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# HOUSE WEEK IN REVIEW

The House approved and sent the Senate **H. 3770**, a joint resolution authorizing the expenditure of federal funds disbursed to the state to assist those who are unable to pay rent and utilities due to the COVID-19 pandemic. The legislation creates the **South Carolina Emergency Rental Assistance Program** administered by the South Carolina State Housing Financing and Development Authority (SC Housing), under the direction of its board of commissioners, and establishes an advisory panel to review and monitor the implementation and evaluation of the program and funding. Program assistance addresses renter households in which at least one individual: (a) qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19; (b) demonstrates a risk of experiencing homelessness or housing instability; and (c) has a household income at or below eighty percent of the area median. Priority is given to eligible households where someone has been unemployed for at least ninety days and households with income at or below fifty percent of the area median. The South Carolina Emergency Rental Assistance Program does not administer the share of federal funds that seven South Carolina counties claimed directly by completing the application process to run their own rental assistance programs. Program funds may not be awarded for residents of Anderson, Berkeley, Charleston, Greenville, Horry, Richland, or Spartanburg counties unless there are additional funds remaining after obligating funds to all other eligible residents in the state.

The House approved and ordered to third reading **H. 3105**, the **“South Carolina Religious Freedom Act.”** This proposed legislation that was sent to the Senate this week deems religious services in houses of worship as essential services during states of emergency. As such, they would be allowed to continue operating throughout the duration of any declared states of emergency.

The House of Representatives concurred in Senate amendments to **H. 3609** and enrolled the joint resolution for ratification. This joint resolution would **restore** **teacher step salary increases** that were suspended by Act 135 of 2020 (enacted by the General Assembly due to financial uncertainties caused by the COVID-19 virus). The legislation appropriates $50 million dollars from the 2018-2019 Contingency Reserve Fund to provide for teacher step increases for the 2020-2021 school year.

The House amended, approved, and sent to the Senate **H. 3444,** proposed legislation to **clarify State Election Commission Statewide Authority**. It would establish the ultimate authority of the State Election Commission to ensure standardized performance, conduct, and practices by county boards of elections and voter registration. In addition, the SEC would ensure that county commissions administer elections and voter registration in our state and comply with applicable state or federal laws, as well as all State Election Commission policies, procedures, and regulations.

The House amended, approved and sent to the Senate **H. 3225**, legislation that increases awareness of the rising maternal morbidity rate for African American women by enacting the **“South Carolina Dignity in Pregnancy and Childbirth Act.”** Among the bill’s findings**:** American women die in childbirth at a higher rate than in any other developed country and African American women have a three to four times higher risk of dying from pregnancy complications than other women. South Carolina maternal mortality rates among African American women have soared by over 300 percent in recent years. The bill creates a study committee to examine:

a) the maternal mortality rate among non-Hispanic Black women in South Carolina and how this varies from the rates experienced by other women;

b) the maternal mortality data associated with perinatal care, including by race or ethnicity, to determine any statewide trends, statistically significant differences in maternal mortality rates among races or ethnicities, and reasons for the differences; and

c) all methods and practices that will improve rates of maternal mortality among non-Hispanic Black women in South Carolina. This thirteen-member study committee shall provide a report that outlines findings and recommendations to the General Assembly by January 1, 2022.

The House approved and sent to the Senate **H. 3821,** a bill to enact the **"South Carolina Uniform Transfers to Minors Act."** This bill updates existing law and establishes a more modern method for, and a uniform manner of making, transfers of custodial property for the benefit of minors. This proposed legislation repeals existing, outmoded law covering these transfers.

**H. 3925** was recalled from the Education Committee, subsequently amended, approved by the House and sent to the Senate. This joint resolution would waive the requirement that new homeschooled students must wait one year prior to participating in **public school interscholastic activities** for the 2020-2021 and 2021-2022 school years. The bill specifically requires that eligible students must have been enrolled in a public school for the beginning of either the 2019-2020 school year or 2020-2021 school year.

The House concurred in Senate amendments to **H. 3608** and enrolled the legislation for ratification. This joint resolution addresses **a funding shortfall for the Public Charter School District** as a result of the General Assembly enacting Act 135 of 2020 due to financial uncertainties caused by the COVID-19 virus. The legislation appropriates $9 million dollars from the 2018-2019 Contingency Reserve Fund to the Department of Education for distribution to the Public Charter School District, including the Charter Institute at Erskine, for per pupil funding for the 2020-2021 school year. This funding shall not be used for administrative salary increases.The legislation also provides that, in the current fiscal year, a charter school sponsor may, but is not required to, approve charter applications that meet statutory requirements.

The House amended, approved and sent to the Senate **H. 3024,** legislation authorizing the issuance of **mobile barbershop permits**. This bill authorizes the Board of Barber Examiners to issue mobile barbershop permits, establish permit requirements, and provide for regulations of mobile barbershops. Inspections must be conducted on mobile barbershops and upon satisfactory inspection, the board shall issue a bi-annual permit to be affixed within the mobile barbershop as prescribed by the board. In addition, the board shall issue a permit card to be carried by the barber when practicing barbering through a portable barber operation. At all times, a licensed barber must be in charge and present during the operation of a mobile barbershop and is responsible for all barbering services provided at the mobile barbershop.

The House approved **S. 287** and enrolled it for ratification. The Department of Labor Licensing and Regulation may require **physical therapists and physical therapy assistants** to have a state and national criminal records background check (supported by fingerprints) performed as a requirement for eligibility for initial licensure. The applicant is responsible for the costs of conducting these background checks.

The House amended, approved and sent to the Senate **H. 3308,** a bill that increases the **watercraft idle speed wake distance** to within fifty feet of a moored or anchored vessel or a person in the water or one hundred feet of a wharf, dock, bulkhead, or pier. This provision applies to all waters except for Lake Wylie, which idle speed wake distance increases to 150 feet. Varieties of lakes are specified.

The House approved and sent to the Senate **H. 3211**. It would reauthorize the **Joint Citizens and Legislative Committee on Children** to continue to operate through December 31, 2030.

The House amended, approved and sent to the Senate **H. 3772,** covering **beer and wine deliveries**. This bill would allow beer and wine retailers to use delivery services, employees, or independent contractors to deliver beer and wine to customers so long as certain guidelines are followed. It also has a declared legislative intent to limit, rather than expand, legal sales of alcoholic beverages.

The House approved **H. 3575** and sent it to the Senate. This legislation would allow **curbside or drive-through beer and wine sales**. It would give qualifying retailers permission to offer limited curbside delivery or pickup service of beer or wine in an area abutting, adjacent, or in close proximity to their licensed premises.

The House approved and sent the Senate **H. 3605**, a bill repealing provisions for joint meetings of the **legislative appropriations committees** in the South Carolina General Assembly. The legislation eliminates provisions for the standing committees of the House of Representatives and of the Senate that are in charge of appropriation measures to sit jointly in open sessions while considering the state government budget.

# HOUSE COMMITTEES

Agriculture, Natural Resources, and Environmental Affairs

The Agriculture, Natural Resources and Environmental Affairs Committee met on Tuesday, March 9, 2021 and reported out several bills.

The Committee is scheduled to report favorable **H. 3291**, a bill establishing 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.

**H. 3694**, a bill that allows the use or aid of bait during **bear hunting** season, was given a favorable recommendation (with amendment) by the Committee. The bill allows for baiting bear in Georgetown, Horry, Marion and Williamsburg counties in Game Zone 4.

**H. 3884**, a bill that authorizes the Department of Natural Resources to use an **electronic lien system to transmit and receive certificate of title** for businesses and lenders engaged in the sale of watercraft was given a favorable report by the committee. The certificate of title record must contain the same information noted on a paper certificate of title. The bill allows for the collection of an electronic transmission fee not to exceed five dollars for each transaction.

The committee gave a favorable with amendment report to **H. 3957**, legislation revising the **catch and size limits for flounder.** The bill reduces the catch limit from ten to five per person and reduces the boat limit from 20 to 10. The catch size increases from 15 to 16 inches. The bill provides a sunset provision of June 2025; however, prior to that date, the Department of Natural Resources must provide a report outlining the results of these new catch and size limit provisions to the General Assembly by January 2025.

The committee gave a favorable with amendment report to **H. 3865**, a bill stating that local governments may adopt an ordinance that requires a **permit for a watercraft or floating structure to dock on public waters** for more than fourteen consecutive days. The bill defines “floating structure” as a fabricated object other than a watercraft that is capable of flotation. The cost of a permit may not exceed fifteen dollars.

**H. 3541**, legislation dealing with **exemptions from the regulation of fire on certain lands**, was given a favorable with amendment report by the committee. This bill exempts fires used for the preparation of food, or fires burned in portable outdoor fireplaces, chimneys, or permanent fire pits constructed of stone, masonry, metal or other noncombustible material that conforms to all applicable fire codes. The legislation also allows the State Forestry Commission, at its discretion, to issue written warning tickets.

The committee gave a favorable report to **H. 4027**, a bill that updates the service area map of **Renewable Water Resources (ReWa),** formerly the Western Carolina Regional Sewer Authority. In addition, the bill increases the governing commission membership for Greenville County from seven to eight and decreases the Spartanburg County commission from two to one member.

Due to the drastic decrease in demand for **electronic waste** (E-waste) and to allow counties more time to find ways to dispose of the waste, the committee gave a favorable recommendation to **H. 4035**. The bill extends the current sunset date for the “South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act” from December 31, 20201 to December 31, 2023. The sunset date also applies to the regulations that coincide with the legislation.

#### Education and Public Works

The House Education and Public Works Committee did not meet this week.

#### Judiciary

The House Judiciary Committee did not meet this week.

#### Labor, Commerce and Industry

The House Labor, Commerce and Industry Committee met on Thursday, March 11, and reported out several bills.

The committee gave a favorable with amendment report on **H. 3921**, a bill making revisions to the **Transportation Network Company Act** that allow limousines to be included in the provisions.

The committee gave a favorable with amendment report on **H. 3991**, a bill establishing provisions for **deterring catalytic converter theft** operations in which these automobile parts are cut from underneath vehicles and sold for the precious metals that they contain. The legislation provides that it is illegal for anyone other than a licensed and permitted secondary metals recycler to purchase or otherwise acquire a used, detached catalytic converter or any nonferrous part of a catalytic converter. Secondary metals recyclers are subject to a protocol for verifying the legality of transactions involving these catalytic converters and retaining records of this documentation. Unauthorized individuals in possession of used, detached catalytic converters are presumed to be in possession of contraband subject to forfeiture.

The committee gave a favorable report on **H. 3281**, a bill **disallowing fees for permits needed for cremation** of a body. The legislation prohibits coroners and medical examiners from charging fees for permits for cremation and Burial‑Removal‑Transit Permits.

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

#### The Medical, Military, Public and Municipal Affairs Committee did not meet.

#### Ways and Means

The committee did not meet.

# BILLS INTRODUCED IN THE HOUSE THIS WEEK

Agriculture, Natural Resources, and Environmental Affairs

**S. 108 State Geological Survey Unit Sen. Campsen**

The bill requires the State Geological Survey Unit to conduct topographic mapping using light detection and ranging (LiDAR) data collections.

**S. 457 Watercraft Sen. Alexander**

This bill increases distance limits between a watercraft operating in excess of idle speed upon certain waters.

**S. 545 Nongame Fishing Devices Sen. Goldfinch**

The bill allows for the use of set hooks within a certain portion of the Santee River.

#### Education and Public Works

**S. 208 Schools of Innovation Sen. Hembree**

This bill would provide that school districts may create multiple schools of innovation and provide that each exemption from state statutes and regulations by schools of innovation must be approved by a two-thirds vote of the state Board of Education.

**H. 4059** **Office of Interscholastic Athletics Rep. G. R. Smith**

This bill would establish the Office of **Interscholastic Athletics** in the state Department of Education as the sole governing body of athletics in public schools.

**H. 4073** “**Student Loan Bill of Rights Act” Rep. Govan**

This bill would enact the "Student Loan Bill of Rights Act” and provide for the regulation of student education loan servicers by the Department of Consumer Affairs.

#### Judiciary

**H. 4036 Instant Voter Registration and In-Person Absentee Voting Rep. Tedder**

This bill would allow those citizens, who are qualified, to register to vote and in-person absentee vote at the same time. It also would keep in-person absentee voting open for a 30-day period. If enacted, it would delete any prerequisite reason for voting on an in-person absentee ballot.

**H. 4046 "South Carolina Unborn Victims of Violence Act of 2021" Rep. Hill**

The "South Carolina Unborn Victims of Violence Act of 2021" seeks to prohibit the deliberate termination of any unborn children by any means at any stage of fetal development. It declares such actions to be murder, unless they are the accidental result of medical treatment. It goes on to set criminal penalties for violations of its provisions. It also declares abortion-related United States Supreme Court decisions void and unenforceable in South Carolina. Officials attempting to enforce any action contrary to this bill’s provisions could similarly be punished.

**H. 4047 “South Carolina Vulnerable Child Compassion and Protection Act” Rep. McKnight**

If enacted, the "South Carolina Vulnerable Child Compassion and Protection Act" would prohibit the performance of a medical procedure, prescription of medication, or other related actions on children with the intent to alter their gender or delay their attaining puberty.

**H. 4050 Inmate Pay Deduction Restrictions Rep. R. Williams**

Inmates paid less than federally established minimum wages, who do not have any child support obligations, could not have deductions to defray room and board costs taken from their wages under this proposed legislation.

**H. 4051 False Advertising on Radio or Cable Television Rep. R. Williams**

Radio broadcasters and cable providers could not air fraudulent advertisements, and they would suffer civil penalties for doing so on a scale contained in this bill.

**H. 4056 Dawn Staley Arena Resolution Rep. Pendarvis**

This proposed House Resolution is an official request to the USC Trustees to name the Colonial Life Arena basketball court in honor of National Champion USC Women’s Basketball Coach and Olympic Gold Medalist, Dawn Staley.

**H. 4063 “South Carolina Electronic Notary Public Act” Rep. Erickson**

The “South Carolina Electronic Notary Public Act” is comprehensive legislation that, among other things, proposes procedures and training requirements in order to become an electronic notary. Then, it sets out the authority of electronic notaries once licensed. This bill also contains liabilities, sanctions, and remedies for improper electronic notarization.

**H. 4067 Human Trafficking, Sexual Exploitation, and Prostitution of Children Rep. Fry**

A bill to extend “Sex Trafficking” criminal offenses to include sexual exploitation and prostitution of children. The bill similarly adds, to “Trafficking in Persons” criminal offenses, penalties, and defenses, additional language so that child victims adjudicated delinquent for any of these violations may request to have their records expunged. It also would require special victim advocates for children embroiled in trafficking offenses. As a final feature, agencies would be required to coordinate with the Human Trafficking Task Force and train judges, prosecutors, law enforcement, and school personnel about the provisions of this legislation. The bill also creates a criminal offense, with penalties, for promoting travel for prostitution or sex trafficking.

**H. 4068 Legal Wiretaps in Human Trafficking Cases Rep. Fry**

So long as proper procedures are followed, this bill would allow the interception of wire, oral, or electronic communications (‘wiretaps’) for making illegal human trafficking criminal cases.

**S. 105 Magistrate Jurisdiction in Lien Enforcement Cases Sen. Campsen**

A proposal to increase the amount for liens that may be enforced in magistrate court. Currently, magistrates are limited to cases involving $100 or less.

**S. 505 Website Owner Disclosures Sen. Talley**

Website owners who disseminate third-party commercial advertising--or other materials--would have to post their correct names, physical addresses, telephone numbers, and email addresses on their websites under this bill. It specifically seeks to supplement other applicable state and federal provisions. In addition to other penalties, violations would be deemed unfair trade practices.

#### Labor, Commerce and Industry

**S. 467 Financial Institutions Sen. Cromer**

This bill makes comprehensive revisions regarding the organization and operation of banks and other financial institutions.

**H. 4052 Health Insurance Coverage Requirements for Maternity Care and Children Rep. R. Williams**

This bill establishes requirements for issuers of individual health insurance coverage in this state to issue individual health insurance coverage for minor children regardless of whether the child is a dependent of an insured of the issuer. The legislation revises provisions relating to required coverage in individual and group health insurance policies and health maintenance organization polices, to establish coverage requirements for maternity care.

**H. 4060 Building Code Adoption Procedures Rep. Sandifer**

This bill makes revisions to the building code adoption procedures to provide that the South Carolina Building Codes Council also is authorized to deny the residential building codes within a certain time frame; the council also may deny the study committee’s report of recommendations under certain circumstances; and, the council must provide a preliminary fiscal impact statement.

**H. 4062 Public Service Commission Consultants Rep. Sandifer**

This bill provides authorization for the Public Service Commission to hire qualified, independent third party experts and consultants.

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

**S. 506 Home-Based Food Products Requirement Sen. Kimbrell**

This bill revises definition of “home based food products operation” to include on-line, mail order or retail (including grocery stores). The bill outlines that any retail stores (including grocery stores) that sell or offer to sell home-based food products must post clearly visible signage indicating that home-based food products are not subject to commercial food regulations.

**H. 4053 Processes for Changing Controlled Substance Schedules Rep. R. Williams**

This bill requires the State Board of Pharmacy to perform functions to identify quickly new synthetic chemical formulas for scheduling and to authorize the board to issue emergency rules to schedules synthetic chemical formulas as a controlled substance.

**Ways and Means**

**H. 4048 State’s Responsibilities for Providing a Legal Defense and Indemnification Rep. G. M. Smith**

This bill provides that the state of South Carolina must provide a legal defense for and indemnification to a state agency, department, or instrumentality against a claim or suit that arises out of or by virtue of the performance of official duties on behalf of a state agency, department, or instrumentality. The state must provide a similar defense and indemnification to board members and employees, and officers of the entity. The legislation repeals provisions relating to legal defenses and indemnifications provided to members of the Fiscal Accountability Authority and its director and officers and employees of the Department of Revenue.

**H. 4061 Optional Shared Risk Defined Benefit Plan Rep. Bradley**

This bill creates the Optional Shared Risk Defined Benefit Plan, making provisions for retirement requirements and benefits, a maximum six percent rate of return, and a requirement that the plan is one hundred percent funded at inception. The legislation allows an employer to withdraw from the South Carolina Retirement System in certain situations. The legislation makes provisions for a “class four member” under state retirement system provisions. The legislation provides that an employee who returns to covered employment after retirement may not continue to receive the monthly retirement allowance the member is receiving from the system and provides that the employer may choose to participate in a deferred compensation program for those individuals. The legislation revises provisions relating to the State Optional Retirement Program, so as to rename the program the “Defined Contribution Primary Retirement Plan” (DCPRP). The legislation: provides for a default vendor and investment option; establishes selection criteria for vendors; provides responsibilities for vendors; sets the length of vendor contracts; provides for the number of vendors that the Public Employee Benefit Authority may contract with; provides that at least one vendor offers fixed rate and variable annuities; provides that a member may not borrow against his DCPRP; establishes vesting requirements; provides for employer and employee contribution rates; requires that certain education must be offered to members; and authorizes a Class Two or Class Three member may choose to become a Class Four member.

**H. 4064 Taxation of Public Utility Manufacturing Property Rep. G. M. Smith**

This bill revises property tax exemption provisions to clarify that manufacturing property owned or leased by a public utility regulated by the Public Service Commission does not qualify for a 14.2857 percent exemption.

**H. 4074 Funding for Improving the Adoption Process Rep. Herbkersman**

This bill provides that the funds appropriated in the 2019-2020 General Appropriations Act (which were continued for Fiscal Year 2021) to the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Social Services must be used to streamline the adoption process, make the adoption process less cumbersome, and provide a more caring process for adoptive parents and children.

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Sources: The source for this document is the *House Journal* for the 124th Session, 2021-2022, South Carolina General Assembly and committee staff material.

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