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**HOUSE WEEK IN REVIEW**

The General Assembly concluded work on the regular legislative session, but lawmakers approved **S.1194**, a resolution **EXTENDING THE SESSION OF THE GENERAL ASSEMBLY** beyond this year’s May 14 deadline for final adjournment, that makes provisions for legislators to return later this year to address a limited set of matters. For most of the time before the November expiration of the legislative terms, the resolution provides the House of Representatives and the Senate with the option of returning, at the call of the chair, to address the specified list of matters, including anything related to COVID-19, budget legislation, vetoes issued by the Governor, legislation passed by one body, and the reports of conference committees that have been formed to address the differences between the House and Senate on particular pieces of legislation. Within this timeframe, provisions are made for a mandatory meeting of the General Assembly. The resolution requires lawmakers to hold statewide session during a period running from September 15 through September 24 when there should be greater clarity about the state revenue that is available for appropriation following the shutdowns imposed to counter the spread of COVID-19.

The House of Representatives and the Senate approved **H.3411**, legislation that makes provisions for **COMBATTING THE 2019 NOVEL CORONAVIRUS**, including provisions for the **CONTINUED OPERATION OF STATE GOVERNMENT**.

The legislation makes provisions for agencies and other state government functions to continue to receive recurring appropriations during the upcoming fiscal year that are set at the current funding levels laid out the Fiscal Year 2019-2020 state government budget should South Carolina reach the July 1 start of the next fiscal year without a Fiscal Year 2020-2021 state government budget in effect.

The legislation establishes protocols authorizing receipt and expenditure of federal funds for COVID-19 pandemic response. A separate Coronavirus Relief Fund is established to hold federal appropriations received by the Governor on behalf of the state. Protocols are established governing the oversight and accounting of expenditures of funds from various sources for pandemic response efforts.

Appropriations are made from the Fiscal Year 2018 2019 Contingency Reserve Fund: $175 million is sent to the State Treasurer with $20 million of this amount credited to the Disaster Trust Fund and $155 million credited to a new COVID-19 Response Reserve account; $25 million is provided to the Medical University of South Carolina for statewide community COVID-19 testing; and, $1.5 million is allocated to the Department of Administration for oversight and compliance of state spending of federal COVID-19 relief funds.

Authority is provided for the Governor, in consultation with the Joint Bond Review Committee, to direct the expenditure of funds from the COVID-19 Response Reserve Account to protect the health, safety, and welfare of the public as a result of the pandemic.

The Governor may direct reimbursement to local governmental entities and hospitals for expenses related to the state’s COVID-19 response, to including emergency needs for hospitals to prevent closure or violation of bond covenants. Priority should be given to expenses related to the participation of first responders.

The Governor may direct the expenditure of up to $15 million from the COVID-19 Response Reserve Account to underwrite the cost for protection of the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections.

The Medical University of South Carolina, in consultation with the Department of Health and Environmental Control and the South Carolina Hospital Association, is charged with developing and deploying a statewide COVID-19 testing plan within ten days. The plan must emphasize testing in rural communities and communities with a high prevalence of COVID-19 and/or with demographic characteristics consistent with risk factors for COVID-19 such as communities with higher proportions of seniors, African Americans, or individuals with chronic lung disease, asthma, serious heart conditions, severe obesity, compromised immune systems, diabetes, liver disease, or who are on dialysis.

The Department of Health and Environmental Control is directed to provide financial and administrative support to assist with the implementation of the statewide COVID-19 testing plan, including collaboration with hospitals, medical providers and other stakeholders, providing access to information on hotspots and contact tracing, coordination of all testing efforts, and supplementing efforts with resources, testing kits, and other supplies available to the department.

DHEC shall, no later than June 1, 2020, identify no fewer than 1,000 contact tracers through its own staff and/or community partners such as furloughed healthcare workers, students, school nurses, teachers, retirees, faith based organizations, and others with relevant skills or experience.

The Superintendent of Education is afforded authority to exercise certain emergency powers in response to COVID-19 that address: waiving statutory requirements concerning testing, assessments, and reporting; allowing distance learning instruction to fulfill instructional day requirements; and providing maximum programmatic and financial flexibility. The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

State agencies and institutions of higher learning are afforded certain financial flexibility provisions during the state’s COVID-19 response that includes authority for implementing mandatory furloughs.

Provisions are included to prohibit the South Carolina Public Service Authority (Santee Cooper) from taking actions that would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper’s status. The legislation establishes the Santee Cooper Oversight Committee, consisting of the Governor, the President of the Senate, the Speaker of the House, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. Long-term contracts and certain other matters must be submitted to this oversight body.

The House and Senate adopted the free conference committee report on **S.635** and the bill was ratified.

The legislation allows for the **OPTION OF VOTING BY ABSENTEE BALLOT IN THE UPCOMING JUNE 2020 PRIMARY ELECTION DUE TO THE COVID-19 PANDEMIC**. The legislation establishes a temporary provision, expiring on July 1, 2020, which provides that a qualified elector must be permitted to vote by absentee ballot in an election if the qualified elector’s place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than forty six days remaining until the date of the election. The legislation makes **TEMPORARY REVISIONS TO ABSENTEE BALLOT PROVISIONS**, effective only through the end of 2021, to allow the process of examining the return addressed envelopes containing absentee ballots to begin at 9:00 a.m. on the calendar day immediately preceding election day and to direct the State Election Commission to implement a pertinent software updates to electronic voting machines.

The House concurred in Senate amendments to **H.3309** and enrolled the bill for ratification. The legislation directs the State Law Enforcement Division to create and operate a **STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM** to track the location and status of sexual assault kits throughout the criminal justice process in order to further empower survivors with information and assist law enforcement with investigations and crime prevention. System requirements make provisions for using electronic or other technologies which allow for continuous access and include safeguards for ensuring confidentiality.

The House concurred in Senate amendments to **H.3967**, relating to **RESTRAINING INMATES WHO ARE PREGNANT OR IN POSTPARTUM RECUPERATION**, and enrolled the bill for ratification. The legislation details the safety methods and restrictions that are to be followed in correctional facilities and other settings for using wrist restraints or other types of restraints on inmates who are pregnant or have been determined to be in postpartum recuperation. The legislation provides protection from legal liability for a state correctional facility, local detention facility, prison camp or work camp that is unaware of an inmate’s pregnancy. The legislation includes limitations on bodily searches and makes provisions for the safety of known pregnant inmates including requirements for sufficient food and dietary supplements that meet prenatal nutritional guidelines.

The House and Senate adopted the conference committee report on **S.601**, a bill **SUBJECTING EMPLOYEES OF RESIDENTIAL CHILD CARE FACILITIES TO CRIMINAL BACKGROUND CHECK REQUIREMENTS**, and the legislation was enrolled for ratification. The legislation enacts recommendations of the Joint Citizens and Legislative Committee on Children to bring South Carolina into compliance with federal requirements by extending the criminal background checks that are required before the Department of Social Services may place a child in a foster home or adoptive home so that these background checks are also required for employees working in residential facilities, such as child caring institutions, emergency shelters, group homes, and wilderness therapeutic camps.

The House and Senate adopted the conference committee report on **S.455** and the bill was enrolled for ratification. The legislation enacts the **“ARMED SERVICE MEMBERS AND SPOUSES PROFESSIONAL AND OCCUPATIONAL LICENSING ACT”** which establishes a protocol that allows the Department of Labor, Licensing and Regulation to expedite the issuance of professional and occupational licenses to spouses of military personnel transferred to South Carolina when the spouse holds a professional or occupational license issued by another state that has similar requirements. The legislation makes revisions governing qualifications for **CERTIFIED REGISTERED NURSE ANESTHETISTS** that accommodates the Medical University of South Carolina in offering CRNA training beyond the master’s degree level, to include a PhD program.

The House concurred in Senate amendments to **H.3998** and enrolled the bill for ratification. This bill enacts the **“WORKFORCE AND SENIOR AFFORDABLE HOUSING ACT”** to allow a taxpayer eligible for a federal low‑income housing tax credit to claim a state tax credit for developing housing for those with lower incomes.

The House and Senate adopted the conference committee report on **S.76** and enrolled the bill for ratification. The legislationreauthorizes the **HIGH GROWTH SMALL BUSINESS JOB CREATION ACT**, so that these incentives for angel investors are set to be repealed at the end of 2025. The legislation also makes provisions for extending the **ENERGY EFFICIENT MANUFACTURED HOMES INCENTIVE PROGRAM** so that credits may be claimed through July 1, 2024.

A conference committee was appointed to address the differences between the House and Senate on **S.194**, a bill revising **PROSTITUTION AND HUMAN TRAFFICKING** offenses.

The House amended **S.613** and gave the bill second reading approval. The legislation includes provisions to establish the **GOVERNOR’S SCHOOL FOR AGRICULTURE AT JOHN DE LA HOWE** to provide training for students who have a career aptitude in agriculture, agribusiness, natural resources, and biotechnology.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

AGRICULTURE, NATURAL RESOURCES AND

ENVIRONMENTAL AFFAIRS

 **H.5480 *STATE FORESTER* Rep. Hixon**

This bill provides that fires regulated by the State Forester do not apply to a fire used for the preparation of food for immediate consumption, or fires burned in portable outdoor fireplaces, chimineas, or permanent fire pits constructed of stone, masonry, metal or other noncombustible material that conforms with all applicable South Carolina fire codes. Also allows enforcement officers to write warning tickets.

**JUDICIARY**

 **H.5478 *EXPANDING ABSENTEE BALLOTING OPPORTUNITIES* Rep. Rutherford**

This Joint Resolution would allow qualified electors to request absentee ballots on the State Election Commission's website. These requests could be made without an applicant signature. It also would waive the requirement for an absentee ballot applicants’ oath to be witnessed for the 2020 primary and primary runoff elections. This Joint Resolution would expire July 1, 2020.

 **H.5482 *FIRST RESPONDER PROTECTIONS* Rep. Fry**

Defines "first responder,” "health care provider,” "correctional officer,” and "isolate"/"isolation." By doing so, this proposal establishes a presumption that a first responder, health care provider, or correctional officer with COVID-19 would be entitled to workers' compensation benefits for contracting an occupational disease. In addition, it would provide temporary total disability benefits for first responders, health care providers, and correctional officers required to isolate due to COVID-19, upon specified conditions first being met.

 **H.5483 *SELF-QUARANTINE ABSENTEE BALLOTING* Rep. Brawley**

As proposed, this legislation would designate anyone under a declared state of emergency, or anyone self-quarantining in order to avoid possible exposure to a contagious, communicable, or transmissible disease during an active pandemic or epidemic in this state, to be exempt from any requirement that an absentee ballot applicant's oath to be witnessed.

 **H.5485 *LIMITING GUBERNATORIAL EMERGENCY POWERS* Rep. Hill**

This bill would establish conditions and procedures for the General Assembly, not our Governor, to declare a state of emergency. Authorities seeking to order crowds to disperse could only do so when they do not infringe on any constitutionally protected rights. Similarly, no person could be quarantined unless they are first adjudicated to be an imminent danger to public health. Any public health emergency measures authority exercised by SCDHEC could be done during a declared state of emergency, and no longer.

 **H.5487 *CITIZEN ARRESTS ARE NOT LAW OFFICER IMPERSONATIONS* Reps. Bamberg**

Impersonating a law enforcement officer is a criminal offense that could not be charged when citizens make lawful arrests, if this legislation is enacted.

 **H.5488 *LEGISLATIVE REVIEW OF EMERGENCY EXECUTIVE ORDERS* Rep. Taylor**

Declared that states of emergency could not continue for more than fifteen days without the passage of a Joint Resolution by the General Assembly expressly approving any extension. The Governor would be required to submit a report to the General Assembly before continuing a declared state of emergency, or declaring a new state of emergency based upon the same or substantially similar facts as the original declaration.

 **H.5490 *NO GOVERNMENT-ORDERED BEACH CLOSURES* Rep. Jones**

Prohibits state and local governments from ordering the closure of public beaches and public beach access points.

 **H.5491 *NO GOVERNMENT-ORDERED BUSINESS CLOSURES* Rep. Jones**

Prohibits state and local governments from ordering the closure of any businesses.

 **H.5492 *LIMITING CITIZEN ARREST AUTHORITY* Rep. Norrell**

Limits the circumstances when citizens may make an arrest, including taking someone’s life. It would also permit the arrest of anyone entering a residence without the express or implied permission of the owner.

**LABOR, COMMERCE AND INDUSTRY**

 **H.5474 *TELEMEDICINE HEALTH INSURANCE COVERAGE REQUIREMENTS* Rep. Moore**

This bill establishes requirements for all individual and group health insurance, health maintenance organizations, and the State Health Plan to provide coverage for the cost of telemedicine services.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

 **H.5481 *DRUGS DISPENSED FOR USE BY INPATIENTS OF A HOSPITAL* Rep. Moore**

Any drugs dispensed for use by an inpatient of a hospital or other health care facility that are administered through an inhaler, atomizer, pen, pump, or other device, equipment, or container prescription issued prior to admission to the facility that have not been used at the time of discharge shall be properly relabeled and the patient may take any such unused drugs for outpatient use.

 **H.5489 *OPTING OUT OF CERTAIN VACCINATIONS* Rep. Chumley**

Any vaccination offered by the Department of Health and Environmental Control as part of any mass immunization project to protect against infectious disease or to prevent the spread of a pandemic or a contagious or possibly contagious disease, only may be administered to those individuals who do not opt out of the vaccination based on a medically diagnosed health condition or religious belief or practice.

**WAYS AND MEANS**

 **H.5475 *“FOOD AND BEVERAGE INDUSTRY RELIEF ACT”* Rep. Moore**

This bill creates a state revolving loan fund to support businesses in the food and beverage industry during the COVID-19 virus emergency.

 **H.5476 *“MEDICAID EXPANSION ACT”* Rep. Moore**

This bill enacts the “Medicaid Expansion Act” to provide that, in order to mitigate the spread of the Coronavirus pandemic, an adult under the age of sixty-five years whose income is at or below one hundred thirty-eight percent of the federal poverty level is eligible for Medicaid as provided for in the Patient Protection and Affordable Care Act. The legislation provides for the appropriation of certain funds to the South Carolina Department of Health and Human Services to facilitate the expansion of Medicaid to this population. DHHS is required to ensure coverage of health services provided through telemedicine.

 **H.5477 *COVID-19 PANDEMIC TAX DEDUCTION* Rep. Mace**

This bill allows a taxpayer, on their 2019 tax return, to deduct a net operating loss that has or will occur in Tax Year 2020 as a result of the COVID-19 pandemic.

 **H.5484 *EMERGENCY ESSENTIAL SERVICES STUDY COMMITTEE* Rep. Ott**

This joint resolution establishes a temporary Emergency Essential Services Study Committee to determine which businesses and services are essential to the economic well-being or general welfare of the state and whose operation may not be restricted during a state of emergency.

 **H.5486 *“PERMIT EXTENSION JOINT RESOLUTION OF 2020”* Rep. Gilliard**

This joint resolution extends certain government approvals affecting economic development within the state in light of the economic downturn experienced during the Coronavirus pandemic.

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