower is permitted. Personal watercraft may not exceed 190 horsepower. Also, the bill notes that it is unlawful to operate a personal watercraft, specialty prop craft, or vessel in excess of idle speed within one hundred feet of a wharf, dock, bulkhead, or pier or within 50 feet of a moored or anchored vessel or person on Lake Bowen. In addition, the amendment includes language from **H. 4874**, requiring the Department of Natural Resources to provide for regulations on possession of all South Carolina native **captive wildlife**.

S. 124 Hiring Noncertified Teachers

H. 4280 Educator Assistance Act

The House amended and gave third reading to S. 124. The bill proposes to establish a pilot program that would allow public school districts to hire noncertified teachers. The pilot program would permit districts to hire noncertified teachers of up to 10 percent of its entire teaching staff. The bill outlines certain academic, evaluation, and experience requirements that noncertified teachers must meet to be eligible for hire under the pilot program. It further requires annual program reporting and registration and clearance requirements for noncertified teachers participating in the program. The House added **H. 4280 (the Educator Assistance Act)** -- exactly as adopted by the House and sent to the Senate *last year*.

The Committee amended the bill removing references to ratings of "excellent," "below average," and "unsatisfactory" -- instead "critical needs certification area" is added as a way for schools to participate in the pilot program. Schools may hire noncertified teachers in a ratio of up to 25 percent of its entire teaching staff instead of 10 percent. The pilot program is considered to be renewed after five years unless ended by the General

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Assembly. Reporting dismissed noncertified teachers is added and teachers are guaranteed 4 days for professional development at the beginning of the school year and 2 days must be for self-directed work to prepare for the beginning of the school year. Language requested by law enforcement regarding fingerprinting and background checks is added.

S. 305 Work Experience and Teaching Certificates

H. 4280 Educator Assistance Act

The House amended and gave third reading to S. 305. The bill would provide that an individual's prior work experience may be awarded on an initial teaching certificate if the prior experience is in or related to the content field of the certificate (existing certificate holders may also receive the same credit for prior work experience). The bill was amended so that instead of one year of credit being awarded for every two years of experience, one year of credit will be given for each year of experience. In most instances, "teacher salary schedule" is replaced with "State Minimum Teacher Salary Schedule." Educators may be entitled to have their pay adjusted in regard to the district salary schedule instead of the change being mandatory and the State Department of Education will have 180 days instead of 90 to have the form developed to determine experience credit. **H. 4280, the Educator Assistance Act**, was added – exactly as adopted by the House and sent to the Senate last year.

S. 408 Suicide Prevention Training

H. 5118 South Carolina Energy Security Act

The House of Representatives returned **S. 408**, a bill requiring **suicide prevention training for social workers, therapists, and counselors**, to the Senate with amendments. The legislation revises licensure provisions for Social Workers, Psycho-educational Specialists, Professional Counselors, and Marriage and Family Therapists to require at least one hour of continuing education in suicide assessment, treatment, and management treatment as a portion of the total continuing education requirement for license renewal. This training may be completed virtually. The legislation includes provisions previously approved by the House (H. 5118), the "**South Carolina Energy Security Act**." Drawing upon the work of the Economic Development and Utility Modernization Ad Hoc Committee established by the Speaker of the House, this legislation includes restructuring initiatives and makes comprehensive provisions as a means of promoting sufficient, reliable, safe, and economical energy crucial to the health, safety, and well-being of the citizens of South Carolina and to the state's economic development and prosperity.

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S. 610 Professional Counseling Compact Act

H. 5118 South Carolina Energy Security Act

The House returned **S. 610**, the “**Professional Counseling Compact Act**,” to the Senate with amendments. The legislation authorizes South Carolina to enter into a compact to facilitate the interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The legislation includes provisions previously approved by the House (H. 5118), the “**South Carolina Energy Security Act**.” Drawing upon the work of the Economic Development and Utility Modernization Ad Hoc Committee established by the Speaker of the House, this legislation includes restructuring initiatives and makes comprehensive provisions as a means of promoting sufficient, reliable, safe, and economical energy crucial to the health, safety, and well-being of the citizens of South Carolina and to the state’s economic development and prosperity.

S. 1031 Uniform Money Services Act

H. 5118 South Carolina Energy Security Act

The House returned **S. 1031**, a bill establishing the **Uniform Money Services Act**, to the Senate with amendments. Substantially adopting provisions of model legislation on money transmitters from the Conference of State Bank Supervisors, the bill revises the state’s anti-money laundering provisions as a means of protecting the public from financial crime, standardizing the types of activities that are subject to licensing, and modernizing safety and soundness requirements to ensure funds are protected in an environment that supports innovative and competitive business practices. The legislation includes provisions previously approved by the House (H. 5118), the “**South Carolina Energy Security Act**.” Drawing upon the work of the Economic Development and Utility Modernization Ad Hoc Committee established by the Speaker of the House, this legislation includes restructuring initiatives and makes comprehensive provisions as a means of promoting sufficient, reliable, safe, and economical energy crucial to the health, safety, and well-being of the citizens of South Carolina and to the state’s economic development and prosperity.

S. 962 Pharmacy Service Administrative Organizations

H. 5118 South Carolina Energy Security Act

The House returned **S. 962** to the Senate with amendments. This bill revises the duties of **pharmacy service administrative organizations** established in Act 30 of 2023 to remove the requirement that pharmacy service administrative organizations must act as fiduciaries to pharmacies. The legislation includes provisions previously approved by the House (H. 5118), the “**South Carolina Energy Security Act**.” Drawing upon the

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S. 621 South Carolina Ireland Trade Commission

The House approved **S. 621** and enrolled the bill for ratification. The legislation establishes the "**South Carolina Ireland Trade Commission**" to advance bilateral trade and investment between South Carolina and Ireland.

S. 314 Higher Education Permanent Improvement Projects

The House returned **S. 314** to the Senate with amendments. The bill revises provisions for the **review of major higher education permanent improvement projects** as a means of streamlining the approval process. Notably, the legislation removes the Commission on Higher Education from the approval process, revises reporting deadlines, and increases the threshold amounts for projects.

Committees

Education and Public Works

S. 207 Piedmont Gateway Scenic Byway

Passed by the full House Education and Public Works Committee, **S. 207** would create the **Piedmont Gateway Scenic Byway** and identifies the three segments that comprise the byway.

S. 968 Blood Type on Applications for Driver's Licenses

S. 968 would allow an applicant for a driver's license to voluntarily disclose his blood type.

S. 125 Scholarship Stipends

S. 125, relates to additional LIFE scholarship stipends, extending the stipend to education majors (including math and science majors) where recipients must upon graduation work in a South Carolina public school for one year for every year the stipend is received. 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 Committee added accounting majors to this eligible list and also made a technical amendment regarding STEM education majors.

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S. 974 Definitions Regarding Institutions and Scholarships

S. 974 relates to the definition of "public or independent institution" for purposes of the Palmetto Fellows Scholarships, the Legislative Incentives for Future Excellence (LIFE) Scholarships, and the SC Hope Scholarships, respectively, so as to add an institution accredited by the accrediting commission of career schools and colleges to the definition. The House Education and Public Works Committee added ACCSC accreditation to the list of certifying entities.

Judiciary

S. 1046 South Carolina Judicial Merit Selection Commission Reforms

The committee issued a favorable report, with amendment, on **S. 1046**, a bill to enact several **South Carolina Judicial Merit Selection Commission Reforms**. Among other things, this bill proposes a revised South Carolina Judicial Merit Selection Commission, as amended by the committee, to be composed of thirteen members. The Speaker of the House of Representatives would appoint four members, consisting of three House members and a lawyer with at least ten years' experience practicing law. The President of the Senate would appoint two members with one Senator as a member and the other a lawyer with at least ten years' experience practicing law. The Governor would appoint five members with one member being a retired judge, and the remaining four being lawyers who have been in practice for at least ten years. These appointees could not serve more than two consecutive terms. Appointees could not seek judicial election for one year after completing their commission service. A Bar and Citizens' Judicial Qualifications Committee would replace the existing, separate Bar and Citizens review entities.

No one could seek any pledges until one week before an election is to be held. Reports on all qualified candidates are to be filed on the first legislative day. A joint session for judicial elections would be held within four to eight weeks of this report being filed.

If a judicial candidate is a family member of someone serving on the commission the member would be required to resign. A family member would include a spouse, parent, brother, sister, child, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

All qualified candidates names would be submitted to the General Assembly for a first ballot. After a first ballot, the candidate receiving the fewest votes in a multi-candidate race would be eliminated on the second ballot slate of candidates. This process of elimination would continue until only one candidate remains.

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Also as amended, a Magistrate Review Subcommittee would be created and follow the duties outlined in this legislation. They would forward the names of qualified candidates to the governor and Senate. The Governor would appoint magistrates with the advice and consent of the Senate.

Magistrate courts civil jurisdiction would be raised to \$25,000. No magistrates could preside in holdover status for more than fourteen days after their appointments have expired

S. 1001 Paying Inmates Federal Minimum Wages

Also receiving a favorable report was **S. 1001** a proposal **to require** that **inmates** participating in programs established by the Director of the Department of Corrections, to work in the private sector, **be paid the federal minimum wage** for their work.

S. 841 Protecting Prosecutor and Public Defender Personal Information

A favorable report, with amendment, was given to S. 841, a bill to **provide current, and former, prosecutors and public defenders the right to protect the privacy of their personal contact information** beginning in 2025. When this information is held by state or local governments, it would be deemed confidential after receiving proper notice from these officials.

S. 001 Homicide Through Intentional Fentanyl Exposure

The Senate will be receiving **S. 001**, after the committee voted a received a favorable report, with amendment, on it. This proposed legislation would establish a criminal offense of **killing someone by willfully providing them with fentanyl or fentanyl-related substances**, after receiving anything of value. However, merely sharing drugs containing fentanyl would not be sufficient to make this charge unless a sharer knew the drugs had fentanyl in them prior to sharing them.

S. 112 Expunging Aged-Out Fraudulent Check Convictions and Expungements

Also given a favorable report was **S. 112**. Under this bill, **checkwriters convicted of misdemeanor-level criminal offenses, involving multiple checks bouncing** within a three-year period, over ten years prior, **could seek to expunge their convictions** after paying full restitution should this bill become law.

S. 954 Administrative Subpoenas for IP Address Owner Names and Locations

A favorable report, with amendment, was voted on **S. 954**. This bill would **allow South Carolina's Attorney General to issue an administrative subpoena**, on behalf of his Internet Crimes Against Children Task Force, for IP address subscriber names and locations, so long as he does so in compliance with federal law.

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S. 947 Convictions for Homicide and Kidnapping

Also receiving a favorable report was **S. 947**, covering **convictions for both murder and kidnapping**. This bill would modify kidnapping criminal laws in South Carolina. Any violator could be convicted of both kidnapping and murder and for sentenced for both crimes, should this bill be enacted. Some criminal courts have ruled that our current criminal statutes do not currently allow these dual convictions.

S. 1166 Dismissing Qualifying Pending Illegal Firearm Possession Charges

As a last item of business for this legislative session, the committee issued a favorable report, with amendment, on S. 1166. Under this bill, all **charges** pending against a person for **unlawful possession of a handgun**, that were **nullified** by the enactment of the **S.C. Constitutional Carry/Second Amendment Preservation Act** of 2024, **would have to be dismissed**. This bill could not be used in regard to other crimes related to these handgun charges that arose out of the same incident. As amended in committee, no prosecutor or law enforcement officer could be held civilly liable for making these original charges that were dismissed under this proposal.

Labor, Commerce, and Industry Committee

The House Labor, Commerce and Industry Committee met on Tuesday, April 30, and reported out several bills.

S. 881 Prohibition of Unfair Real Estate Service Agreements Act

The committee gave a favorable report on **S. 881**, the **“Prohibition of Unfair Real Estate Service Agreements Act”**. This bill prohibits the use of certain real estate service agreements that are unfair to an owner of residential real estate or to other persons who may become owners of that real estate in the future. Under the legislation, a real estate service agreement is considered in violation, unfair, and void if the agreement is to be in effect for more than one year and either expressly or implicitly aims to do any of the following: (1) run with the land or bind future owners of residential real estate identified in the real estate service agreement; (2) allow for the assignment of the right to provide services without notice or consent of the owner or buyer; or, (3) create a lien, encumbrance, or other real property security interest. The legislation also prohibits the recording of such residential real estate service agreements so that the public records will not be clouded by them and provides remedies for owners who are inconvenienced or damaged by the recording of such agreements. The legislation allows for the recovery of damages, costs, and attorney’s fees from service providers who violate the act’s prohibitions and provides for causes of action to be brought under the South Carolina Unfair Trade Practices Act.

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S. 434 Automatic Renewal Provisions In Service Contracts

The committee gave a report of favorable with amendments on **S. 434**, a bill addressing **automatic renewal provisions in service contracts**. The legislation provides that no automatic renewal provision in a service contract shall be enforceable against the contract holder unless the contract holder was presented written or electronic notification of that automatic renewal provision not less than thirty days nor more than sixty days before the cancellation deadline required by the automatic renewal provision. This notification shall conspicuously disclose: (A) that unless the service contract holder cancels the contract, the contract will automatically renew; (B) the amount that will be charged upon renewal; and (C) methods by which the service contract holder may obtain details of the automatic renewal provision and cancellation procedure, which shall include a toll-free telephone number, electronic email address, a postal address if the seller directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for cancellation.

S. 700 "South Carolina Earned Wage Access Services Act"

The committee gave a report of favorable with amendments on **S. 700**, the **"South Carolina Earned Wage Access Services Act"**. This bill establishes guidelines and requirements governing the provision of earned wage access services which allow consumers to obtain wages they have already earned ahead of their employer's regularly scheduled payday.

Introductions

Education and Public Works

S. 1076 Driver's License Examinations Sen. Turner

S. 1076 would establish a work zone safety program. The bill relates to the administration of driver's license examinations, so as to require that driver's license applicants complete the work zone safety program. Please also see, H. 5023, the Work Zone Safety Program Course.

S. 1242 Women's Basketball National Champions Special License Plates Sen. McLeod

S. 1242 would provide for the University of South Carolina 2017 and 2022 Women's Basketball National Champions special license plates.

S. 1160 Mapping Data Program Sen. Hembree

S. 1160 would create the school mapping data program within the state department of education for the purpose of facilitating efficient emergency responses in public schools by public safety agencies, to define necessary terms, to provide requirements for the

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program and its implementation by the department, and to provide related requirements of school districts. Please also see, H. 5144, the School Mapping Data Program. Also see the Senate Appropriations bill.

Judiciary

H. 5498 Revising Stalking and Peeping Criminal Statutes Rep. Magnuson

If enacted, this bill would add that a “peeping tom” engaged in the secretive viewing of a person --via photography or video recording – would be committing criminal “stalking.” As an additional provision in this proposal, eavesdropping, peeping, and voyeurism violations would constitute separate offenses. Any punishment imposed under this law would have to run consecutively, including to sentences issued in other states.

Medical, Military, Municipal and Public Affairs

S. 1276 Board of Trustees for the Veterans’ Trust Fund of SC Sen. McElveen

The provisions of Act 58 of 2023, relating to the Board of Trustees for the Veterans' Trust Fund of South Carolina, are suspended until June 1, 2026.

Ways and Means

H. 5503 Property Tax Exemption on Vehicles of Disabled First Responders Rep. J. E. Johnson

This bill establishes a property tax exemption for two private passenger vehicles owned or leased by any permanently and totally disabled former law enforcement officer, former emergency medical technician, or former firefighter. The exemption extends to the surviving spouse of the person on one private passenger vehicle owned or leased by the spouse for their lifetime or until the remarriage of the surviving spouse.

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Note to the reader regarding these Legislative Summaries

Sources

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

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

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

Online Resources

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

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

Style

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

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

Use

'THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT'. House Rule 4.19