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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) or 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.

# HOUSE WEEK IN REVIEW

The House approved and sent the Senate **H. 3609**, a joint resolution **restoring teacher salary step increases** that were suspended by Act 135 of 2020 (enacted by the General Assembly due to financial uncertainties caused by the COVID-19 virus). The legislation appropriates $50 million dollars from the 2018-2019 Contingency Reserve Fund to provide for teacher step increases for the 2020-2021 school year.

The House amended, approved and sent the Senate **H. 3589**, a bill that would re-designate certain schools from their previous designation as a “schools of choice” to “**schools of innovation**.” This designation would relieve a school from following certain statutes, rules, and regulations in allowance and recognition of nontraditional approaches. The bill outlines the steps a school district must follow to achieve the status of exemption. In order to earn this exemption, a district must identify each law, regulation, and policy from which the school is requesting exemption. The bill would permit public school districts to establish multiple (but a limited number) schools of innovation. (Districts may not name all schools in a district as a school of innovation). This has to be approved by a two-thirds vote of the local board and a two-thirds vote of the State Board of Education. Any change in a request that is pending approval by, or has been approved by, the State Board of Education must be made in the same manner as provided for initial requests. The designation must be renewed every four years through the same process as for the initial approval.

The House approved and sent to the Senate **H. 3613**, **revisions to the Read to Succeed Act**. This bill (involving early literacy and numeracy screening assessment instruments) would amend the Read to Succeed Act (Act 284 of 2014) and contains most of the changes that were adopted last year by the House in the Omnibus Education Reform and H. 4761 of 2020. The bill would provide that the SC Department of Education shall approve no more than five reliable early literacy and numeracy screeners. A district would administer the universal screening process in the first “thirty days of the school year and repeat, if and only if, the student demonstrates literacy and numeracy deficiencies at midyear and at the end of the school year to determine student progression in reading and numeracy in kindergarten through third grade.” Waivers can be granted for alternative instruments.

In addition, the bill creates the South Carolina Reading Panel (and determines the composition, functions, and duties of the panel). Moreover, the bill establishes definitions concerning the universal screening processes used in public school districts for students experiencing academic or social-emotional difficulties and provides that all related screening tools must be capable of identifying students with dyslexia or other reading disorders. Reading interventions must be evidence-based, follow a multi-tiered system of support, and holds that professional development on reading practices be scientifically based. The bill clarifies that district reading plans must provide appropriate in-class interventions.

Also, regarding the Read to Succeed Office, the bill revises the requirements concerning coursework necessary for literacy add-on endorsements and revises requirements for professional development for certified reading/literacy coaches and literacy teachers. The coursework must be founded on scientifically based reading practices and evidence-based interventions (including how to use the data to identify struggling readers and inform instruction).

The bill also revises the requirements for screening and diagnostic assessments and interventions relating to mandatory student retention provisions of the Read to Succeed Act, to revise criteria for retention and exemptions from retention, to eliminate an appeals process, and to revise criteria for intensive instructional services and support provided to retained students. The bill would remove the requirement that reading/literacy coaches be employed in all elementary schools, revise requirements concerning the roles and functions of reading/literacy coaches, and provide certain reading and literacy support services to schools identified as having certain levels of lowest achievement on English/language arts summative assessments by third grade students. Section Ten clarifies the roles and requirements of reading coaches. SDE will hire reading coaches for schools where more than one-third of third-grade students score at the lowest achievement level on SC READY. Reading coaches will be employees of the Department, but assigned to specific schools. The remaining schools may use state appropriated funds for reading coaches, reading interventionists (who can assist with instructing students), or scientifically based reading professional development. The Department must monitor their spending (schools that do not use the funds for these specified purposes will lose reading coach funding.

The House approved and sent the Senate **H. 3586**, a bill establishing a **Department of Insurance Fraud Division**. The legislation provides for the transfer of insurance fraud duties and obligations from the Attorney General’s Office and houses them in a new Fraud Division established within the Department of Insurance.

The House approved and sent to the Senate **H. 3222**, a bill enabling the Department of Health and Environmental Control to suspend a **waste tire** processing facility from accepting waste tires when it is determined that the capacity at the facility is exceeded. In an effort to address concerns dealing with the incompliance of permitted capacity for recycling tire facilities, the bill outlines steps along with timeframes to allow a facility to come into compliance prior to being suspended. The bill also requires DHEC to maintain a list of facilities known as the Waste Tire Rebate Facility List. The Waste Tire Rebate Facility List shall include permitted waste tire processing facilities. In addition, DHEC has the ability to remove any facility whose permit has been revoked or suspended (until the permit has been reinstated).

The House amended, approved and sent to the Senate **H. 3071**, a Joint Resolution that creates the **Equine Industry Support Measures Study Committee.** This resolution examines the potential for further growth of the equine industry and the resulting economic impact. The committee shall study the potential for equine business growth in South Carolina, outlining steps to encourage growth, as well as identifying any barriers that exist and how to eliminate or reduce them. The committee is to compare South Carolina’s incentives and barriers to other Southeast states (as well as nationally). The study shall investigate any fees, assessments, reimbursements, as well as mills and feed. This seven-member study committee will include two members of the House of Representatives appointed by the chairman of the Agriculture, Natural Resources and Environmental Affairs Committee; two members of the Senate appointed by the chairman of the Senate Agriculture and Natural Resources Committee; two members from the equine industry, with one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate, upon the recommendation of the South Carolina Thoroughbred Owners and Breeders Association; and the Commissioner of Agriculture, or his designee. The study committee shall provide a report outlining its findings and recommendations to the General Assembly by February 15, 2022. The study committee dissolves upon receipt of its report.

The House passed and sent to the Senate **H. 3054,** a bill relating to the Department of Natural Resources’ **mailing requirements for the** **Notice of Suspension of Privileges**. Currently, when licenses are suspended, the Notice of Suspension is sent by certified mail to ensure that the notice was received and acknowledged. This bill allows the Department to mail notifications through the first class mail service. This change is expected to save the agency money.

The House passed and sent the Senate **H. 3056**, a bill that implements recommendations from the House Legislative Oversight Committee’s 2018 study of the Department of Natural Resources to modernize statutes. As a result, the bill deletes outdated DNR **commissions and fish and game clubs** that are no longer part of the laws and practices of the Department. The bill also deletes language regarding legislative delegations appointing game wardens for counties, such as, but not limited to, the Prestwood Lake Wildlife Refuge Board, Catawba-Wateree Fish and Game Commission, the Cherokee Fish and Game Club, the Darlington County Advisory Fish and Game Commission, and the Lee County legislative delegation to Protect Fish and Game in Lee County.

The House passed and sent the Senate **H. 3059**, a bill that repeals provisions relating to the authority of the Department of Natural Resources to issue **Heritage Trust Revenue Bonds**. In 2006, the General Assembly allowed the Department to issue bonds against the Heritage Trust Account. Those bonds that were issued are now retired and the authority to issue the bonds had a sunset date of 2008. This bill just deletes that authority language. This bill does not affect the Heritage Trust Fund, which is still in effect.

The House passed and sent to the Senate **H. 3740**, a local bill that went without reference. The bill relates to the **Lancaster County Commission for Higher Education** and would provide for the Commission's receipt and administration of Lancaster county millage-derived funds, which must be set aside and used exclusively for the benefit of the University of South Carolina Lancaster.

In addition, the bill would provide that the Dean of the University of South Carolina Lancaster must be an *ex officio* member of the commission. The bill also clarifies the Commission's role relating to the offering of post-secondary courses, removes certain archaic language, and requires the Commission to submit an annual report to Lancaster County Council.

The House approved and sent the Senate **H. 3585**, a bill implementing regular updates and revisions for **Department of Insurance** provisions.

The House approved and sent the Senate **H. 3587**, a bill providing a technical correction in **reduction in insurance coverage** provisions.

# HOUSE COMMITTEES

Agriculture, Natural Resources, and

Environmental Affairs

#### Education and Public Works

#### Judiciary

Labor, Commerce and Industry

Ways and Means

These House Committees did not meet; their subcommittees continued to work.

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

The committee met on Tuesday, February 2, 2021, to discuss and approve committee rules.

# BILLS INTRODUCED IN THE HOUSE THIS WEEK

Agriculture, Natural Resources, and

Environmental Affairs

**H. 3816 DNR Transmission of Certain Documents Rep Hiott**

In lieu of paper documents, DNR is authorized to transmit and receive certain information through secure electronic means for a certificate of title. DNR also is authorized to collect an electronic transaction fee not to exceed five dollars for each transaction from commercial parties who transmit or retrieve data.

**H. 3818 Blue Catfish Rep. Davis**

The bill states that it is unlawful to take more than twenty five blue catfish (Ictalurus furcatus) in any one day on Lake Marion, Lake Moultrie, and the upper reach of the Santee River. It is also unlawful to possess more than two blue catfish greater than thirty-two inches in length in any one day. In addition, DNR shall conduct a study of the blue catfish fishery in the Santee and Cooper River systems and make recommendations to the General Assembly concerning the fishery on or before January 1, 2025.

#### Education and Public Works

**H. 3795 "Sign Language Interpreters Act" Rep. Allison**

This bill would enact the "Sign Language Interpreters Act" to require a specified level of competence for sign language interpreters used by certain entities of state government, public schools, and hospital systems. The bill would also provide sign language interpretation services to members of the public who are deaf or hard of hearing and have certain speech impairments, seek regulation and appropriate credentialing of sign language interpreters in public and special schools, and require interpreters for the deaf working in schools and school districts in this state to submit the same background checks as educators. Provision would also be made for the appointment of sign language interpreters by the judicial department for parties or witnesses who are deaf or hard of hearing.

**H. 3805 Military Special License Plates Rep. B. Cox**

This legislation would better categorize and standardize the way the Department of Motor Vehicles issues military-related license plates. Currently, there are different standards for similarly classified military-related license plates.

#### Judiciary

**H. 3782 No Marijuana Tests on Probationers Rep. Rutherford**

If enacted, this bill would prohibit tests for the presence of marijuana during a urinalysis or blood test on probationers.

**H. 3788 Attorney General as a Prosecution Coordination Commission Member Rep. G.M. Smith**

A proposal to add the attorney general to membership on the Commission on Prosecution Coordination.

**H. 3789 Mortgage Preparer or Closer Information Rep. W. Newton**

Would require all mortgages signed after June 1, 2021, to include a clause setting forth the name of the party who prepared the mortgage. As an alternative, the South Carolina licensed attorney who assisted in the closing could be shown.

**H. 3791 “Police and Communities Together ‘Pact’ Act” Rep. Wooten**

The comprehensive “Police and Communities Together ‘Pact’ Act” sets up, among other things, mandatory law enforcement officer field training programs. They would have to be completed within one year of hire. Allegations of misconduct would include wilfully failing to intervene in officer abuse of citizens or prisoners, or providing false information to the criminal justice academy. Adds definitions of “chokehold” and “carotid hold.” Would make it unlawful for any law enforcement officer to use a chokehold or carotid hold under specified circumstances. Also would include injuries sustained by law enforcement officers in the line of duty caused by stress, mental injury, or mental illness as workers’ compensation claims. County millage rates could be increased to purchase equipment and make expenditures to improve law enforcement, fire rescue, and emergency medical response. Includes minimum salary levels for specified state or local law enforcement officers. Would establish a compliance division within the Law Enforcement Training Council and sets out its proposed responsibilities. Extends noncompliance penalties that could be imposed by the Law Enforcement Training Council.

**H. 3793 No Retirement Benefits for Law Enforcement Bad Actors Rep. Henderson-Myers**

If enacted, this legislation would disqualify all law enforcement officers from any state retirement system if convicted of any felony related to their employment.

**H. 3794 Law Enforcement Mediation Program Standards Rep. Henderson-Myers**

Seeks to make the Law Enforcement Training Council set minimum, uniform standards for state or local law enforcement agencies mediation programs covering misconduct complaints.

**H. 3798 Judicial Election Speeches and Roll Call Votes Rep. Hill**

During General Assembly judicial elections, nominating or seconding speeches would be allowed under this bill. Furthermore, it would require roll call votes to be conducted in each judicial election, whether or not the election is contested.

**H. 3800 Torture as Child Abuse Rep. Bernstein**

An effort to define “torture” and include it in the definition of “child abuse or neglect.” The Department of Social Services would be given the right to forego reasonable efforts toward family reunification in these cases. Torture would be added as a basis for terminating parental rights as well.

**H. 3804 CDLs Mean Competent Commercial Vehicle Operators Rep. Felder**

This legislation proposes to create the presumption that anyone holding a commercial driver’s license is qualified to drive commercial motor vehicles.

**H. 3814 Central Police Misconduct Registry Rep. Henderson-Myers**

If enacted, this initiative would require the Law Enforcement Training Council to maintain a central police misconduct registry.

**H. 3815 No Law Enforcement Retirement during Misconduct Investigations Rep. Henderson-Myers**

Any law enforcement officers accused of misconduct could not retire from their law enforcement agencies during the course of these investigations under this bill.

**H. 3817 Emergency Wireless Customer Locating Rep. Daning**

All wireless telecommunications carriers would have to provide call location information concerning their customers’ devices to allow law enforcement to provide emergency services. They would also have to do so in emergencies involving risk of death or serious physical harm. These carriers would also enjoy safe harbor status for complying with the requirements of this proposal.

**H. 3821 “South Carolina Uniform Transfers to Minors Act” Rep. W. Newton**

A bill to establish a uniform manner for transfers of custodial property for the benefit of minors. This proposed legislation repeals existing law for these transfers.

**H. 3822 Voters and Voting Rep. Cobb-Hunter**

Comprehensive legislation that, among other things, would allow voter registration and immediate access to absentee voting. Also would allow conducting elections by mail, or by deposit in secure locations. A 30-day period for in-person absentee voting would be created. Other proposed changes for absentee ballots include doing away with witness requirements, using post-marked dates to count mail-in ballots, and eliminating the need to have a reason for voting absentee. College or university identification cards with photographs would be valid for voters to use at voting precincts.

**S. 1 Fetal Heartbeat Precluding Abortions in Most Cases Sen. Grooms**

Under this bill, no pregnant woman could have an abortion until a doctor first checks her for a fetal heartbeat and performs an obstetric ultrasound on her. She may view this ultrasound while it is performed. Any doctor violating this requirement would commit a felony punishable by a fine of up to ten thousand dollars or imprisoned for up to two years, or both. These penalties would not apply in medical emergencies, or when no heartbeat is detected. Once a fetal heartbeat is detected, no abortion could be conducted unless the pregnancy is the result of a rape or incest event, the pregnant woman’s life is at risk, or a fetal anomaly has presented. Doctors would be required to report rape or incest events to their county sheriff within 24 hours of performing those abortions. Doctors would have to tell pregnant women what they are making a report to the county sheriff. Doctors would have to document these conversations. Nothing in this proposed legislation prohibits the sale, use, prescription, or administration of any drug, device, or chemical for contraceptive purposes. No pregnant women could be criminally prosecuted for violating any of the provisions of this proposed legislation. They would instead be able to file a civil cause of action when provisions of this bill are violated, and recover their damages as well as attorney fees and costs.

#### Labor, Commerce and Industry

**H. 3799 License Fees Imposed on Corporations Rep. Elliott**

This bill revises the imposition of a license fee on corporations, so as to provide that the license fee does not apply to any portion of the first fifty million dollars of capital stock, paid-in or capital surplus provided such portion of capital stock, and paid-in or capital surplus is from venture capital.

**H. 3826 Commercial Automobile Insurance Policy Notice Requirements Rep. White**

This bill revises notice requirements for the cancellation of or refusal to renew an automobile insurance policy to provide that, for purposes of commercial automobile insurance policies, the notice must state the date not less than sixty days after the date of the mailing or delivering on which the cancellation or refusal to renew becomes effective.

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

No bills were referred to this committee.

Ways and Means

**H. 3786 State Constitutional Officer Salaries Rep. G. M. Smith**

This bill establishes provisions under which, beginning with Fiscal Year 2022-2023 salaries for state constitutional officers must be based on recommendations by the Agency Head Salary Commission to the General Assembly. Under the new procedure, the Agency Head Salary Commission is charged with having a study conducted every four years to update salary recommendations for the state constitutional officers.

**H. 3787 Attorney General Included in the Retirement System for Judges and Solicitors Rep. G. M. Smith**

This bill provides for the attorney general to become a member of the Retirement System for Judges and Solicitors. The legislation allows the Attorney General serving on July 1, 2021, to elect to become a member.

**H. 3790 South Carolina Film Commission Funding Rep. W. Newton**

This bill provides that, on July 1, 2021, and each July first thereafter until July 1, 2025, an additional four percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous year must be funded annually to the Department of Parks, Recreation and Tourism for the exclusive use of the South Carolina Film Commission until the total amount is equal to forty six percent of the general fund portion of admissions tax.

**H. 3792 South Carolina Motion Picture Incentive Act Funds Rep. W. Newton**

This bill provides that any funds committed to film projects under the South Carolina Motion Picture Incentive Act must be carried forward from the previous year and used for the same purpose. Any uncommitted funds must be carried forward from the previous year and must be used for wage and supplier rebate funds. Any rebates awarded by the South Carolina Film Office may be paid without distinction of the source of the funds.

**H. 3796 Additional LIFE Scholarship Stipend for Teacher Education Rep. Allison**

This bill provides that a resident student who receives a LIFE Scholarship for at least one year of his undergraduate career shall receive one additional LIFE Scholarship stipend of seven thousand five hundred dollars within ninety days after graduating from a public or private institution of higher learning in SC with a baccalaureate degree and an undergraduate major in: (1) early childhood education; (2) elementary education; (3) middle level education; (4) secondary education; (5) art education; (6) dance education; (7) music education; (8) foreign language education; (9) physical education; or (10) special education. A student who completes multiple majors may not receive multiple stipends.

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