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# House Floor Review

The House of Representatives amended, approved, and sent the Senate **H. 4408**, a joint resolution authorizing **expenditure of American Rescue Plan Act funds**. The legislation provides for the initial allocation of federal funds available to South Carolina under the “American Rescue Plan Act of 2021.”

The South Carolina Department of Transportation is allocated $453.5 million to be placed in a separate Transportation Infrastructure Acceleration Account and used to accelerate completion of projects included in the Statewide Transportation Improvement Program. The total allocated to SCDOT represents reimbursement for General Fund and Education Improvement Act revenue not collected and motor fuel user fee revenue not collected due to the COVID-19 pandemic as calculated by the Executive Budget Office.

The Rural Infrastructure Authority is allocated $800 million to be placed in a separate ARPA Water and Sewer Infrastructure Account, which must be used to administer and operate three grant programs designed to provide for improvements in water, wastewater, and storm water infrastructure throughout the state. In each of the three grant programs, units of local government, special purpose districts, commissions of public works, and joint municipal organizations may apply for grants. A unit of local government may apply for a grant on behalf of nonprofit water and sewer systems. The amounts of required local matching funds are based upon the size of the population served by the system.

The Office of Regulatory Staff is allocated $400 million to be placed in a separate ARPA Broadband Account that must be used to expand broadband infrastructure to households, businesses, and communities in the state that do not have high-speed internet connections.

The Office of Resilience is allocated $100 million to be placed in a separate account that must be used to complete storm water infrastructure projects and acquisitions of property in the floodplain throughout the state to lessen the impacts of future flood events.

The Department of Administration is allocated $8 million for contracting for professional grant management services of ARPA funds and other federal COVID-19 relief funds.

The House approved and sent the Senate **H. 3346**, a bill **increasing state financial reserve funds**. The legislation provides for the state’s General Reserve Fund, currently set at five percent of General Fund revenue of the latest completed fiscal year, to be increased each year by one half of one percent until it equals seven percent of General Fund revenue of the latest completed fiscal year. The legislation increases the state’s Capital Reserve Fund from two percent of General Fund revenue of the latest completed fiscal year to three percent of such revenues. These statutory provisions are to take effect upon ratification of pertinent amendments to the South Carolina Constitution.

The House amended, approved, and sent the Senate **H. 3247**, the **“Workforce Enhancement and Military Recognition Act.”** The bill eliminates current limits to allow all military retirement income to be deducted from an individual’s South Carolina income taxes.

The House amended, approved, and sent the Senate **H. 3348**, a bill establishing **tax incentives for apprenticeship programs employing veterans and individuals who have been incarcerated** for nonviolent offenses. The legislation makes provisions for a tax credit for any taxpayer who employs in an apprenticeship program a newly hired veteran of the U.S. Armed Forces who was honorably discharged or released from such service due to a service‑connected disability. The legislation makes provisions for a tax credit for any taxpayer who employs in an apprenticeship program a newly hired individual who was formerly incarcerated for nonviolent offenses. These apprenticeship tax credits may be claimed for no more than three years. The amount of the credit is set at three thousand dollars for each eligible employee for the first year it is earned and is reduced to two thousand five hundred dollars for a second year, and one thousand dollars for a third year.

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

The House amended and returned **S. 16** to the Senate. The amendment strikes the bill in its entirety and inserts a new graduation requirement for both traditional and charter school students. Beginning with students entering ninth grade in the 2026-27 school year, a one-half credit course in **basic personal finance** must be completed to earn a diploma.  This does not replace the economics course requirement as required in the original bill.  Instead, students will take 6.5 units of elective credit instead of the seven now required. The standards must include the following: basic principles of personal finance; internet safety; use and responsibilities of loans and credit products; and health, life, automobile, and other insurance products.

The State Department of Education is directed to collaborate with the Commission on Higher Education, the Council for Economics, and the Financial Literacy Board to develop academic standards for the course. The Department of Education must monitor and report on the implementation of the course and offer recommendations for improvements. The State Board is required to promulgate regulations to update the state’s graduation requirements. The 2026-27 start date recognizes that students currently enrolled in high school have already created individual graduation plans, so the bill, if amended, will not require them to fit a new course into their schedule. The starting date gives the Department of Education time to develop curricula, identify instructional materials, and train additional teachers.  It also provides the State Board time to promulgate changes to its graduation regulations.

**H. 4944** regarding **Coastal Carolina University’s board of trustee’s meetings** was taken up, read the third time, and ordered sent to the Senate. This bill relates to meetings of the Coastal Carolina University board of trustees. The bill provides that mandatory notice of board meetings must be sent either *electronically* or through the United States mail to each trustee not less than five days before each meeting.

The Senate informed the House that it non-concurred in the amendments proposed by the House to [**S. 203**](https://www.scstatehouse.gov/billsearch.php?billnumbers=203&session=124&summary=B) on the subject of the removal of **school district trustees** and filling of vacancies. The House insisted on its amendments. The Chair appointed Reps. Felder, Brittain and Alexander to the committee of conference on the part of the House.

The House considered Senate amendments to **H. 3211,** legislation to extend the authority of the **Joint Citizens and Legislative Committee on Children** through December 31, 2030. *Ex officio* members will now include the directors of the departments of Alcohol and Other Drug Abuse Services, Health and Environmental Control, Health and Human Services, as well as the director of the Office of South Carolina First Steps to School Readiness. After the House adopted the Senate amendments, this bill was enrolled for ratification.

# House Committees

**Agriculture Natural Resources and Environmental Affairs**

The Agriculture, Natural Resources and Environmental Affairs Committee met on Wednesday, February 16, 2022, and reported out several bills.

The committee gave a favorable with amendment recommendation to **H. 4866**, a joint resolution to provide for a **three-year pilot program for public school-based canneries**. The bill outlines that the State Department of Education, in conjunction with the Food Systems and Safety Program of the Clemson Extension Service, shall plan, develop, institute, and oversee a pilot program of three public school based community-canning sites where members of the general public may bring locally grown produce to be canned for their personal use. These public school based community **canneries** shall provide community-training programs for food preservation using canning. Use of the canning facilities and canning supplies must be provided to the community with limits on the amount available per family. The pilot program will run from 2023 to 2026. The bill provides for responsibilities of Clemson Extension and State Department of Education. A performance report must be provided before January 1, 2026. The report will address each cannery and make recommendations regarding whether the program should be continued.

**H. 4939**, a bill requiring the Department of Agriculture to develop a **“Certified S.C. Raised Beef”** designation, along with developing label and application process, was given a favorable recommendation by the committee. The bill further outlines that a beef producer located in this state that meets all criteria is entitled to this designation.

The committee gave a favorable with amendment recommendation to **H. 4946**, legislation which states beginning July 1, 2022, theDepartment of Agriculture will establish the **South Carolina Agricultural Tax Exemption (SCATE) Card** **Program** as the sole method for obtaining farm and agricultural sales tax exemptions. This is an updated effort for farmers to show exempted status. The SCATE card will be valid for three years with a cost of twenty four dollars. The card can be applied for online and will be available for renewal. The card becomes a lifetime card with the renewal fee of eight dollars. The legislation also states that any modifications to the SCATE Card Program must go through the regulatory approval process.

The committee gave a favorable report to **H. 4778**, a bill that adds that an entity that has contracted for the right to **store water in a reservoir** owned by the US Army Corps of Engineers has exclusive rights to any **return flows** generated to that reservoir under the “Water Resources Planning and Coordination Act.” The bill further outlines that the “return flow” means water that is discharged directly or indirectly to a reservoir from a water recovery facility.

**H. 3538**, a bill that requires the Department of Natural Resources to set conditions under the Alligator Management Program for the **humane taking and disposition of alligators**, was given a favorable with amendment report by the committee. The legislation adds that a person capturing alligators must take all reasonable precautions to protect the health and safety of members of the public and prevent direct contact between the public and captured alligators. Alligators only may be relocated or moved within the boundary of the parcel described on the depredation permit, unless written permission is given by the Department. Disposal of alligator carcasses into waters, ephemeral and intermittent streams, ditches, and swales is prohibited. In addition, disposal on any property without the landowner’s permission or at any public boat ramp is prohibited. It is also noted that no alligator may be held alive for more than eight hours and no live alligator may be transferred to another person unless with written permission from the Department. In addition, the legislation outlines that the official citation issued by enforcement officers may be use to cite violations.

The committee gave a favorable recommendation to **H. 4904**, legislation that allows the Department of Natural Resources to obtain and utilize Schedule III Nonnarcotic and Schedule IV Controlled Substances for the **capture and immobilization of wildlife**.The department must apply for a Controlled Substance Registration Certificate from DEA and a state controlled substances registration from the Department of Health and Environmental Control. Only trained and certified department employees can provide the administration of tranquilizing agents.

**H. 4905**, a bill that includes the referenceof **hybrid bass** in the striped bass statutes, was given a favorable report by the committee.

In an effort to prevent the introduction or distribution of a disease, the committee gave a favorable report to **H. 4906**. This bill outlines that upon declaration of a **wildlife disease emergency** by the Director of the Department of Natural Resources, after consulting with the Director of the Livestock Poultry Health Division (Clemson University) may promulgate regulations, among many things, to delineate disease management zones at any geographic scale; and declare temporary emergency open seasons.

**H. 4907**, legislation that updates the freshwater game fish laws to include other specifies of bass, such as the **Alabama bass**, that have been brought to the state, was given a favorable recommendation by the committee.

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

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, February 15, 2022, and reported out several bills.

The committee gave a favorable report to **S. 508**, a bill that delineates the law regarding **“do not resuscitate for emergency services” orders for a child with a terminal illness**. These orders are written at the request of the child's parent or legal guardian to allow them to make the medical decisions in a home setting for a natural death of a terminal child in a hospice eligible condition. Although "do not resuscitate" orders are allowed for children in healthcare facilities, currently the law does not allow a "do not resuscitate" order for a child under the age of 18 years old. This legislation clarifies the law for emergency services (EMS) personnel.

The committee gave a favorable report to **H. 4597**, a bill that outlines that an individual who is in need of an **anatomical gift** shall not be deemed ineligible to receive an anatomical gift solely because of the individual’s physical or mental disability.

The committee gave a favorable report to **H. 4600**, a bill that revises the priority list of persons who can make **healthcare decisions** for persons who are unable to do so. This bill is a result of a recommendation arising from the House Legislative Oversight Committee's study of the Department of Mental Health completed in 2020. This bill modernizes the code of laws pertaining to persons authorized to make healthcare decisions for a DMH patient unable to consent so as to be consistent with 2019 legislative changes to a statute governing care for all adults unable to provide consent for treatment.

**H. 3599**, a bill that enacts the **Occupational Therapy Licensure Compact**, was given a favorable with amendment by the committee. This bill allows South Carolina to enter into a multistate licensure compact to provide for the reciprocal practice of occupation therapy among the states that are part of the compact. The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. Nine states have enacted legislation to join the compact with several others underway. South Carolina currently has membership with the nursing and physical therapy compacts. The bill adds requirements for fingerprinting and criminal SLED background checks.

The committee gave a favorable report to **H. 3833**, a bill that allows for South Carolina Board of Examiners in Psychology Board to enter into the **Psychology Inter-jurisdictional Compact (PSYPACT)**, which permits eligible psychologists to practice telepsychology and temporary in-person psychology across state boundaries. The bill additionally establishes the qualifications for licensure as a psychologist under PSYPACT and provides for the compact states' rights and obligations. This bill will increase the deliverability of behavioral services to the citizens across South Carolina. The bill also adds the language requirements for fingerprinting and criminal SLED background checks.

**H. 4082**, a bill that creates a new license for **hair designers**, to be regulated by the Board of Cosmetology, was given a favorable with amendment recommendation by the committee. The bill outlines that "hair design" means arranging, styling, thermal curling, chemical waving, pressing, shampooing, cutting, shaping, chemical bleaching, chemical coloring, chemical relaxing, or similar work on the hair, wig, or hairpiece of a person, by any means, with hands and mechanical or electrical apparatus or appliance. The license for hair designers does not replace a cosmetologist license. This bill also allows the board to grant reciprocity in South Carolina to a hair designer properly licensed in another state.

The committee gave a favorable recommendation to **H. 3598**, a bill that creates the **“Veterans Service Organization Burial Honor Guard Support Fund.”** The purpose of this fund is to help offset the costs paid by South Carolina chapters of congressionally chartered veterans service organizations that provide well-equipped and properly trained honor guard burial details at the funerals of qualifying South Carolina veterans. This bill requires the Secretary of the SC Department of Veterans Affairs to authorize a disbursement from the fund not to exceed $100 per funeral. Revenues to the fund may include gifts, grants, federal funds, or donations, as well as funds appropriated by the General Assembly.

The committee gave a favorable recommendation to **H. 3958**, legislation that includes **coroners** on the list of first responders.

**H. 4143**, legislation dealing with the **warning lights on tow wreckers**, was given a favorable with amendment recommendation by the committee. This bill outlines that a wrecker must use a mounted oscillating, rotating, or flashing light at an emergency scene and at any time when rendering roadside assistance.

# Introduced Bills

**Agriculture Natural Resources and Environmental Affairs**

**H. 4986 Trap Placement Rep. Ott**

This bill adds that no **trap** may be placed in the waters of the General Trawl Zone when these waters are open to trawling for shrimp.

**H. 4994 Disclosure Statements Required for Real Property Transactions Rep. Ligon**

This bill requires that in real property transactions the disclosure of an adjacent property utilized for agricultural purposes.

**Judiciary**

**H. 4968 Clerks of Court Carrying Concealed Weapons Rep. D. C. Moss**

If enacted, this legislation would add active clerks of court, with valid concealed weapons permits, to the list of public officials who are allowed to carry concealable weapons anywhere in South Carolina as a matter of law, and without restriction.

**H. 4969 State Superintendent Advisory Referendum Rep. Brawley**

Proposes a statewide advisory referendum on the question of whether the state Superintendent of Education should be elected in a nonpartisan election. The State Election Commission in the 2022 General Election would conduct the election, if this proposal becomes law.

**H. 4970 Nonpartisan State Superintendents of Education Rep. Brawley**

An effort to have our state superintendent of education elected by a nonpartisan vote.

**H. 4971 Maintaining Voter Registration Lists Rep. W. Newton**

This proposal seeks to define further the duties of the State Election Commission [SEC] executive director. Additional duties would include setting rules for voter registration efforts by private parties and commencing audits of elections immediately after they are certified. It would expand the scope of monthly reports to the SEC about who died in South Carolina to include South Carolina registered voters who have died out of state. A final feature of this bill would require the SEC to remove from its official list of eligible voters, within seven days of receiving relevant information, voters who have become ineligible to vote.

**H. 4973 SCDSS Enforcement of Alimony Payments Rep. Pope**

The SCDSS division of child support enforcement would enforce alimony payment collections as well, once this bill is enacted. It also makes the bill retroactive for the collection of alimony obligations going back ten years prior to the date of enactment.

**H. 4981 Restitution by Animal Cruelty Perpetrators Rep. Carter**

Anyone convicted of cruelty to animals would have to pay all reasonable removal, housing, treatment, or euthanization costs incurred in these prosecutions. Anyone convicted of subsequent animal cruelty offenses could be barred from owning any animal for up to five years.

**H. 4984 The Kingston Act Rep. Matthews**

“The Kingston Act” would establish a new section in our state code to be titled “Access to Firearms by Children.” This title would contain two new criminal offenses of having an unsecured firearm and unsupervised child firearm use, with a graduated system of penalties to punish violators.

**H. 4996 Energy Company Boycotters Rep. Haddon**

This legislation is an effort, among other things, to prohibit state agencies from investing in, or contracting with, **entities that boycott energy companies**. The State Fiscal Accountability Authority would have the responsibility for listing entities that boycott energy companies. Procedures and parameters for listing, or delisting, these companies are set out in this proposal. Entities contracting with state agencies must affirmatively assert in writing that they are not, and will not for duration of their contracts, boycott any energy companies.

**Labor, Commerce and Industry**

**H. 4978 Nondiscrimination Requirements for Businesses and Financial Institutions Rep. Thayer**

This bill establishes provisions prohibiting businesses, banks and other financial institutions, either directly or through the use of an outside contractor, from discriminating against, advocating for, or causing adverse treatment of, any citizen or business in their business practices based on subjective or arbitrary standards such as social media posts; participation or membership in any clubs, associations, or unions; political affiliation; employer; or other social credit, environmental, social, and governance, or similar values based or impact criteria. However, the prohibition contained in this section does not apply if such posts, affiliations, associations, or the like discriminate on the basis of race, religion, color, sex, age, national origin, or disability. The legislation makes allowances for investments, products, services, and business arrangements that make use of subjective standards when disclosure requirements are followed. The provisions may not interfere with the ability to discontinue or refuse to conduct business with someone when such action is necessary for the physical safety of employees or others. Penalties are established for banks and credit unions that violate the prohibitions.

**H. 4983 Continuing Care Retirement Communities Rep. Sandifer**

This bill revises provisions for the licensing and regulation of continuing care retirement communities. The legislation provides that a continuing care retirement community must not be advertised or collect a reservation deposit unless the appropriate license is obtained first. The legislation adds information required to be set forth in an application for a preliminary license. The legislation revises continuing care contract requirements, so as to provide the requirements also apply to reservation agreements, and to provide additional minimum requirements for contracts and agreements. The legislation revises provisions relating to a determination by the Department of Consumer Affairs as to the financial responsibility of an applicant for a continuing care retirement community license, so as to allow the Department to consider a project feasibility document. The legislation revises provisions relating to licensing eligibility for continuing care retirement communities, so as to provide that the Department shall issue a preliminary license to an applicant if certain determinations are made. The legislation requires that reservation deposits be placed in an escrow account, and provides for the conditions of release of reservation deposits held in escrow. The legislation provides that a facility that has obtained a letter of non-applicability from the Department may not hold itself out to be a continuing care retirement community.

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

**H. 4982 “Family Medical Leave Act” Rep. Rose**

A state employee who has been approved for leave under the Family Medical Leave Act based on a serious health condition of a family member may use no more than sixty days of their accrued sick leave annually to care for an immediate family member with a serious health condition. The use of up to sixty days of sick leave annually for an approved FMLA illness of a family member is in addition to the ten days of family sick leave annually.

**S. 150 “SC Compassionate Care Act” Sen. Davis**

The bill provides for the sale of medical cannabis products and the conditions under which a sale can occur.

**S. 717 Diabetes Screening Facilities Sen. Jackson**

This bill adds diabetes screening facilities to the list of exemptions from the certificate of need review.

**Ways and Means**

**H. 4972 Financial Penalties for Local Governments that Violate State Laws Rep. Finlay**

This bill provides that a local government found by a court of competent jurisdiction to have violated any state law in a given fiscal year forfeits its next four quarterly distributions from the Local Government Fund that it otherwise would receive. The State Treasurer may not make distributions from the Local Government Fund to the local government during this period.

**H. 4985 “I‑95 Corridor Authority Act‑” Rep. Hosey**

This bill establishes the I-95 Corridor Authority and charges it with: (1) carrying out economic development, health, and educational improvement activities which improve the economic conditions in its member counties and are located in a member county or an adjacent census tract; and, (2) reporting to the General Assembly, at least annually, on the progress made related to its charge, any modification of the laws of this State needed to allow the authority to better fulfill its charge, programs, and operations. Member counties of the authority consist of all counties that meet the definition of persistent poverty as determined by the Congressional Research Service. The legislation makes provisions for a thirteen-member governing board of directors that is composed of: (1) four members appointed by the senators whose districts include the member counties; (2) four members appointed by the representatives whose districts include the member counties; and (3) five members appointed by the Governor, one of whom is designated as chairperson. Provisions are made for qualifications of board members and terms of service.

**H. 4987 Health Plan Cost-Sharing Requirements Rep. Henegan**

This bill requires insurers and pharmacy benefits managers to include cost-sharing amounts paid when calculating an enrollee’s contribution. Cost-sharing requirements include any copayment, coinsurance, deductible, or annual limitation on cost-sharing required by or on behalf of an enrollee in order to receive a specific health care service, including a prescription drug, covered by a health plan.

**H. 4997 Veterans Nursing Homes Rep. Herbkersman**

This bill transfers the responsibility and authority to establish and operate veterans nursing homes from the South Carolina Mental Health Commission and reassigns these duties, responsibilities, and functions to the state’s Department of Veterans’ Affairs.

**S. 952 Expenditure of American Rescue Plan Act Funds Sen. Peeler**

This joint resolution provides for the allocation of federal funds available to South Carolina under the “American Rescue Plan Act of 2021”. The South Carolina Department of Transportation is allocated $453.5 million to be placed in a separate Transportation Infrastructure Acceleration Account and used to accelerate completion of projects included in the Statewide Transportation Improvement Program. The Rural Infrastructure Authority is allocated $900 million to be placed in a separate ARPA Water and Sewer Infrastructure Account which must be used to administer and operate three grant programs designed to provide for improvements in water, wastewater, and storm water infrastructure throughout the state. the Office of Regulatory Staff $400 million is allocated to be placed in a separate ARPA Broadband Account which must be used to expand broadband infrastructure to households, businesses, and communities in the state that are unserved or underserved by the broadband services that allow for high-speed Internet connections.

**S. 956 Appropriation of Savannah River Site Settlement Funds Sen. Peeler**

This joint resolution provides for the appropriation of settlement funds paid to South Carolina by the federal government for storing plutonium at the Savannah River Site. Specific projects in Savannah River Site primary and perimeter counties receive $394 million. County Transportation Committees, in order to fund projects elsewhere in the state, receive $131 million.

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