**Vol. 39 January 17, 2022 No. 2**

**CONTENTS**

[**INTRODUCED BILLS 2**](#_Toc93162640)

[**HOUSE COMMITTEES 9**](#_Toc93162641)

[**HOUSE FLOOR ACTIONS 9**](#_Toc93162642)

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.

# Introduced Bills

Note: the pre-filed bills appear in Update No. 1 and in the Publications section on the House page.

**Agriculture, Natural Resources, and Environmental Affairs**

**H. 4775 Manufacturer Responsibility for the Recovery and Recycling of Certain Electronic Waste Rep. Hiott**

 The bill requires manufacturers of covered devices to offer an **electronic waste recovery** program. In addition, the bill establishes minimum requirements of such programs.

**H. 4778 Right to Store Water in a Reservoir Rep. W. Cox**

Under the "**Public Waters Nuisance Abatement Act**", this bill adds that an entity that has contracted for the right to store water in a reservoir owned by the US Army Corps of Engineers, has exclusive rights to any return flows generated to that reservoir. The bill also defines “return flow” as water that is discharged directly or indirectly to a reservoir from a water reclamation facility.

**Education and Public Works**

**H. 4766 Designees to Coordinating Council for Workforce Development Rep. Allison**

This bill would delete references to designees on the **Coordinating Council for Workforce Development**.

**H. 4797 Public Education license plate Rep. Elliott**

This bill would create a motor vehicle license plate styled "**Public Education: A Great Investment**" with funds providing classroom technology to public schools.

**H. 4798 School District State of Emergency Reporting Requirements Rep. McKnight**

This bill would provide that when the State Superintendent of Education assumes control of a school district under a state of emergency, the Superintendent shall provide the local legislative delegation with a quarterly **report** detailing the progress of the district toward meeting annual targets in the district strategic plan for sustained improvement.

**H. 4799 Critical Race Theory Rep. May**

This bill would prohibit the state, all political subdivisions, all public school districts, public schools, and public institutions of higher education from affirming, adopting, adhering to, or instructing any of the tenets of "**critical race theory**.” It would also prohibit the utilization or requirement of adherence to the tenets of critical race theory as a condition of employment; prohibit the utilization or requirement of adherence to the tenets of critical race theory when spending public money pursuant to the South Carolina Consolidated Procurement Code; prohibit the consideration of the tenets of critical race theory when adopting policies and procedures; prohibit the utilization or requirement of adherence to the tenets of critical race theory by entities receiving funds appropriated by the General Assembly; prohibit the state, including all political subdivisions, from offering tax incentives to entities utilizing or requiring adherence to the tenets of critical race theory; and provide whistleblower protections.

The bill also provides that teachers and students of civics and related coursework in public schools may not be compelled to discuss certain topics or affirm certain beliefs; prohibits credit from being awarded for certain student lobbying activities; prohibits the use of private funding for curriculum or teacher training concerning civics and related coursework; prohibits certain concepts from inclusion in curriculum or instruction; provides public school websites must include certain information and means of providing related feedback concerning instructional materials and curricula in use; provides related reporting requirements of the State Department of Education and school districts; prohibits the teaching, use, or promotion of the “1619 Project” or certain other tenets; provides for the withholding of funding for noncompliance with certain provisions of this act; provides requirements for public schools that seek or receive federal grants related to history or social studies education; establishes that instructional materials and curricula are not exempt from the Freedom of Information Act; provides whistleblower protections; establishes consequences to noncompliance with this act; and, prohibits flags and banners that intend to promote a social or political cause from being flown from public schools.

**H. 4803 Splits DHEC into the Departments of “Public Health” and “Environmental Control” Rep. R. Williams**

This bill splits the “Department of Health and Environmental Control” into the departments of “**Public Health**” and “**Environmental Control**.” The bill contains the direction to make these structural and policy changes.

**Judiciary**

**H. 4761 DC Statehood Rep. Cobb-Hunter**

Urges the US Congress to enact federal legislation granting **statehood** to the residents of Washington, DC.

**H. 4763 Ending Social Media Censorship Rep. Burns**

A legislative effort to stop certain **social media censorship**. Sets out penalties and permitted action by social media hosts.

**H. 4764 Civil Liability for Requiring Vaccination Proof Rep. Burns**

Would establish **civil liability** in specified circumstances for any entity that requires anyone seeking admission to their premises to have been vaccinated for **COVID**‑19.

**H. 4765 Prior Domestic Violence Incidents as Evidence Rep. Allison**

Defendants accused of **criminal domestic violence** or criminal domestic violence of a high and aggravated nature could be cross-examined about, or evidence could be admitted about previously committed domestic violence incidents.

**H. 4773 Shooting Into Buildings and Other Structures Rep. Gilliard**

Firing **guns** at dwellings, structures, enclosures, vehicles, or equipment, would be expanded specifically to include schools, churches or places of worship, indoor or outdoor shopping areas or malls, movie theaters, parking lots, and any other public gatherings. This bill also sets out mandatory minimum penalties for violations. These penalties would be enhanced if great bodily injury or death occurs in these incidents.

**H. 4774 Set Date for All Ballot Referendums Rep. Bryant**

All counties, municipalities, school districts, special purpose districts, public service districts, or other political subdivisions authorized by law to conduct referenda, ballot measures, or other **election** events would have to do so on the first Tuesday following the first Monday in November in even‑numbered years if this bill becomes law.

**H. 4776 “Medical Ethics and Diversity Act” Rep. Willis**

The “**Medical Ethics and Diversity Act**” would extend the right of conscience to health care industry professionals. Without impunity, they could elect to not to participate in health care services that violate their conscience. In addition, this bill protects them from civil, criminal, or administrative liability. Creates a private right of action for medical practitioners, health care institutions, and health care payers against anyone violating the exercise of this right.

**H. 4777 Inmate In-Person Meetings Rep. Rutherford**

**Inmates** confined in state or local detention facilities would have to be allowed at least one in‑person meeting each month if this bill becomes law. Defines what constitutes an “in‑person meeting.”

**H. 4794 Hazing Rep. W. Cox**

Restructures the offenses and penalties associated with unlawful **hazing**. Each public institution of higher learning would have to develop a comprehensive anti‑hazing policy. These policies would have to meet minimum, specified parameters. The SC State Board of Education would have to develop a comprehensive anti‑hazing policy as well. All of these developed policies would have to be published on the institution’s website

**H. 4795 Postal Service as Essential Service Rep. Brawley**

Under our existing Residential Landlord and Tenant Act, the definition of “essential services” would be expanded to include postal services. Duties of a **landlord** to maintain leased premises would include the duty to maintain mailboxes for all tenants in compliance with United States Postal Service Regulations.

**H. 4796 “Choking Prevention Act” Rep. Oremus**

The “**Choking Prevention Act**” would require retail food establishments to maintain a manually operated suction‑based anti-choking device on their premises. Anyone using these devices would have immunity from liability for rendering choking emergency assistance. In addition emergency medical services personnel would have to maintain as part of their equipment a manually operated suction‑based anti-choking device.

**H. 4802 Municipal Deed Stamps Rep. R. Williams**

This legislative effort would allow municipalities to impose a **municipal deed stamp** equal to $1.10 for each $1,000 of recited deed consideration, or fractional part of $1,000, of the real estate’s value.

**Labor, Commerce and Industry**

**H. 4762 Contractor Licensure Requirements Rep. Herbkersman**

This bill doubles construction cost threshold amounts requiring **licensure as a contractor**. The legislation revises the schedule of construction cost threshold amounts for contractor licensure financial net worth requirements, so as to double these threshold amounts.

**H. 4771 Underinsured Motorist Coverage Requirements in Automobile Insurance Rep. Pendarvis**

This bill revises automobile insurance provisions to impose, in addition to **uninsured motorist coverage**, new requirements for underinsured motorist coverage on all automobile insurance policies issued or delivered in this state.

**H. 4804 State Energy Office Rep. R. Williams**

This bill transfers the **State Energy Office** from the Office of Regulatory Staff and establishes it as a separate agency of this state charged with developing and implementing a well-balanced energy strategy and increasing the efficiency of use of all energy sources throughout South Carolina through the implementation of the Plan for State Energy Policy. The legislation makes provisions for the nomination and appointment of the Executive Director of the State Energy Office.

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

**H. 4770 COVID-19 At-Home Testing Rep. Pendarvis**

This Joint Resolution requires the Department of Health and Environmental Control to establish the **COVID**-19 at **home testing** distribution program.

**H. 4801 “South Carolina Dignity in Pregnancy and Childbirth Act” Rep. J. Moore**

The bill enacts the “South Carolina **Dignity in Pregnancy and Childbirth Act**”. The bill requires perinatal health care providers to implement an evidence based implicit bias program to train health care staff.

**Ways and Means**

**S. 909 Marion County Property Tax Equalization and Reassessment Program Sen. Williams**

This bill provides that the Marion County Council may, by ordinance, postpone for one additional year the implementation of its countywide property **tax equalization and reassessment** program for the 2023 tax year.

**H. 4767 Proposed State Constitutional Amendment on School District Debt Limitations Rep. Jordan**

This joint resolution proposes an amendment to the South Carolina Constitution relating to finance, taxation, and bonded debt and provides that the governing body of any school district may not incur **general obligation debt** in an amount exceeding two percent of the assessed value of all taxable property of such school district in any one year unless authorized by a referendum.

**H. 4768 Alternative Fuel Infrastructure Tax Credits Rep. Whitmire**

This bill provides that a taxpayer who claims a federal alternative **fuel infrastructure income tax credit** is allowed a state tax credit equal to fifty percent of the federal income tax credit.

**H. 4769 Business License Taxes Rep. Herbkersman**

This bill repeals provisions relating to **business license tax standardization**, including the computation and collection of these taxes.

**H. 4772 Academic Choice Scholarship Grants Rep. Long**

This bill makes provisions for an income tax credit for contributions to a scholarship funding organization that provides **grants for students** to attend certain independent and home schools. The legislation establishes provisions related to eligibility, imposes reporting requirements, and repeals existing provisions relating to the Educational Credit for **Exceptional Needs Children’s Fund**.

**H. 4805 Corporate License Fee Exclusion Rep. Elliott**

This bill revises provisions governing the imposition of **license taxes on corporations** to provide that the fee may exclude the first fifty million dollars of equity contributions from a qualifying entity from its paid-in or capital surplus subject to the annual license fee.

**Regulation and Administrative Procedures Committee**

The following were received January 11, 2022 and referred to the Regulations and Administrative Procedures Committee (with a legislative review expiration of May 11, 2022) for consideration:

Department of Health and Environmental Control

Hazardous Waste Management Regulations

Standards for Licensing Home Health Agencies

Department of Disabilities and Special Needs

Recreational Camps for Persons with Intellectual Disability

Eligibility Determination

Research Involving Persons Eligible for Services

Appeal Procedures

Commission of Forestry

Price Changes for Forest Tree Seedlings

General Regulations on South Carolina Forestry Commission Lands

Hunting and Fishing Regulations on State Forest Lands Established as Wildlife Management Areas

Allocation of Forest Tree Seedlings in Short Supply

 State Board of Education

Accreditation Criteria

Department of Insurance

Suitability in Annuity Transactions

Commission on Higher Education

Determination of Rates of Tuition and Fees

LIFE Scholarship Program and LIFE Scholarship Enhancement

Palmetto Fellows Scholarship Program

South Carolina Need-based Grants Program

South Carolina Criminal Justice Academy

Contested Case Hearing

Denial of Certification for Misconduct

Final Decision by Law Enforcement Training Council

Request for Contested Case Hearing

Withdrawal of Certification of Law Enforcement Officers

Department of Natural Resources

Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Use of Warning Tickets

Channel Nets

Commercial Permit Duration

Gill Nets

Additional Regulations Applicable to Specific Properties

Wildlife Management Area Regulations

Rule and Regulation Adopting Certain Federal Rules and Regulations

Display of Decals Bearing Title Number

Wildlife Management Area Regulations

 Department of Public Safety

Vehicles Required to Stop at Railroad Crossings

Safety Rules and Regulations

 Department of Labor, Licensing and Regulation-Board of Medical Examiners

Criteria for Physician Supervision of Nurses in Extended Role

 Department of Labor, Licensing and Regulation-Office of Occupational Safety and Health

Occupational Safety and Health Review Board

 Department of Labor, Licensing and Regulation - Board of Barber Examiners

Barber Examiners; Mobile Barbers; and Sanitary Rules Governing Barbers, Barbershops and Barber Colleges

Department of Labor, Licensing and Regulation-Building Codes Council

International Residential Code

Department of Labor, Licensing and Regulation-Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists

Counselors, Therapists, and Specialists

Department of Labor, Licensing and Regulation-Board of Registration for Professional Engineers and Land Surveyors

Engineers and Land Surveyors

Department of Labor, Licensing and Regulation-State Athletic Commission

Code of Ethics

Department of Labor, Licensing and Regulation

Fee Schedule for Board of Barber Examiners

Department of Labor, Licensing and Regulation-Board of Architectural Examiners

Architectural Examiners

Department of Labor, Licensing and Regulation-Building Codes Council

International Building Code

International Fire Code

International Fuel Gas Code

International Mechanical Code

National Electrical Code

International Plumbing Code

Department of Labor, Licensing and Regulation-Manufactured Housing Board

License Renewal; Retail Dealer Sales Transactions; Installers; Repairers; and Contractors

 Department of Labor, Licensing and Regulation-Board of Medical Examiners

Emergency Licensure

Department of Health and Environmental Control

Emergency Medical Services

Department of Employment and Workforce

Separation Notices

Department of Labor, Licensing and Regulation-Board of Examiners in Optometry

Optometrists' Offices

Department of Labor, Licensing and Regulation-Real Estate Appraisers Board

Real Estate Appraisers Board

Department of Labor, Licensing and Regulation-Board of Examiners in Speech-Language Pathology and Audiology - Licensing Provisions

# House Committees

No committees met this week.

# House Floor Actions

The House amended, and then returned to the Senate **S. 865**, legislation to adopt the 2020 US Census results and establish the election district boundaries for each member of the United States House of Representatives from South Carolina.

The House nonconcurred with Senate amendments for **S. 525**, a bill that updates the solid waste laws to include the regulation of advanced recycling. The Senate added language concerning the disposal of solar panels and similar waste and insisted upon its amendments. As a result, the House appointed Reps. Hiott, Burns and Atkinson for conference committee.

###

The Legislative Update is on the internet. Visit the South Carolina General Assembly home page (<http://www.scstatehouse.gov>) and click on publications, then click on Legislative Updates. This will list all of The Legislative Updates by date in two forms: word documents and hypertext links. Click on the date you need. Also available under Publications is a bill summary index, where bills referenced in the Legislative Updates are listed in numeric order. Links to the Legislative Update issue are provided in the bill summary index.

Note: the Legislative Update is available to everyone via Legislative Tracking. You may register for this free service on the South Carolina General Assembly home page by clicking on track legislation (on the left-side vertical menu bar).