**Vol. 39 March 1, 2022 No. 9**

**Contents**

[**House Floor Review 2**](#_Toc97548108)

[**Introduced Bills 6**](#_Toc97548109)

# House Floor Review

The House amended, then sent to the Senate **H. 4919**, an **absentee ballot and other comprehensive voting reforms** proposal. This bill would establish Monday through Saturday from 8:30 a.m. to 6:00 p.m. early voting in South Carolina for the two weeks preceding any general election, and enact various other voting reforms as well. A county’s population and square mileage would determine the number of early voting locations to be established.

The additional reforms would include prohibiting candidates from filing more than one intention of candidacy statement for a particular election. It also would prohibit candidates from being nominated by more than one political party for a single office, or candidates' names appearing on a ballot more than once in a single election. Candidates can still be nominated by one political party, but cannot appear on the ballot after losing a political party primary.

Also, voter registration applicants would have to make an additional oath that they, to the best of their knowledge, are not already a registered voter in any other state. While their registration information may be used for operating the voting system in place in South Carolina, the State Election Commission [SEC] Director would have to certify annually that this information is being securely maintained in accordance with listed national standards. Before any new voting systems could be purchased, the SEC would be required to receive input from the public, academia, public interest organizations, local election officials, and policy makers. Optical scanners in existing, or proposed, systems would have to meet strict standards as specified in this bill.

Voter registration lists would have to be amended within seven days of the SEC receiving any information that disqualifies any registered voter.

Absentee ballot oaths would be required to have the printed name of the witness, in addition to their signature and address. For anyone qualified to vote by absentee ballot, a new reason to vote absentee would be that a voter is going to be absent from the county for the duration of the early voting period and on Election Day. Being on vacation during early voting or on Election Day, would no longer be a valid reason for obtaining an absentee ballot. Applications for these ballots would include the last four digits of voters’ social security numbers. No more than ten absentee ballot applications could be distributed to any one person. Fraudulent registering and other scams would see potential penalties of up to $1,000 or up to five years in jail. Fraudulent voters would face fines from $1,000 to $5,000 and up to five years in jail. These penalties extend to poll workers and other election officials who commit misconduct in the election, or in the discharge of their duties.

Absentee ballot delivery would require an authorized returnee to produce a current and valid form of government-issued photo identification. Receipt and opening absentee ballot return envelopes would be able to begin at 6:01 p.m. on the Saturday before Election Day, and tabulating absentee ballots could start at 7:00 a.m. on the calendar day before Election Day. Anyone reporting absentee ballot results before the polls are closed would face criminal penalties of up to five years in jail, or fines of up to $1,000.

Any voter who has already voted absentee could cast a provisional ballot on Election Day. This provisional ballot could be counted only if that voter's absentee ballot is not received in the county voter registration and election commission offices by 7:00 p.m. on Election Day.

Postelection hand count audits of five percent of the ballots cast would be done after every statewide general election. Other auditing methods would be utilized, including risk-limiting audits, results verification by third-party vendors, ballot reconciliation, or any other method deemed appropriate by the State Election Commission [SEC] Director. These audit results would be published on the SEC website.

The House amended and sent to the Senate **H. 4618**. The bill regards **bus definitions and stopping requirements at railroad tracks**. The House amendment also clarified stopping requirements involving hazardous materials. These changes conform with federal law.

The House approved and sent the Senate **H. 4983**, a bill that revises provisions for the licensing and regulation of **continuing care retirement communities**. The legislation establishes a two-tiered system of licensure with the Department of Consumer Affairs involving the issuance of preliminary and final licenses.

The House adopted the proposed Committee amendment and sent to the Senate **H. 4319**, a bill to provide that upon the request of a person, the DMV must issue a Real ID compliant driver's license that contains the person's **name as it appears on their current driver's license**. Acceptable evidence when applying for or renewing a driver's license, beginner's permit, or identification card that proves the applicants date of birth, place of birth, gender, social security number, principal residential address, full legal name, when applicable, legal name change, and when applicable, authorized length of stay in the United States.

Other provisions provide for a **name change that occurred after the applicant's birth** – the applicant must present documentation to the Department to show name traceability: court orders, a marriage license issued signed by the official that performed the wedding ceremony and signed by both parties to the marriage, or an equivalent marriage license issued by a foreign jurisdiction, a change of name allowance following a divorce or an equivalent change of name document following a divorce issued by a foreign jurisdiction, or an unexpired, United States Passport or Passport Card that includes the applicant's full legal name.

If any one of the above documents does not show a link to the applicant's evidence of full legal name, the Department may require the applicant to submit more than one document to show traceability from the applicant's original name to his current name.

The Department may issue any driver's license or identification card in the applicant's preferred name if the applicant presents to the Department at least three different documents, acceptable to the Department, showing the applicant's full name with the preferred name being the one used for at least fifteen years.

The applicant's social security number must be validated with the Social Security Administration using the applicant's preferred and full name presented to the Department before the

Department may issue a driver's license, permit, or identification card to the applicant. In the case of the social security number not validating, the Department shall not issue any type of REAL ID permit, license, or identification card.

The House adopted the Conference Report for **H. 3308** and a message was ordered and sent to the Senate. The bill increases the **watercraft idle speed wake distance** to one hundred feet of a wharf, dock, bulkhead or pier on certain lakes. Provisions do not apply to Lake Moultrie. Also the provisions do not apply to a person behind a vessel or watercraft who is on water skis or a floating device with the permission of the operator of the vessel or watercraft. The bill also sets the limit for wake surf to two hundred feet from a moored vessel, dock, pier, bulkhead, wharf, or person in the water. “Wake surf” is define as to operate a vessel that is ballasted in the stern so as to create a wake that is or is intended to be surfed by another person.

The House also approved, then sent to the Senate **H. 3788**, which would add the **Attorney General**, or his designee, as a Commission on Prosecution Coordination member, if enacted.

The House sent to the Senate **H. 3337**, a bill that enacts the "**Military Temporary Remote School Enrollment Act**" to require a school district to accept an application for enrollment and course registration by electronic means for a pupil whose parent or legal guardian is transferred to or is pending transfer to a military installation while on active duty pursuant to an official military order. The parent or legal guardian must provide proof of residence to the school district within ten days after the arrival date provided on official documentation. Any ambiguity in construing the provisions of this bill must be resolved in favor of the enrolling pupil.

The House adopted the proposed Committee amendment and sent to the Senate **H. 3242,** a bill that requires the state Department of Education to create, publish, and provide to all public schools in the state a list of **alternative education programs** that can award a high school degree or high school equivalency credential. The list must include, but not be limited to, the Wil Lou Gray Opportunity School and the South Carolina Youth Challenge Academy. As part of each student's annual review of his Individualized Graduation Plan, school counselors shall distribute information provided by the Wil Lou Gray Opportunity School, the South Carolina Youth Challenge Academy, and any other alternative education program to students who are not on track for on-time graduation or who otherwise are at risk of dropping out of school. School counselors shall provide those institutions the names and addresses of all students who are not on track for on-time graduation except for students who have opted out of disclosure of directory information under the Family Educational Rights and Privacy Act. Parents or students age eighteen or older may complete a form to opt the student out of the disclosure of student contact information with these institutions.

The House amended and sent the Senate **H. 4839**, the **“Living Donor Protection Act.”** The bill establishes provisions to prohibit insurers from discriminating against living organ donors through declining or limiting coverage or imposing special costs or conditions. The legislation addresses issuers of individual life insurance, group life insurance, disability income insurance, and long-term care insurance policies.

The House read the third time and enrolled for ratification **S. 508**, a bill that delineates the law regarding **“do not resuscitate” for emergency services orders for a child with a terminal illness**, and ordered to be enrolled for ratification. This legislation clarifies the law for emergency services (EMS) personnel. These orders are written at the request of the child's parent or legal guardian to allow them to make the medical decisions in a home setting for a natural death of a terminal child in a hospice eligible condition. Although "do not resuscitate" orders are allowed for children in healthcare facilities, currently the law does not allow a "do not resuscitate" order for a child under the age of 18 years old.

The House amended, approved, and sent to the Senate **H. 3729**, a bill addressing **charges for storing towed vehicles**. The legislation establishes notification requirements that must be followed before a towing company, storage facility, garage, or repair shop may collect storage costs from vehicle owners or lienholders.

The House approved **H. 3888**, adopting the proposed amendment by the committee, and sent to the Senate, a joint resolution creating a **study committee to examine the state of mental health of South Carolina residents.** This committee will review trends in mental health treatment and diagnoses, the availability of mental health services, the use of telemedicine, prescribing practice trends, rates of voluntary or involuntary hospital commitment due to mental illness or due to a chemical dependency to alcohol or other drugs, job loss or other employment trends associated with mental illness or mental disorders, and rates of suicide or overdose. The bill outlines that only aggregated data with no personally identifiable information may be obtained. The 13-member committee will be comprised of appropriate agency heads or appointees, along with appointees by the Senate and the House. The committee must provide a report outlining findings and recommendations to the General Assembly by January 1, 2023, at which time the committee is dissolved.

The House approved **H. 4082**, adopting the proposed amendment by the committee, and sent to the Senate, a bill that creates a new license for **hair designers** to be regulated by the Board of Cosmetology. The bill outlines that "hair design" means “arranging, styling, thermal curling, chemical waving, pressing, shampooing, cutting, shaping, chemical bleaching, chemical coloring, chemical relaxing, or similar work on the hair, wig, or hairpiece of a person, by any means, with hands and mechanical or electrical apparatus or appliance.” The license for hair designers does not replace a cosmetologist license. This bill also allows the board to grant reciprocity in South Carolina to a hair designer properly licensed in another state.

The House approved **S. 430,** a bill to require the state **Commission for the Blind** meet at least once each year. Current law requires this Commission to meet at least monthly. After the House adopted this Senate bill, the bill was enrolled for ratification.

# 

# Introduced Bills

**Agriculture Natural Resources and Environmental Affairs**

**H. 5041 Labeling of Food Product as Milk Rep Trantham**

The bill prohibits labeling a food product as milk unless the product meets the definition of milk. As a result, the bill adds that “milk” means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy hooved mammals.

**H. 5074 Child Food and Nutrition Services Study Committee Rep. Haddon**

This Joint Resolution creates the Child Food and Nutrition Services Study Committee to examine the advisability of transferring the administration of certain food and nutrition programs and initiatives of the Food and Nutrition Service Child Nutrition Program of the United States Department of Agriculture currently administered by the State Department of Education to the State Department of Agriculture.

**H. 5077 Utilizing Diesel Fuel Designated for Off-Road Operations Rep. Haddon**

This provision provides for a temporary proposal to allow the use of diesel fuel designated for off-road operations to also be used for on-road driving through July 1, 2023.

**S. 961 Honey Sen. Senn**

Beekeepers who file for the exemption certificate from the Department of Agriculture may sell directly to inspected food processing establishments that maintain a registration verification certificate (RVC) for subsequent wholesale or resale sales. Any end user or retailer who buys honey produced must keep a record of all honey purchases that will be resold or used in products that will be sold.

**Judiciary**

**H. 5040 Causing Great Bodily Injury While Using Electronic Devices While Driving Rep. Rutherford**

A bill to establish a moving violation of unlawful use of wireless electronic communication devices while driving. Contains a definition of "great bodily injury" as any bodily injury that creates a substantial risk of death for the injured party. It also proposes revised penalties for violations, which cannot be reduced or suspended in any way.

**H. 5054 Russia Bans Rep. Fry**

The SC Retirement Investment Commission could not invest public employee retirement funds in certain companies owned, in whole or in part, by Russia under this bill. It goes on to propose prohibiting the SC Department of Commerce from awarding incentives to certain companies owned or controlled by Russia, and also would prohibit any company receiving any incentives from contracting with prohibited Russian companies. As a final feature, it also would stop the Treasurer from investing in certain companies owned or controlled by Russia, or who have principal places of business there.

**H. 5055 No More Russian Vodka, or Other Liquor Rep. Fry**

Retail dealers could no longer sell alcoholic liquor produced in Russia, if this bill is enacted.

**H. 5060 Stricter Penalties for DUS Third or More Offenses Rep. Rutherford**

Driving under suspension penalties for a third or subsequent offenses would be modified to allow the imposition of a fine or imprisonment. Current state law requires both penalties to be imposed.

**H. 5061 Higher Magistrate Court Civil Jurisdiction Rep. Rose**

If enacted, the civil jurisdiction for state magistrate courts would increase to $25,000, up from the current $7,500 civil case limit.

**H. 5064 Revising the Sex Offender Laws Rep. J. E. Johnson**

This bill proposes creating three tiers of offenses within South Carolina’s state sex offender registry. Children fourteen years of age or older who have been adjudicated delinquent for committing certain offenses would have to register as sex offenders. Lifetime biannual registration for sex offenders would have exceptions. Minors aged sixteen to eighteen who engage in consensual sex could not be required to register as sex offenders if this bill becomes law. Offenders would have to register in each county within three business days of beginning employment at any school. It also updates the public access to sex offender registry information so that it could be available electronically. If enacted, sheriffs would no longer have to provide a listing of registry members to a local newspaper. Anyone seeking information on registered sex offenders could no longer be required to provide the name and address of the offender prior to receiving the information. The bill proposes a process for sex offenders who have been registered for 15 or 25 years to have their names removed. Eligibility would be determined by the age of the listed offender at the time of their conviction.

**H. 5076 County Auditors and Deed Recordings Rep. Hixon**

A legislative effort to update South Carolina’s code regarding the role of county auditors in deed recordings. It would remove county auditor fees. Deeds without a county auditor’s endorsement would still be considered valid, if the rest of the deed is properly prepared, signed, and recorded.

**S. 5 Juneteenth State Holiday Sen. Jackson**

State legal holidays would include June 19, referred to as Juneteenth, if this bill is enacted.

**S. 248 "South Carolina Hands-Free Act" Sen. Young**

The "South Carolina Hands-Free Act” would make it unlawful to use cell phones, portable computers, GPS receivers, electronic games, or similar stand-alone electronic devices while driving. It also creates a moving violation to be known as unlawful distracted driving. Second or subsequent offenses would carry a mandatory $200 fine, as well as a two-point violation penalty against offenders’ driver licenses. A final feature directs the SC Department of Transportation to notify motorists of this hands-free requirement at certain points along South Carolina’s interstate highways. Nothing in this bill would prevent hands-free operations such as voice commands, dictation, podcast or music listening, or receiving or placing calls so long as no part of the drivers’ body touches the device. For the first 90 days it is effect, law enforcement could only write warning tickets for violations.

**S. 429 Drug-Induced Homicides Sen. Alexander**

Proposes a fentanyl, or fentanyl-based, homicide as a felony criminal offense. Prohibits the affirmative defense to this charge that the deceased consented to be injected, or otherwise intentionally used or ingested the fentanyl, or fentanyl-based, substance.

**S. 560 Heirs’ Property Study Committee Sen. Scott**

A recommended Heirs' Property Study Committee would examine current and prospective methods for addressing heirs’ property issues and related costs in South Carolina. This bill sets out proposed membership, the report it would submit to the General Assembly, and the timing of its dissolution.

**S. 973 SC Code Volume Updates Sen. Rankin**

This bill seeks to update Volume 21 of the South Carolina **Code of Laws** to incorporate all enactments made since the last time this volume was updated. This volume currently contains the Archives, Library and Museum chapters; the Probate Code; and South Carolina’s Alcohol Beverage Control laws.

**S. 1112 Russian Invasion of Ukraine Sen. Hutto**

This concurrent resolution seeks to express the General Assembly’s strong belief that the Russian invasion of Ukraine must end. It also expresses support for the Ukrainian people fighting this Russian invasion, maintaining Ukrainian independence, and supplying their defense efforts. Additional provisions seek a ban of Russian planes from Canadian or United States airspaces.

**Labor, Commerce and Industry Committee**

**S. 637 Retailers of Manufactured or Modular Homes Sen. Cromer**

This bill revises provisions of the state’s mortgage lending laws and provisions for the licensing of mortgage brokers to establish certain criteria a retailer of manufactured or modular homes must meet to qualify as an “exempt person.”

**S. 908 Driving Certain Modified Vehicles Disallowed Sen. Rankin**

This bill makes it unlawful to drive a passenger motor vehicle, including a pickup truck, on the highways of this state that has been altered so that the height of the front fender is raised or lowered four or more inches above or below the height of the rear fender. Penalties are established for violations.

**S. 1090 Unemployment Benefits Sen. Massey**

This bill provides that the Department of Employment and Workforce must annually adjust the maximum weekly unemployment benefit amount by an amount at least equal to the rate of inflation as measured by the national consumer price index published by the Bureau of Labor Statistics for the most recently completed calendar year prior to the date that the maximum weekly benefit amount goes into effect. The legislation provides that if on the computation date upon which an employer's tax rate is to be computed there is a delinquent report, the tax class twenty rate must be assigned to the employer until the next computation date or until all outstanding tax reports have been filed. The legislation affirms that Department of Employment and Workforce‘s long-standing interpretation of the statute that sets the weekly benefit amounts that an employee may receive and allows DEW to set a maximum weekly benefit amount is in complete accordance with the unambiguous language contained in the statute and the policy intended by the legislature.

**Medical, Military, Municipal and Affairs Committee**

**H. 5056 Health Care Professionals’ Duty to Report Harm Rep. Forrest**

The legislation outlines that a health care professional has an affirmative duty to report to a family member or other certain persons, in the health care professional’s opinion, if the patient is at risk of harming himself or others.

**S. 968 “Veterans Service Organization Burial Honor Guard Support Fund” Sen. Alexander**

This bill establishes in the state Treasury a fund separate and distinct from the general fund, the ‘Veterans Service Organization Burial Honor Guard Support Fund’. The purpose of this fund is to help offset the costs paid by South Carolina chapters of congressionally chartered veterans service organizations that provide well equipped and properly trained honor guard burial details at the funerals of qualifying South Carolina veterans.

**S. 1059 Authorized Provision of Medications by Unlicensed Persons in Certain Facilities Sen. Verdin**

The bill extends this authorization to intermediate care facilities for person with intellectual disability.

**Ways and Means**

**H. 5039 Millage Rate Limitation Exception for County Fire Protection Services Rep. G. M. Smith**

This bill revises provisions setting limitations on millage rate increases to allow the local governing body of a county, by a two third vote, to exceed the limitation to contract for fire protection to prevent significantly harming the level of fire protection services.

**H. 5057 Coordination with Federal Tax Provisions Rep. Simrill**

This bill updates references to the federal Internal Revenue Code in state income tax law provisions to provide for coordination (“tax conformity”) between state and federal income tax law provisions.

**H. 5075 State Ceiling Allocation Plan on the Issuance of Private Activity Bonds Rep. G. M. Smith**

This bill revises South Carolina Housing Tax Credit provisions to define terms and limit the credit. The legislation revises provisions relating to the allocation of state ceiling on issuance of private activity bonds to require the State Fiscal Accountability Authority to develop a State Ceiling Allocation Plan annually. The legislation specifies requirements of the plan and provides a process for periodic allocations of the state ceiling. The legislation repeals a provision relating to indebtedness included within any limits on private activity bonds.

###

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.

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).