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# House Floor Review

**May 3 - 5, 2022**

The House gave third reading to [**H. 4568**](http://scstatehouse.gov/billsearch.php?billnumbers=4568&session=124&summary=B)**, Chemically Induced Abortion Reversal Medical Information,** and it was sent to the Senate. If enacted, this proposed legislation would require a medical disclosure of specific effectiveness information to anyone seeking a mifepristone or misoprostol **induced abortion**, including, but not limited to a Plan B or a "morning after pill," with a few stated exceptions.

The House amended and returned to the Senate **S. 108**, a bill relating to duties of the State Geological Survey Unitin the Department of Natural Resources. The bill allows the unit to **conduct topographic mapping using light detection and ranging (LiDAR) data collections by December 31, 2022,** and at least every seven years thereafter. The unit is authorized to work with local, state, and federal governmental entities in South Carolina to complete the topographic mapping and share the results of the topographic mapping with these agencies. The unit shall work with the Flood Mitigation Program to publish the result to the public on the Department of Natural Resources' website. The provisions only may be enforced when the General Assembly appropriates the necessary funding for the topographic mapping in the General Appropriations Act.

The House added the same language from the **election reform bill** (**H. 4919**) that was passed by the House and sent to the Senate on March 3, 2022.

The House amended Senate amendments to **H. 4408**, a joint resolution authorizing **expenditure of American Rescue Plan Act funds**, and returned the legislation to the Senate.

The House returned **S. 233** to the Senate with amendments. The legislation provides for a **real property tax exemption extension** by providing that a qualified surviving spouse may qualify for an exemption if the qualified surviving spouse owns the house. The legislation also revises eligibility criteria to allow for an exemption when the county assessor certifies to the Department of Revenue that the house is located on **heirs’ property** and the person is the **owner-occupied resident** of the house. The legislation includes provisions providing for **tax value adjustment for property damaged by flooding, hurricane, or wind events** (previously approved by the House in **H. 4243**). The legislation expands provisions for adjustments in valuation and assessment for purposes of ad valorem property taxation by requiring an adjustment to real property for damages caused by flooding, hurricane, or wind events, in addition to the adjustments currently allowed for property damage caused by fire.The legislation establishes a **property tax exemption for all farm buildings and agricultural structures** owned by a producer in this state used to house livestock, poultry, crops, farm equipment, or farm supplies.The legislation revises provisions relating to **special license plates for military medals** to ensure that veterans receive the exemptions from fees to which they are entitled. The legislation addresses the **inclusion of mixed-use property under the rural telephone service property tax exemption** (previously approved by the House in **H. 5144**). The legislation revises a tax exemption for the property of telephone companies and rural telephone cooperatives operating in this state that is used in providing rural telephone service. The legislation clarifies that that this exemption applies to mixed-use property, without regard to: (1) the extent to which such property is used in providing services in addition to telephone service in rural areas; and (2) the technology used, such as the provision of broadband over a high-speed Internet connection that allows the customer to access basic voice grade local service from the voice provider of the customer’s choice. The legislation includes a provision that the maximum sales tax on horse trailers also applies to **livestock trailers**. The legislation includes **tax incentives for apprenticeship programs employing veterans and individuals who have been incarcerated** for nonviolent offenses (previously approved by the House in **H. 3348**) The legislation makes provisions for a tax credit for any taxpayer who employs in an **apprenticeship program** a newly-hired **veteran** of the U.S. Armed Forces who was honorably discharged or released from such service due to a service‑connected disability. The legislation makes provisions for a tax credit for any taxpayer who employs in an apprenticeship program a newly-hired individual who was **formerly incarcerated** for nonviolent offenses. These **apprenticeship tax credits** may be claimed for no more than three years. The amount of the credit is set at three thousand dollars for each eligible employee for the first year it is earned and is reduced to two thousand five hundred dollars for second year, and one thousand dollars for a third year. The legislation includes provisions expanding eligibility for the one percent **senior sales tax exemption on accommodations** (previously approved by the House in **H**. **3709**). The legislation lowers the age of individuals exempt from paying one percent of the total seven percent sales tax on accommodations from age eighty-five or older to age seventy-eight or older. For each accommodations tax return filed with multiple locations, the filer also must provide electronically the location information by address and the amount of net taxable sales for each location.

The House amended and returned to the Senate **S. 1117**, a bill that **adds cotton to the definition of the state’s agricultural commodities list** to provide self-assessment insurance against unforeseen issues. It sets an assessment at fifty cents per bale of cotton when delivered to a gin. It increases the Guaranty Fund from four million dollars to twenty-five million dollars. The bill also creates the SC Agricultural Commodities Advisory Commission to assist the Department of Agriculture in the duties and administration of the Grain and Cotton Producers Guaranty Fund.

The House insisted upon its amendments to **S. 506**, regarding **home-based food production**, whereupon, the chair appointed Representatives Matthews, Jones, and McGarry to the Committee of Conference, with the Senate appointing Senators Climer, Fanning and Kimbrell.

The House received message that Senate concurred with amendments to **S. 227**, the **Massage Therapy Practice Act** and enrolled it for ratification.

The House amended, gave third reading and enrolled for ratification **S. 1179**, a bill dealing with **social workers providing behavioral telehealth**. This bill allows a person who is licensed in another state to provide clinical practice social work, professional counseling, addiction counseling, marriage and family therapy, or licensed psycho educational specialist services to register with the SC Board of Social Work Examiners or the SC Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists to provide behavioral telehealth services to clients in SC. Behavioral telehealth provider must practice in a manner consistent with his scope of practice and the prevailing professional standard of practice for these services when provided in-person. In addition, each board will be required to publish on its website a list of all registrants. A behavioral telehealth registrant’s website must prominently display a hyperlink to the appropriate board’s website containing a list of out-of-state behavioral telehealth registrants. Disciplinary action against an out of state registrant maybe taken under certain conditions.

The House amended and gave second reading approval to **S. 460**. The bill revises numerous provisions to consolidate and simply the statutory authority of the **State Fire Marshal**. The legislation’s revisions are not to supersede or impair the authority granted to the State Board of Pyrotechnic Safety relating to the manufacture, sale and storage of fireworks. The legislation includes provisions (previously approved by the House in **H. 3252**) providing for **enhancements to the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program** which awards grants to volunteer fire departments for purchasing protective gear, vehicles, and other firefighting equipment and for funding such initiatives as firefighter training and upgrades to fire stations. The V-SAFE Program revisions include changes that allow for increased funding that is awarded in grants each year, rather than every three years, to volunteer fire departments and combination departments that employ some firefighters, but are mostly composed of volunteers. The legislation increases, from one percent to four percent, the amount of insurance premium tax revenue that is devoted to the V-SAFE Program. The legislation increases the program’s dedicated revenue stream by directing one percent of manufacturer’s machinery and equipment depreciation reimbursement funding to support the V-SAFE Program.

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

The House amended and gave second reading to **S. 968**, a bill that establishes the **“Veterans Service Organization Burial Honor Guard Support Fund.”** The fund helps to offset the costs paid by South Carolina chapters of congressionally chartered veterans service organizations that provide well-equipped and properly trained honor guard burial details at the funerals of qualifying South Carolina veterans. The bill requires the Secretary of the S.C. Department of Veteran Affairs to authorize a disbursement from the fund, not exceeding the per funeral cap established annually by the secretary. The Fund may accept gifts, grants, federal funds, or donations from any source, as well as appropriated funds by the General Assembly. The bill also outlines that the disbursement from the burial fund be not less than one hundred dollars per funeral.

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

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

The House gave third reading and enrolled **S. 222** for ratification. This bill allows **fictive kin to be eligible to be foster parents under the Kinship Foster Care Program**. The bill outlines that “fictive kin” means an individual who is not related by birth, adoption, or marriage to a child but who has an emotionally significant relationship with the child or the child's family. This bill states that a relative or fictive kin, with whom a child with has been placed, has the same legal status and access to services as a licensed kinship foster care provider, including the payments and other services provided during the licensure process.

The House amended, gave third reading and returned to the Senate **S. 1103**, a bill providing for the distribution of **child identification kits**. These inkless, in-home fingerprint and DNA identification kits are to be distributed throughout the district or school on request to the parent or legal custodian of any kindergarten, elementary, middle, or high school student. This enables a parent or legal custodian to submit the kit to federal, state, tribal, or local law enforcement to help locate and return a missing or trafficked child. Unless expressly appropriated by the General Assembly, the Department shall not expend funds to procure kits.

The House amended, gave third reading and returned to the Senate **S. 946**, a bill establishing at least thirty minutes of **unencumbered time on each regular school day** to all full-time teachers teaching in a grade between kindergarten and fifth grade. The bill also provides that the policy also directs a principal of any elementary, middle, or high school to provide at least thirty minutes of unencumbered time on each regular school day to any teacher who is responsible for instructing a student who is removed from the general education setting for more than twenty percent of the day. The House added an amendment regarding exceptions and establishing procedure.

The House approved **S. 812**, which revises various provisions governing the practice of **certified public accountants**, and enrolled the bill for ratification. The membership of the South Carolina Board of Accountancy is revised to provide for the inclusion of one resident licensed certified public accountant from the public at large. The legislation makes revisions that align the state’s practice act with national CPA organization rules and regulations as a means of ensuring that South Carolina is not placed at a competitive disadvantage.

The House approved **S. 637** and enrolled the bill for ratification. The legislation revises the application of **mortgage lending** provisions to retailers of manufactured and modular homes in order to bring state law into compliance with the latest updates that Congress has approved to the federal Dodd-Frank Act.

The House approved **S. 635** and enrolled the bill for ratification. The legislation makes revisions to the **South Carolina Research Authority** that include: adding the President of South Carolina State University, or his designee, to the SCRA Board of Trustees and affording university presidents greater flexibility in allowing designees to serve on the board; authorizing the Research Authority to invest in corporate bonds; and, increasing the amount of time that a startup company is allowed to remain in an innovation center.

The House made appointments to a conference committee to address its differences with the Senate on **H. 3729**, a bill addressing **charges for storing towed vehicles**.

The House amended Senate amendments to **H. 5075**, a bill revising the **South Carolina housing tax credits** that supplement federal tax incentives for the development of affordable housing, and returned the legislation to the Senate.

The House returned Joint Resolution **S. 1106**, a **proposed state constitutional amendment for** **increasing state financial reserve funds** that are used to cope with revenue shortfalls, to the Senate with amendments. The proposed amendment 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 half of one percent until it equals seven percent of General Fund revenue of the latest completed fiscal year. The proposed amendment 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. Should the General Assembly pass the joint resolution, these proposals for amending the South Carolina Constitution would be placed before the state’s voters as ballot questions at the next general election.

The House amended, approved, and sent the Senate **H. 5252**, the **“Economic Encouragement Act.”** This joint resolution provides an expedited process for approving competitive electric power pricing for potential economic development prospects that the Department of Commerce can offer to encourage these businesses and industries to invest in South Carolina and bring jobs to the state. The legislation authorizes the Public Service Commission to consider quantifiable net benefits to utility customers due to economic development in deciding whether to approve the competitive rates proposed by an electric utility. These economic development rates must be above the marginal cost of energy production. The provisions expire on July 1, 2026.

The House returned **S. 533**, a joint resolution **prohibiting the payment of subminimum wages to individuals with disabilities**, to the Senate with amendments. The resolution provides that employers, community rehabilitation programs, and hospital patient care workers at regional centers shall not use a provision of the Fair Labor Standards Act of 1938 to pay disabled employees a subminimum wage. No individual with a disability may be paid less than the federal minimum wage. The Department of Disabilities and Special Needs is required to submit an annual report to the General Assembly concerning the payment of a subminimum wage in South Carolina. The legislation establishes a South Carolina Task Force on Eliminating the Subminimum Wage charged with identifying and developing protections for disabled subminimum wage employees to maintain competitive employment while phasing out the use of the subminimum wage by August 1, 2024. The legislation includes the **“Employment First Initiative Act”** (previously approved by the House in **H. 3244**) which relates to policies at state agencies and South Carolina’s political subdivisions encouraging competitive integrated employment for individuals with disabilities.

The House returned **S. 908**, a bill **disallowing the driving of certain modified vehicles** including the modifications commonly referred to as the “Carolina Squat” or the “California Lean,” to the Senate with amendments. The legislation makes it unlawful to drive a passenger motor vehicle, including a pickup truck, on the highways of this state that has been altered so that the height of the front fender is raised or lowered four or more inches above or below the height of the rear fender. Penalties are established for violations. The legislation includes provisions (previously approved by the House in **H. 3600**) governing **utility terrain vehicles** including conditions and requirements that allow for a UTV to be operated on roads. The legislation includes provisions (previously approved by the House in **H. 4534**) that restructure penalties and make other changes to provisions targeting **catalytic converter theft**.

The House returned **S. 1178** to the Senate with amendments. The bill allows **online sales of self-service storage facility property**, rather thanon-premises sales exclusively, in instances when no one has purchased the property at the required public sale. All sales must be conducted by auctioneers who are licensed in South Carolina.

The House returned **S. 158**, a bill allowing an **exemption from continuing education requirements for experienced real estate professionals and financial advisors**, to the Senate with amendments. The legislationallows a licensed real estate broker or salesperson who has twenty-five years or more of experience in South Carolina and is at least sixty-five years old to apply for an exemption from continuing education requirements. A financial advisor subject to securities registration is also eligible for this experience-based full continuing education waiver.

The House amended and gave second reading approval to **S. 17,** the **“Permit Extension Joint Resolution of 2022.”** This joint resolution provides for the extension of various valid permits issued for construction, reconstruction, and other development of land for a period beginning December 1, 2016, and ending December 31, 2023.

The House approved **S. 934**, which revises the membership of the **South Carolina Building Codes Council**, and enrolled the bill for ratification.The legislation requires each member of the council to be a South Carolina resident and provides that the member who is an architect licensed in South Carolina must be selected from a list of qualified candidates submitted to the Governor by the South Carolina Chapter of the American Institute of Architects.

# Committees

**Education and Public Works**

The House Education and Public Works Committee met May 3, 2022 and recommended three bills to the House.

The Education Committee recommended [**S. 1237**](https://www.scstatehouse.gov/billsearch.php?billnumbers=1237&session=124&summary=B)to the House, with an amendment. The bill authorizes a University of South Carolina 2022 **Women's Basketball National Champions'** Special License Plate. The House amendment states that the Department must issue to registrants who have a license plate commemorating only the 2017 Women's Basketball National Championship the license plate commemorating both the 2017 and 2022 national championship once the 2017 license plate reaches the end of its ten-year lifecycle. This subsection does not apply to registrants who choose to switch to the '2017 and 2022' license plate on their own. The House passed a bill on this subject in April.

The Education Committee recommended **S. 945** to the House, with an amendment. This bill seeks to promote **public access to school board meetings** by requiring school boards to adopt and implement policies that provide live electronic transmission of such meetings. The Committee added language from **H. 5183**, the **Transparency and Integrity in Education Act** passed earlier and sent to the Senate.

The education committee recommends **S. 969**, a bill that authorize the state Board of Education to make rules and regulations requiring the **display of the official mottos** of the United States of America and South Carolina, among them “In God We Trust,” the official motto of the United States, and Dum spiro spero, the official motto of South Carolina. The bill also authorizes youth patriotic societies to engage in activities to celebrate Patriot Day, Constitution Day and Patriotism Week.

**Labor, Commerce and Industry Committee**

The House Labor, Commerce and Industry Committee met on Wednesday, May 4, and reported out two bills.

The committee gave a report of favorable with amendments on **S. 1077**, a bill authorizing the issuance of **electric utility storm recovery bonds**. The legislation establishes a protocol that allows an electric utility to petition the Public Service Commission for authority to issue bonds that allow the costs of recovering from storms to be financed at a favorable interest rate over the course of several years rather than having ratepayers bear the full financial burden immediately through sizable increases in their electric bills. The legislation allows for the securitization of storm recovery costs already incurred by an electric utility but not potential costs projected for the future.

The committee gave a report of favorable with amendments on **S. 1045**, a bill that revises provisions governing the certification of **motor vehicle common carriers** by the Transportation Division of the Office of Regulatory Staff, including provisions for the establishment of a maximum rate schedule governing the charges of carriers of household goods and hazardous waste for disposal carriers. The legislation includes provisions (previously approved by the House in **H. 3252**) providing for **enhancements to the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program** which awards grants to volunteer fire departments for purchasing protective gear, vehicles, and other firefighting equipment and for funding such initiatives as firefighter training and upgrades to fire stations. The V-SAFE Program revisions include changes that allow for increased funding that is awarded in grants each year, rather than every three years, to volunteer fire departments and combination departments that employ some firefighters, but are mostly composed of volunteers. The legislation increases, from one percent to four percent, the amount of insurance premium tax revenue that is devoted to the V-SAFE Program. The legislation increases the program’s dedicated revenue stream by directing one percent of manufacturer’s machinery and equipment depreciation reimbursement funding to support the V-SAFE Program.

**Ways and Means**

The Ways and Means Committee met on Thursday, May 5, and reported out two bills.

The Committee gave a report of favorable with amendments on **S. 1087**, the **“Comprehensive Tax Cut Act of 2022.”** The legislation provides for a lowest individual income tax bracket that is taxed at zero percent and collapses several tax brackets, currently subject to rates of three percent, four percent, five percent, and six percent, into a single tax bracket so that incomes falling in this middle range are all taxed at three percent. The legislation gradually reduces the rate for the highest tax bracket from seven percent to six percent under a schedule that phases in the tax relief in years when the state experiences sufficient revenue growth. Under this schedule, the seven percent top marginal rate is lowered to six and a half percent in Tax Year 2022. Afterwards, it is decreased by one tenth of one percent in a year when the state’s general fund revenues are projected to increase by at least five percent until the top marginal rate is lowered to six percent. The legislation also allows all military retirement income to be deducted from an individual’s South Carolina income taxes, regardless of the individual’s age.

The Committee gave a report of favorable with amendments on **S. 2**, a bill dividing the South Carolina Department of Health and Environmental Control into two cabinet agencies, **the Department of Public and Behavioral Health and the Department of Environmental Services**, each headed by a director who is appointed by the Governor, with the advice and consent of the Senate, and subject to removal by the Governor. The Department of Health and Environmental Control is abolished along with DHEC’S governing board. The legislation states the General Assembly’s intent to consolidate the programs, services, duties, and authority of the Department of Health and Environmental Control, the Department of Mental Health, and The Department of Alcohol and Other Drug Abuse Services into the Department of Behavioral and Public Health or the Department of Environmental Services. The Department of Administration is charged with analyzing the best manner of reorganizing and transferring programs from abolished agencies. Reports from the Department of Administration are to be considered by a newly-created legislative Committee on Improving Behavioral and Public Health and Environmental Services. This committee must submit its recommendations for further health and environmental state agency restructuring to the full General Assembly by January 15, 2024.

5/19/2022

Note: 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 strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

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