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## House Floor Actions

House of Representatives approved and sent to the Senate **H. 3604**, a joint resolution authorizing **Contingency Reserve Fund and American Rescue Plan Act appropriations**. The legislation provides for the appropriation of $500 million from the Contingency Reserve Fund for infrastructure funding related to economic development projects that have been authorized by the Joint Bond Review Committee and the State Fiscal Accountability Authority so that the state can finance these projects without issuing additional debt. For remaining funds available, the Department of Commerce shall identify and recommend potential projects for review and comment by the Joint Bond Review Committee before any funds may be awarded or expended.

From the funds disbursed to the state under the federal American Rescue Plan Act (ARPA) of 2021, the legislation appropriates $586 million to the Rural Infrastructure Authority ARPA Water and Sewer Infrastructure Account to be used towards fulfilling existing grant applications. $86 million of this amount must be available for projects designated by the Secretary of Commerce as being significant to economic development. American Rescue Plan Act funds may not be disbursed to any company owned by a member of the General Assembly; however, a member of the General Assembly may own public shares of a company offered to the general public.

The legislation adds clarification language to **Act 244 of 2021**, specifically to the ARPA Resilience Account, to expand eligible expenditures to projects that mitigate the impacts from potential releases of contamination associated with natural hazards.

The House approved and sent to the Senate **H. 3783**. This joint resolution waives a statutory requirement temporarily so that the Department of Employment and Workforce Review Committee

 “may submit less than three applicants to the Governor to serve as **Executive Director of the Department of Employment and Workforce** until that position is filled or July 1, 2023, whichever occurs first.”

In H. 3741, the House adopted and sent to the Senate the revised Code Volume 13A (containing Title 39) of the South Carolina Code of Laws as the only general permanent statutory law of the state as of January 1, 2023.

## Committee Actions

**Judiciary**

The Judiciary Committee gave a favorable report with amendment to **H. 3122**, a bill repealing outdated statutory requirements for the Attorney General to inspect **local county offices** and to approve all easements or other access agreements to be signed by officials with South Carolina’s Department of Mental Health.

**H. 3209** alsoreceived a favorable report with amendments. It would allow **permits** issued by the Department of Health and Environmental Control that were issued on January 1, 2018, or later, and set to expire during the COVID-19 declared emergency, **to remain in effect** until December 31, 2023. It was further amended to remove any reference to specified county or city permits issued during these same time periods. The substance of the bill affects water and wastewater infrastructure.

A favorable report with amendments was given to **H. 3503**, an effort to have **fentanyl**, or fentanyl-related substances, to be declared Schedule I drugs. It also would apply **trafficking** in drugs penalties to dealers and others, with penalties based upon the quantity of substances seized. As amended, there are no mandatory minimum jailtime sentences for any convictions. Instead, judges could imprison violators to up to 20 years in jail for a first offense, and up to 25 years in jail for subsequent offenses, depending upon the quantity of fentanyl they had in their possession at the time of their arrest.

**Labor, Commerce, and Industry**

The House Labor, Commerce and Industry Committee met on Thursday, January 26, and reported out two bills.

The committee gave a favorable report on **H. 3614**, the **"Rate Payer Protection Act"**, which affords employees of public utilities whistleblower protections so that they might not refrain from reporting wrongdoing out of fear of retaliation. The legislation prohibits a public utility from dismissing, demoting, or taking other adverse employment actions against an employee who has, in good faith, reported wrongdoing by the public utility to the Office of Regulatory Staff. Remedies are established for instances when a public utility retaliates against an employee who acts as a whistleblower.

The committee gave a report of favorable with amendments on **H. 3605**, a bill addressing **investigations of professional and occupational licensees** and the screening of those applying for licenses. The legislation provides that a professional or occupational board under the authority of the Department of Labor, Licensing, and Regulation may not solely or in part deny a license to an applicant because of a prior criminal conviction, unless the criminal conviction directly relates to the duties, responsibilities, or fitness of the occupation or profession for which the applicant is seeking a license. Boards are prohibited from using vague or generic terms, such as "moral turpitude" or "good character", nor may they consider charges that have been dismissed, otherwise discontinued, or that have resulted in a finding of not guilty as a justification for denying an applicant a license. An applicant who has submitted a completed application may not be denied a license because of a prior criminal conviction; unless, the licensing Board has given the applicant an opportunity to appear at a hearing to determine the applicant's fitness for the occupation or profession. When a license is solely or in part denied because of the applicant's prior criminal history, the Board must, within thirty days of the hearing, issue a written final order that includes the grounds for denial and notification that appeals are to be made to the Administrative Law Court. The legislationrevises provisions governing the investigation of professional and occupational licensees when complaints have been filed against them. The legislation’s protocol includes deadlines for timely investigation of complaints; notification requirements for affording licensees’ access to copies of complaints and other pertinent information; opportunities for licensees to participate in hearings and respond to complaints; and, a review to verify that procedural requirements

Introduced Legislation

**Education and Public Works**

**H. 3773 Prohibitions Regarding Nonemergency or Nonurgent Health Services for Minors Rep. Erickson**

This bill amends Section 63-5-340, relating to consent to health services, to make the provisions applicable to K-12 students 18 years or older. The addition to 63-5-340 adds that a “public employee, including a teacher, guidance counselor, principal, or any other person employed by the State, a political subdivision of the State, or a school district may not accompany, assist, or otherwise participate in helping a K-12 student who is less than 18 years of age obtain nonemergency or nonurgent health services, including obtaining prescription medication.” Section 63-5-350, health services to minors without parental consent, is repealed.

**H. 3779 Restrictions Regarding History Curriculum and Instruction Rep. J. L. Johnson**

This bill provides that beginning with the 2023-2024 school year, public school history curricula and instruction shall not include teachings about persons who owned slaves.

[**H. 3827**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3827&session=125&summary=B) **Excellence and Integrity in Education Rep. M. M. Smith**

This bill provides that students in state-funded places of learning be provided with an education focused on excellence and integrity (equipping them to think independently and critically). The bill seeks to support teachers by maintaining a learning and work environment unencumbered by social or political activism; by treating students and employees of schools with dignity as unique individuals without stereotyping or scapegoating; providing instruction free from ideological indoctrination or coercion; fostering and defending intellectual inquiry and freedom of speech as well as freedom from compelled speech; and, requiring clear distinctions between the teaching of theory and fact. The bill also requires full transparency of curricula; protects the privacy and innocence of children (guarding them against obscene and mature materials); respects the rights of parents as their child's decision-makers for health and well-being (including emotional and sexual development); defers to parents as their child's primary source of moral and social values; allows parents to opt out of activities that violate this act; establishes a clear protocol for reporting violations (allowing local entities to address and correct issues); and, requires privacy and nondisclosure during the investigation process.

**Judiciary**

**H. 3770 No More Conditions on Providing Out of City Water Services Rep. Ligon**

The practice of cities requiring new water service customers living outside of any city limits to sign annexation agreements would be discontinued under the terms of this proposal. These agreements typically require property owners to agree to being annexed when their property becomes adjacent to any city limits line.

**H. 3771 Limiting Birth Certificate Information Modification Rep. Long**

This bill would prohibit changing any gender information on state-issued birth certificates for anyone for any reason. Gender at birth would be their registered gender for life if it passes.

**H. 3772 Historic Plaques on Publicly Owned and School Properties Preapproval Rep. Long**

A proposal to require the proposed wording for all plaques, markers, and messages to be placed on any publicly owned or school district monuments or memorials to be preapproved by the Department of Archives and History.

**H. 3774 “Human Life Protection Act” Rep. McCravy**

The Human Life Protection Act is an effort to restrict abortion procedures in South Carolina.

Among other things, it would declare that life begins at conception. It would prohibit anyone from knowingly providing drugs to a pregnant female to cause an abortion, except in emergency situations.

However, it would not prevent a licensed physician, who fills out appropriate paperwork, from performing an abortion in cases where a pregnancy results from incidents of rape or incest. Physicians would be required to obtain and preserve a DNA sample in these cases. Doctors performing these procedures must inform the pregnant woman they will, and then, report these crimes to the county sheriff where the procedure was performed within 24 hours of completing them, and note making these reports on the medical chart of the pregnant woman.

A procedure also would be permitted if a fatal fetal anomaly is present, to prevent the death of a pregnant woman, to abate the substantial risk to any pregnant woman who has one or more of the physical conditions listed in this bill that put her in harm’s way to give birth, or who would have a substantial and irreversible physical impairment of a major bodily function if she gave birth. This physical impairment could not be a psychological or emotional one. Nevertheless, before these procedures are undertaken, efforts must be taken to save the fetus’s life, when possible. In addition, two doctors must certify that a qualifying condition is present.

Contraceptives, *in vitro* fertilization [IVF], and other assistive reproduction technologies are not subject to the prohibitions in this bill. The state health plan could continue to insure these matters. This plan could not be used to pay for any prohibited abortion procedures or medicines, however.

Violators of any prohibitions, including intimidating anyone into having an abortion, could be prosecuted for committing a felony and would face up to two years in prison, and fines of up to $10,000. Violators also face civil liability for statutory, actual, and punitive damages as well as restraining orders initiated by law enforcement, the pregnant woman, or the pregnant woman’s parents if she has not yet reached 18 years of age. If an order issues, then these parties can recover their attorney fees and costs. Medical professionals also face disciplinary action, including potential revocation of their licenses, as well as having to pay the costs of any investigations, fines, or other professional disciplinary actions when they violate any listed restrictions.

The pregnant woman is shielded from being held criminally or civilly liable, however.

In addition, the biological father would be on the hook for paying 50 percent of the birth mother’s pregnancy expenses from the time of conception, in addition to having to pay child support to be calculated from the date of conception as well. Public funds could not be used to purchase fetal tissue, and no public funds could be used by the Planned Parenthood organization for abortions, abortion services or procedures, or administrative functions related to abortions.

**H. 3775 Flying the United States Flag Regardless of Any Contrary Covenants or Restrictions Rep. Bailey**

Owners or residents of a home in a subdivision or other neighborhood covered by deed restriction, homeowners’ association, or other horizontal property regime could fly the United States flag on their premises. They would have this right regardless of any deed restrictions, covenants, or other matters to the contrary.

**H. 3776 Judges Leaving the State Rep. Bannister**

If enacted, this bill would repeal the old requirement of state judges needing the permission of the South Carolina Supreme Court Chief Justice before leaving South Carolina.

**H. 3777 No More Conditional Releases Prior to Settling Workers’ Compensation Claims Rep. Bernstein**

This bill would declare as *per se* bad faith practices any effort by any workers’ compensation insurer, attorneys, or representatives to condition any workers compensation claim payments upon injured workers releasing their other legal claims.

**H. 3798 mRNA Food Products Labeling Rep. Burns**

This legislative effort would require all food and food products for human consumption that contain messenger ribonucleic acid [mRNA] to be labelled as such.

**H. 3800 Immunity for Reporting Clergy Sexual Abuse Rep. Burns**

Religious institution employees, volunteers, or independent contractors who report incidents of clergy sexual abuse to other potential employers of these abusers would be immune from civil liability for doing so should this bill be enacted.

**H. 3801 “Adoption and Foster Care Protection Act” Rep. McCravy**

An effort to prohibit discrimination against anyone in foster care and adoption cases on account of their sincerely held religious beliefs.

**H. 3803 Decriminalizing Simple Possession of Marijuana or Hashish Rep. Hart**

This bill seeks to repeal criminal penalties against anyone with 28 grams, or one ounce or less, of marijuana, or 10 grams or less of hashish. Authorities could issue these users a civil citation instead.

**H. 3807 Adopting “The Agreement Among the States to Elect the President by National Vote” Rep. Hart**

A bill to adopt this agreement to revise how the Electoral College delegates are appointed through adoption of this interstate compact.

**H. 3812 Hands Free Electronic Device Use by Motorists Rep. Hart**

Should this bill become law, it would be unlawful for a motorist to use a cellular telephone, pager, personal data assistant, and other wireless communication while operating a vehicle -- unless used on a hands-free basis.

**H. 3814 New Division of Statewide Grand Jury Defense Rep. Rutherford**

If passed into law, this bill sets out the creation of a new Statewide Grand Jury Defense Division within the purview of the existing Commission on Indigent Defense.

**H. 3821 Online Delinquent Tax Sales Rep. Elliott**

Delinquent tax sales of properties with past due tax payments could be conducted online by following the procedures set out in this proposal.

**H. 3823 Limiting Absentee Ballot Witnessing Rep. Pedalino**

In any given election, a person would only be able to witness up to five absentee ballot signatures if this bill becomes law.

**H. 3825 Law Enforcement Access to Stored Electronic and Digital Communications Rep. Wooten**

South Carolina’s Attorney General, prosecutors, and law enforcement officials would have a declared right to access stored wire, digital, or other electronic communications and records pursuant to federal guidelines under this proposal. Existing state law would be followed in obtaining necessary warrants and orders from appropriate state courts. In addition, validly issued warrants from out of state would be afforded full faith and credit South Carolina without the need of obtaining an additional South Carolina warrant. Warrant violators would face potential contempt of court punishment, but no further civil or criminal liabilities.

**H. 3826 “Protection of Minors from Pornography and Obscenities Act” Rep. M.M. Smith**

This bill seeks to add ‘portions of any performance’ and ‘material containing profane language’ to existing state legal definitions of obscenity that could be harmful to minors. Profane language would include language or gestures depicting sexual or excretory organs or activities in terms patently offensive as measured by contemporary community standards.

**H. 3828 Youthful Offenders Act Eligibility Rep. Tedder**

A proposal to modify existing law to use the age of an offender at the time a criminal offense is committed rather that the current standard of the offender’s age at the time of conviction.

**H. 3829 No Scents for Searches or Seizures Rep. Tedder**

The mere odor of marijuana would no longer create a reasonable suspicion or probable cause for a search, stop, seizure, or arrest by law enforcement if this bill is enacted.

**H. 3831 Limiting Alimony Payments Rep. Hardee**

If enacted, alimony payments in South Carolina would typically last for one year for every three years a couple was married. Alimony obligations would expire when a supported spouse cohabitates with someone new, retirement age as defined by the Social Security Administration is reached, or a former spouse dies. Alimony still could be modified upon proof of changed conditions.

**H. 3833 Private Selling Officers Rep. Ligon**

A new designation, Private Selling Officer, is proposed in this pending legislation. These individuals or entities would be both a licensed auctioneer and a real estate broker, brokerage, or salesperson under existing state law. These individuals and entities could not be affiliated with any judgment creditors or mortgage servers, or any subsidiaries of them. Private selling officers could be given court-ordered authority to sell specified real or personal property, including items that have been historically sold at sheriff sales. These sales could be conducted online.

**Labor, Commerce, and Industry**

**H. 3769 Prohibition on Restricting Wells and Septic Tanks on Certain Rural Land Rep. Ligon**

This bill prohibits the Department of Health and Environmental Control (DHEC) from denying a property owner of rural land of no more than five acres the right to repair and replace any existing well or septic tank because of available municipal water and sewer service. The legislation prohibits DHEC from denying a property owner of family farmland of no more than five acres the right to construct new wells and septic tanks on the property because of available municipal water and sewer service.

**H. 3782 Video Services Rep. West**

This bill makes revisions to the definition of “video service” under provisions governing state-issued certificate of franchise authority that exclude from these programming services direct‑to‑home satellite services and Internet streaming content.

**H. 3799 "Water Professionals Day" Rep. Hyde**

This bill designates the first Monday of March of each year as "Water Professionals Day" in South Carolina.

**H. 3804 Mandatory Minimum Grace Period for Mortgage Payments Rep. Hart**

This bill provides that a mortgagee in this state is entitled to a grace period of at least 20 days following the due date of the loan payment.

**H. 3805 State Minimum Wage Rep. Hart**

This bill provides that an employer shall, at a minimum, pay employees a wage of $17 per hour, beginning January 1, 2025, for all hours worked in South Carolina. The legislation provides that it is unlawful to fail to pay employees the state minimum wage or to retaliate against those who file complaints about a failure to pay the state minimum wage. Remedies are provided for violations.

**H. 3808 Requirements for Burying Electrical Power Transmission Lines in Municipalities Rep. Hart**

This bill provides that an electrical utility operating in this state shall bury all of its new electrical power transmission lines installed within the boundaries of a municipality in this state beginning January 2, 2024. All existing electrical power transmission lines located within the boundaries of a municipality must be buried before January 1, 2029, under a schedule established in the legislation.

**H. 3813 “Rural Area Support Act” Rep. Jefferson**

This bill requires all automobile insurance policies to contain an appraisal clause. The legislation requires automobile repairs to follow manufacturer’s instructions. The legislation allows an insured to select a vendor for services arising under an automobile insurance policy. The legislation requires insurers to utilize South Carolina-owned vendors for at least 50 percent of its covered services.

**H. 3822 “First Responders Protection Act” Rep. M. M. Smith**

This bill establishes provisions under which certain injured first responders must be paid by the employer on the same basis as before the injury.

**H. 3830 Title Insurance Commissions Rep. Hardee**

This bill revises a provision relating to a commission paid by a title insurer to remove the 60 percent cap on the commission.

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

**H. 3784 “Professional Counseling Compact Act” Rep. Henderson-Myers**

This bill adds to the Code the Professional Counseling Compact Act to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. As a result, the bill provides for the functions, operations, and definitions for the compact.

**H. 3785 Certified Registered Nurse Anesthetists (CRNA) Rep. Collins**

This bill removes the supervision requirement for certified registered nurse anesthetists. The bill also revises the approved written guidelines that is developed by a certified registered nurse anesthetist and a licensed physician or dentist or medical staff within the facility where practice privileges have been granted.

**H. 3797 “Military Temporary Remote School Enrollment Act” Rep. B. J. Cox**

The Military Temporary Remote School Enrollment Act outlines that a student complies with the residency requirements for school attendance in a school district if a parent or legal guardian of the pupil is transferred to or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.

**H. 3802 Veterans Trust Fund Reorganization Rep. B. J. Cox**

This bill reduces the number of Board members of the Veterans' Trust Fund of South Carolina from nineteen to eleven. As a result, the bill revises that the Governor, with the advice and consent of the Senate, shall appoint the board consisting of one member from each congressional district, two members from the state at large, and two members who represent veterans' service organizations. Of the eleven appointed Board members, at least four must be United States Armed Forces veterans.

**Ways and Means**

**H. 3778 Enhanced Homestead Exemption for Long Term Residents Rep. Trantham**

This bill makes provisions for an enhanced homestead exemption that affords an additional $50,000 property tax exemption for a homeowner who has reached the age of 70 and has resided at the property for the past 30 years.

**H. 3780 Sales Tax Exemption for Certain Medical Devices Rep. Beach**

This bill establishes a sales tax exemption for the following medical devices: contact lenses, prescription glasses, stairway lifts, Braille writers, electronic Braille equipment, wheelchairs and parts, orthopedic devices, hospital beds and accessories, and repairs on medical devices.

**H. 3781 School Supplies Tax Credit for Teachers Rep. Beach**

This bill revises income tax provisions to allow public school teachers to claim a tax credit of up to $500 to offset expenses incurred in purchasing teaching supplies and materials.

**H. 3786 “South Carolina Conservation Enhancement Act” Rep. Lowe**

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

**H. 3806 Property Taxes Rep. Hart**

H. 3806 repeals in two steps the statutory elements of Act 388 of 2006 relating to the imposition of property taxes and the 100 percent exemption of owner-occupied residential property from property tax imposed by school districts for school operations.

The first step of H. 3806 eliminates the “hard cap” imposed by Act 388 on annual increases in property tax millages imposed by political subdivisions and school districts. It simultaneously: repeals the one 100 percent exemption for owner-occupied residential property from property tax imposed for school operations; repeals the one percent increase in the state sales and use tax to fund that exemption; and restores the prior existing property tax exemption on the first $100,000 of the fair market value of owner-occupied residential property from property tax imposed for school operations.

The second step of H. 3806 occurs only if the South Carolina Constitution is amended to eliminate both the 15 percent over five years cap on increases in the fair market value of real property for purposes of imposing the property tax and the requirement that all real property be reassessed when ownership of the property transfers. If these two constitutional amendments are adopted, then H. 3806 reinstates the prior existing law limiting the reassessment of real property for purposes of the property tax to once every five years or when the property sooner undergoes improvement.

**H. 3809 Proposed Constitutional Amendment Revising the Taxation of Real Property Rep. Hart**

This joint resolution proposes an amendment to the South Carolina Constitution to eliminate the 15 percent limit on increases in the value of real property over five years and to eliminate an assessable transfer of interest as an event that may change the value of the real property. Under the proposed amendment the General Assembly is required to provide by law a definition of “fair market value” for real property for purposes of the property tax.

**H. 3810 Exclusion of Certain Equity Contributions from Corporate License Fees Rep. Elliott**

This bill provides that a corporation whose headquarters and principal place of business are in South Carolina may exclude from its paid-in or capital surplus subject to the annual corporate license fee the first $50 million of equity contributions from a qualifying venture capital fund, angel investor, or private investment firm.

**H. 3811 Industry Partnership Fund Tax Credit Increase Rep. Elliott**

This bill revises the tax credit established for contributions to the Industry Partnership Fund associated with the South Carolina Research Authority (SCRA) by increasing the aggregate credit from $9 million to $12 million for tax years after 2022.

**H. 3824 Alternative Fuel Property Income Tax Credit Revisions Rep. B. Newton**

This bill revises alternative fuel property income tax credit provisions to: expand eligibility to include certain leases; add electrical equipment to the definition of “eligible property”; and, add electricity to the definition of “alternative fuel”.

**H. 3832 First Responder Tax Exemptions Rep. M. M. Smith**

This bill establishes a sales tax exemption for a firefighter’s personal protection equipment. The legislation revises the infrastructure maintenance fee to exempt certain fire fighting vehicles and ambulances.

**H. 3834 Criteria for the Property Tax Assessment Rate for Owner-Occupied Residences Rep. Long**

This bill provides that, for purposes of obtaining the special four percent property tax assessment rate, a person who owns and occupies a residence as his legal residence is deemed to be domiciled at the residence if the person is in the United States legally.

**S. 381 Ratification of State Constitutional Amendment Enhancing Financial Reserve Funds Sen. Peeler**

This bill provides for the ratification of the amendment to the South Carolina Constitution approved by the state’s voters at the general election to enhance the state financial reserve funds that are used to cope with revenue shortfalls. The 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 such revenue. The amendment increases the state’s Capital Reserve Fund from two percent to three percent of General Fund revenue and provides that the first use of the Capital Reserve Fund must be to offset midyear budget reductions.

**Monday, January 30, 2023**

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

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