



South Carolina House of Representatives

# *Legislative Update*

G. Murrell Smith, Speaker of the House

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## *LEGISLATIVE UPDATE*

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**Legislative Update, 2024**

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### House Floor Actions

#### H. 5042 Robert Smalls Monument

The House gave second reading and unanimous consent for third reading on the next legislative day to **H. 5042**, a bill that establishes the **Robert Smalls Monument**. Robert Smalls was an escaped slave who became a Civil War hero and a legislator in the South Carolina General Assembly. As a result, this bill creates the Robert Smalls Monument Commission to determine the design of the monument to Robert Smalls and its location on the State House grounds. This eleven-member commission is directed to raise private funds and receive grants to carry out its purpose. The commission must report the proposed design and location of the monument to the State House Committee for its approval by January 15, 2025. The commission is dissolved on January 15, 2028; however, if the Robert Smalls Monument has not been dedicated by January 15, 2028, the powers, duties, and responsibilities of the commission must be transferred to the State House Committee.

#### Incapacitated Individuals Probate Court Protections

Also headed to the Senate is **H. 4234**, proposed legislation to **revise existing probate laws** and procedures **covering incapacitated people**. When more than \$15,000 per year will be handled on behalf of incapacitated people, then protective proceedings would have to be convened. In these proceedings, examiner affidavits could also be filed by a nurse practitioner, or, in the discretion of Probate Court, by a physician assistant, nurse, or psychologist, who could do so in addition to licensed physicians as allowed under current law. Also, the incapacitated persons' Guardians *ad Litem* would be required to file their reports 72 hours (increased from 48 hours under current law) prior to any hearing.

#### H. 3988 Pharmacist And Pharmacist Technicians

**H. 3988**, as amended, was given third reading by the House. **H. 3988**, a bill that **deals with the responsibilities of pharmacists and pharmacist technicians** by making permanent some of the 2020 pharmacy provisions allowed during the pandemic under the "**Pharmacy Practice Act**." The bill allows for flu and COVID-19 testing in the pharmacy. A pharmacist can order test and must be the one to interpret the results but can delegate the swabbing to trained pharmacy technicians or interns. The bill authorizes pharmacy technicians who have the required certifications and training to administer vaccinations under the direct supervision of a pharmacist and amends the certification and training requirements for pharmacy interns to administer vaccines. The bill outlines that individuals aged 16 and older can receive any age appropriate approved immunizations in the pharmacy. Those individuals less than 16 years of age must be accompanied by a parent, legal guardian, or a caretaker with written parental consent. If

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the person receiving a vaccine is under the age of 18 years, a pharmacist must inform the patient and their caregiver of the importance of mental health and routine well care visits with a pediatrician. In addition, the bill increases the Board of Pharmacy by adding an at-large member who is a state-certified pharmacy technician.

### **H. 4116 Funeral Directors**

The House amended Senate amendments to **H. 4116**, a bill making revisions relating to the licensure and regulation of **funeral directors and other licensed funeral service providers**. The legislation was returned to the Senate with amendments.

### **H. 5203 "Budget Proviso Codification Act Of 2024"**

The House amended, approved, and sent the Senate **H. 5203**, the "**Budget Proviso Codification Act of 2024**." This bill codifies various budget provisos, which do not allocate funds, that have been included, without changes in the language, in each of the annual general appropriation acts approved by the General Assembly during the past 15 years, at least. Rather than having these budget provisos continue, year after year, as temporary law that expires with the fiscal year addressed by each annual general appropriation act, the codification act allows these provisos to be incorporated into South Carolina's permanent code of laws as statutory provisions.

### **H. 3518 Ignition Interlock**

The House adopted Senate amendments on **H. 3518** and enrolled the bill for ratification. The Senate struck the House's original language regarding the driver's license reinstatement fee program and substituted language regarding the ignition interlock legislation that Judiciary dealt with last year (at the request of DMV).

### **H. 3355 Towing A Truck With A Fifth Wheel Assembly**

The House concurred in Senate amendments to **H. 3355** and enrolled the bill for ratification. **H. 3355** would provide that a **towing truck with a fifth-wheel assembly** may tow one additional vehicle. It also sets a maximum length for this combination of vehicles, provides the maximum weight for the final trailing vehicle, and provides a truck operating a towing combination must include a video system that allows the driver to monitor the final trailing vehicle as it is being towed and be equipped with certain safety device.

### **H. 4655 Physical Education And Recess**

**H. 4655**, as amended with the committee amendment, was read a third time, and sent to the Senate. The bill would require certain mandatory minimum periods for physical education and recess from four-year old kindergarten through eighth grades each year.

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The bill would also provide that recess periods must be held indoors during times of inclement weather as conducive to allowing physical activity as practical. The bill includes other curriculum requirements regarding student-teacher ratios, facilities, and staffing. The provisions of this act prevail to the extent they conflict with any such regulations.

### **H. 5164 Education Scholarship Trust Fund Program**

**H. 5164** passed the House and was given third reading and sent to the Senate. **H. 5164** proposes comprehensive updates to the **Education Scholarship Trust Fund Program**, encompassing revisions to definitions, application processes, fund administration, privacy, funding formulas, fees, scholarship management, provider standards, and student eligibility. These amendments would simplify, and update the application process, strengthen privacy protections, refine funding and management procedures, optimize fund utilization, clarify, and remove many scholarship restrictions, enforce stricter provider criteria, and streamline eligibility communication. The House adopted the Committee recommendation to the House clarifying that curricula, attendance, and test reporting requirements do not apply to home instruction programs under certain sections. Amendments in the House included that the definition of "Eligible student" "also includes the child of active-duty military personnel who were killed while on active-duty status and the child of an active-duty member of the Armed Forces of the United States who has received permanent change of station orders to a military base and who, as a result, will reside in South Carolina for the current or upcoming school year; provided, however, the child must have attained the age of five on or before September first of the school year in which scholarship funds are awarded." Also, "Eligible school" "means a South Carolina public school or an independent school that chooses to participate in the program; further, it strikes that "Eligible school" does not include a charter school. "Eligible school" does not include a school in which a member of the General Assembly or an immediate family member of a member of the General Assembly has any ownership. For purposes of this section, "immediate family member" means as defined in Section 8-13-100(18).

### **H. 4563 Pre-1973 Special Purpose District Property Acquisition And Sales Authority**

The House also approved and sent the Senate **H. 4563**, a bill to clarify the **authority of all special purpose districts** created before 1973 to own, acquire, purchase, hold, use, lease, convey, sell, transfer, or dispose of real, personal, or mixed property.

### **H. 4642 Applying Updated Military Codes And Codes Of Military Justice Revisions To State Military Entities**

The House has given three readings to, and sent to the Senate, **H. 4642**, a comprehensive proposal to **add Air, Army, and State National Guards as well as any state militias to**

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**various sections of the South Carolina Code military provisions and the Uniform Code of Military Justice.** In addition to adding these soldiers, punishments meted out would no longer include military pay forfeitures, but would allow imprisonment of up to five years. The proposed amendment would limit a colonel or general officer from assigning their nonjudicial punishment case authority, typically involving diversion cases, to another officer no more than two grades lower in rank.

### **H. 4813 Training Certification Background Checks**

The final House Judicial Committee-considered measure favorably considered by the House, and sent to the Senate, was **H. 4813**. It is, a proposal **to require law enforcement officers**, and others, trained by the South Carolina Law Enforcement Training Council, **seeking certification as a law enforcement officer, to undergo criminal background checks.** The South Carolina Law Enforcement Division (SLED) and the FBI could retain these applicants' fingerprints, and the academy must be provided all of the results obtained once these checks are completed. Applicants would pay for them.

### **H. 3776 Judges' Permissions To Temporarily Leave South Carolina**

The Senate will be receiving **H. 3776** a bill that would **repeal** an old, **outdated requirement** for state **judges to obtain written permission** of the South Carolina Supreme Court Chief Justice **before leaving South Carolina.**

### **H. 3592 Compounding Pharmacies**

The House concurred with Senate amendments and enrolled for ratification **H. 3592**, a bill that **updates the "Pharmacy Practice Act" by removing certain definitions related to the compounding of medications and revises requirements for compounding pharmacies.** The bill charges the Board of Pharmacy with developing regulations based on a review of available compendia literature, medical or scientific literature, and/or practical experience in the art of compounding. Until regulations are promulgated by the Board of Pharmacy, compounding pharmacies shall comply with the compounding standards in the state. The Senate amendments added that a pharmacy may acquire and dispense drugs compounded or repackaged by an outsourcing facility. An "outsourcing facility" means a facility registered with the United States Food and Drug Administration to operate under Section 503B of the Federal Food and Cosmetic Act.

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## **Committees**

### **Education and Public Works**

#### **H. 4289 Diversity, Equity, Inclusion**

The Committee on Education and Public Works submitted a favorable report with amendments on H. 4289. H. 4289 would hold that “When determining admissions or employment decisions, a public institution of higher learning may not...promise admission, benefits, or promote or engage in differential treatment to an applicant for admission, or hire or promote a faculty member or employee, [or deny] on the applicant's or faculty member's or employee's commitment to or making a declaration of personal support for or disagreement with any political ideology or movement, including a promise or statement regarding diversity, equity, inclusion, or other associated political issues.” Related to that “a public institution of higher learning may not ask for or demand any such political promise or declaration from an applicant, or a faculty member or employee.” Other elements of the bill include free speech, antidiscrimination laws and accreditation issues.

#### **H. 5023 Work Zone Safety Program Course**

The Committee on Education and Public Works submitted a favorable report with amendments on H. 5023. The bill would establish the work zone safety program within the Department of Motor Vehicles. The DMV must require all persons obtaining an initial driver's license, and who are required to complete a driver's education course to take the work zone safety program course.

#### **H. 5024 Special License Plates**

The Committee on Education and Public Works submitted a favorable report with amendments on H. 5024 would provide that surviving spouses of members of the National Guard may apply to obtain National Guard license plates or transfer National Guard license plates issued to their spouses. The committee passed two amendments adding additional special license plates: "Autistic and Neurodivergent" special motor vehicle license plates to owners of private passenger-carrying motor vehicles registered in their names who are autistic or neurodivergent or who are parents of children who are autistic or neurodivergent. The application for this special motor vehicle license plate must include an original certificate from a licensed physician that certifies the applicant, or his child is autistic or neurodivergent. Also, South Carolina Association for Pupil Transportation Special License Plates are included in this bill.

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### **H. 4601 Preventing The Escape of Loose Material And Debris**

H. 4601 would amend current law relating to preventing escape of materials loaded on vehicles by incorporating that "No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway." The provisions would not be applicable to and do not restrict the transportation of certain agricultural products.

### **H. 5244 "Catawba Nation" Special License Plates**

The committee on Education and Public Works, submitted a favorable report on H. 5244. H. 5244 would provide that the Department of Motor Vehicles may issue "Catawba Nation" special license plates.

## **Judiciary**

### **H. 4274 "South Carolina Public Expression Act Of 2024"**

A favorable report with amendment issued on **H. 4274**, proposed to be called "**The South Carolina Public Expression Act of 2024.**" This proposed legislation would allow defendants sued for civilly expressing themselves in legislative, executive, judicial, administrative, or other governmental proceedings to move within 60 days of being served to dismiss the case. Once procedures are followed to assert these rights set out in this bill, all civil discovery proceedings would be stayed, and these motions would become the next priority in these cases. Exemptions from this act include government employees acting in their official capacities, as well as government officials enforcing laws to protect against any imminent threat to public safety.

### **H. 3748 Willfully And Criminally Altering Geodetic Or Other Surveying Monuments**

Also receiving a favorable report, with amendment, was **H. 3748**. It represents a proposal to **increase criminal penalties for altering, damaging, moving, or removing geodetic, property corner monuments, control monuments, and any other land surveying monuments and markers.**

### **H. 4187 Felony 'Smash And Grab' Retail Theft Conspiracies**

Another favorable report, with amendment, has been issued on **H. 4187**. It is a legislative attempt to revise the criminal offense of retail theft to **create the offenses of conspiracy felony organized retail crime and conspiracy felony organized retail crime of an aggravated nature.** Among other things, definitions of emergency exit, infant formula, merchandise credit, organized retail crime, and obtaining confidential information illegally are also included in the bill. It also proposes graduated penalties for

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two or more people coming together to commit these new crimes. When an innocent party is injured during one of these 'smash and grab' crimes, an aggravated charge with additional penalties could be made. Sellers of these stolen items, even if they did not obtain them from the original thieves, also face repercussions for doing so.

### **H. 4248 Conditional Discharge Orders For Serving Underage Drinkers Alcohol**

**Servers charged with underage serving, beer, ale, porter, or wine offenses** could enter into conditional discharge orders after paying appropriate fees set out under this bill. Compliance with these orders would dispose of the pending charges, and no conviction would appear on these servers' records as a result.

### **H. 4559 Probate Court Appointed Representatives For Military Burn Pit Victims**

The Committee unanimously voted a favorable report on **H. 4559**. This bill seeks to amend South Carolina's probate code **to allow appointment proceedings** related to any claim **under the 2022 PACT Act** --regardless of the date of the individual's death-- to proceed. The PACT Act provides benefits for individuals exposed to burn pits and other toxins during military service. This change would ensure veterans and families could file claims under the PACT Act even if the affected veteran passed away over 10 years ago.

### **H. 5113 Joint Custody Determinations**

As a final consideration in this week's Committee meeting, a favorable report with amendment was unanimously voted on **H. 5113**. Under this proposed legislation, there would be no requirement for the **family court** to find exceptional circumstances before awarding joint custody. In addition, **no presumptions against joint custody**, as not in the best interests of the child, could be made. Family courts would make custody determinations based solely on what is in the best interest of a child.

### **Medical, Military, Public And Municipal Affairs Committee**

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, March 19, 2024, and report out two bills.

### **H. 5042 Robert Smalls Monument**

**H. 5042**, a bill establishing the **Robert Smalls Monument**, was given favorable report by the committee. Robert Smalls was an escaped slave who became a Civil War hero and a legislator in the South Carolina General Assembly. As a result, this bill creates the Robert Smalls Monument Commission to determine the design of the monument to Robert Smalls and its location on the State House grounds. This 11 member commission is directed to raise private funds and receive grants to carry out its purpose. The commission must report the proposed design and location of the monument to the State

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House Committee for its approval by January 15, 2025. The commission is dissolved on January 15, 2028; however, if the Robert Smalls Monument has not been dedicated by January 15, 2028, the powers, duties, and responsibilities of the commission must be transferred to the State House Committee.

### **H. 4609 Golf Carts**

The committee gave a favorable with amendment report to **H. 4609**, a bill that outlines that **local governments may enact ordinances to allow golf carts to operate in designated areas within their jurisdictions at night**. The bill further outlines that the ordinance must include a description of the boundary of the designated areas.

### **Labor, Commerce And Industry**

The House Labor, Commerce and Industry Committee met on Wednesday, March 20, and reported out two pieces of legislation.

### **H. 5118 South Carolina Energy Security Act**

The committee gave a report of favorable with amendments on **H. 5118**, the "**South Carolina Energy Security Act**." Drawing upon the recommendations of the Economic Development and Utility Modernization Ad Hoc Committee established by the Speaker of the House, this bill includes restructuring initiatives and makes comprehensive provisions as a means of promoting sufficient, reliable, safe, and economical energy crucial to the health, safety, and well-being of the citizens of South Carolina and to the state's economic development and prosperity.

Under the legislation's restructuring provisions, the Public Service Commission, which provides oversight for the state's utilities, continues to have its members elected by the General Assembly, but its membership is reduced to three commissioners, chosen from the state at-large, rather than seven commissioners, with one chosen to represent each of South Carolina's Congressional Districts.

The duties of the Public Service Commission's Consumer Advocate are transferred to a new Division of Consumer Advocacy created within the Office of Regulatory Staff.

The Nuclear Advisory Council is transferred from the Department of Administration to the Office of Regulatory Staff and its membership is expanded to include an additional at-large member appointed by the Governor to serve as the Council's chairman and director.

The legislation establishes an Energy Policy Research and Economic Development Institute at the University of South Carolina to serve as an expert and reliable advisory resource for state policymakers, government, and industry. The institute is charged with

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bringing together a coalition of experts from various domains within the energy ecosystem, individuals and organizations specializing in innovating public policy approaches, as well as specialists from across higher education, including such institutions as the University of South Carolina, Clemson University, and South Carolina State University. The EPI shall aid South Carolina in developing a strategic long term approach to address energy related challenges and economic development opportunities for the State of South Carolina. A six-member governing board is created for the EPI, made up of those who hold key legislative leadership positions or their designees.

The Office of Regulatory Staff, in consultation with a stakeholder group that includes representatives of consumer, environmental, manufacturing, forestry, and agricultural organizations, natural gas and electrical utilities, the South Carolina Public Service Authority, and other affected state agencies, is charged with preparing a comprehensive South Carolina energy assessment and action plan which must identify recommended actions over a ten-year period to ensure the availability of adequate, reliable, and economical supply of electric power and natural gas to the people and economy of South Carolina. This 10 year plan must be submitted to the Public Utilities Review Committee for approval.

The legislation overhauls statutory provisions governing the certification of major utility facilities.

Through the legislation, the General Assembly supports amending the enabling act of the South Carolina Public Service Authority to authorize it to enter into a joint venture to develop and share in the output of one or more combined cycle natural gas units to be located at the former Canadys coal fired generation station in Colleton County and encourages the utility to seek, as soon as practicable, a certificate as defined under the terms of the Utility Facility Siting and Environmental Protection Act for Dominion Energy South Carolina to construct and operate combined cycle natural gas units at the Canadys site.

In light of the unique circumstances presented by the potential expansion of Duke Energy Carolinas' energy storage capacity by expanding the Bad Creek facility without construction of a new reservoir, and considering the unique benefits for customers served by Duke Energy Carolinas' electrical system such an expansion represents, the General Assembly encourages the utility to complete evaluations related to expanding the Bad Creek facility to double its output

In light of the unique circumstances presented in the plans of Duke Energy Carolinas LLC and Duke Energy Progress LLC to secure approximately 7,000 MW of natural gas

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generation facilities for the benefit of their customers in South Carolina, the General Assembly encourages the utilities to undertake such activities as may be necessary to pursue and facilitate additional natural gas generation to serve its customers in this state

Through the legislation, the General Assembly acknowledges the transformative potential of advanced nuclear generation, such as small modular reactors (SMRs), understanding that their compact size addresses significant challenges associated with traditional nuclear power, offering the promise of expedited and cost-effective plant construction, coupled with enhanced safety in operational practices, along with offering reliable carbon-free energy generation that can operate nearly 24/7. The General Assembly recognizes the strategic importance of investigating in and pursuing advanced nuclear technologies such as small modular reactors and molten salt reactors at this time, understanding that proactive engagement in research and development positions the state to capitalize on future opportunities when SMRs become economically and technologically viable.

The legislation provides authority for the Public Service Commission to approve an application for any electric supplier and for the South Carolina Public Service Authority to furnish electric service to a transformational economic development project customer.

Provisions are made for economic development electric utility rates for prospective commercial or industrial entities locating or expanding their activities in South Carolina.

The legislation makes provisions for the prompt siting, permitting, and completion of energy infrastructure projects, energy corridor projects, and brownfield electrical generation projects.

The legislation directs the Public Service Commission to be responsive to the clean energy needs of customers and the economic development implications for the state when reviewing and approving voluntary clean energy programs. The PSC is charged with considering updates to these voluntary renewable energy programs on an ongoing basis.

The legislation makes provisions for expanding utility investment in and customer access to cost effective demand-side management programs for enhancing efficient use of existing resources, promoting lower energy costs, mitigating the increasing need for new generation and associated resources, and assisting customers in managing their electricity usage to better control their electric bill.

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### **H. 5120 Modern Energy Infrastructure**

The committee gave a favorable report on **H. 5120, a concurrent resolution urging federal legislation for the deployment of modern energy infrastructure**. Through this concurrent resolution the members of the South Carolina General Assembly urge federal legislators to work in good faith to enact legislation that reforms federal permitting and environmental review processes to promote economic and environmental stewardship by expediting the deployment of modern energy infrastructure. These recommended reforms should enable faster and lower cost construction of energy infrastructure of all kinds, without prejudice, including considering steps to: (1) limit excessive use of judicial processes to slow projects inappropriately; (2) prevent inappropriate usage of the Clean Water Act and other laws to hamstring the lawful building of linear energy infrastructure, such as pipelines and transmission lines; (3) enact reforms to plan, permit, and pay for the necessary build out of electricity transmission infrastructure to support a more reliable energy grid that lowers costs for consumers and businesses; and (4) enable the domestic build out of the full array of modern energy technologies, including nuclear, emissions management, hydrogen, critical mining and processing, and all other needs for a modern energy system. These legislative reforms should also strive to ensure accountability for federal agencies conducting permitting and environmental review processes, including better data, more aggressive timelines, and permitting shot clocks. These legislative reforms must be accompanied by a redoubling of efforts to streamline federal regulations to support the efficient building of new energy infrastructure. It is further resolved that failure to act to update federal permitting system to support building new energy infrastructure will further harm consumers, workers, and businesses, while making the United States less competitive and more vulnerable to both foreign adversaries and domestic outages. Congress is called upon to act with urgency in the coming months to fix the broken permitting system.

### **Ways and Means**

The Ways and Means Committee met on Thursday, March 21, and reported out several bills.

### **H. 4912 Tax Law Changes: Department of Defense Civilian Employees; Aircraft; Owner-Occupied Property**

The committee gave a report of favorable with amendments on **H. 4912**, a bill providing for the **retention of owner-occupied residential property tax status for relocated Department of Defense civilian employees**. The legislation provides that a civilian employed by the Department of Defense who receives orders for a DoD civilian permanent duty or temporary change of station for at least one year, retains eligibility for the spe-

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cial four percent tax assessment ratio for owner-occupied residential property and applicable exemptions for so long as the owner remains on such orders, regardless of the owner's subsequent relocation and regardless of any rental income attributable to the property. The legislation extends to these DoD civilian employees the property tax benefits afforded reassigned or deployed active duty military personnel. The legislation revises the **taxation of aircraft owned by airline companies** as a means of placing South Carolina in a competitive position with neighboring states. The legislation revises provisions for determining whether a taxpayer is eligible for the four-percent assessment ratio on owner-occupied property to provide that **tax assessors may not require the submission of individual income tax returns for determining whether someone is eligible for the special assessment ratio for owner-occupied property.**

### **H. 4294 Fire Protection Districts**

The committee gave a report of favorable with amendments on **H. 4294**, a bill providing **authority for rural counties to suspend millage limitations to support fire protection districts.** The legislation establishes provisions that allow a rural county to exceed its millage limitation to support fire services. Any increased revenue resulting from the suspension of the millage limitation first must be used on a dollar-for-dollar basis to reduce fees or other similar charges that support fire protection.

### **H. 4082 Ophthalmic Disease Medicines**

The committee gave a report of favorable with amendments on **H. 4082**, a bill providing a **sales tax exemption for certain ophthalmic disease medicines.** The legislation codifies a budget proviso that has been included in the general appropriations act's temporary law by placing this sales tax exemption for eye disease treatments in the state's permanent law as a statutory provision.

### **H. 4594 Tax Conformity**

The committee gave a favorable report on **H. 4594**, this year's **state and federal income tax conformity** bill. The legislation updates references to the federal Internal Revenue Code in state income tax statutes and provides for conformity so that any extensions adopted at the federal level are adopted for South Carolina income tax purposes.

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### **Introductions**

#### **Education and Public Works**

##### **S. 968 Blood Type On Applications For Driver's License Sen. Peeler**

S. 968 would allow an applicant for a driver's license to voluntarily disclose his blood type.

##### **S. 538 Tenure Review Process Sen. Kimbrell**

S. 538 would provide that institutions of higher learning must create a tenure review process.

##### **S. 1047 Denmark Technical College Sen. Hutto**

S. 1047 relates to Denmark Technical College area commission members, so as to provide that the manner by which commissioners are appointed shall be by appointment of the governor upon the recommendation of a majority of the members of the General Assembly representing Allendale, Bamberg, and Barnwell Counties.

##### **H. 5311 Adaptive Kindergarten Readiness Program Rep. Kirby**

H. 5311 would establish the adaptive kindergarten readiness program; create relevant definitions for the adaptive kindergarten readiness program; establish goals for the program and establish selection standards for selection of a provider; ensure the availability of the program; establish enrollment requirements and guidelines for recruitment plans for the program; and would require an annual report on the program.

#### **Judiciary**

##### **H. 5275 IVF Embryo Life Insurance Rep. J. L. Johnson**

This proposed bill would require life insurance to be made available to cover embryos created via *in vitro* fertilization procedures, and also extend to frozen embryos.

##### **H. 5290 "Baby Olivia Act" Rep. Oremus**

The "Baby Olivia Act" would require the human growth and development instruction component in the public schools to include a video showing the development of vital organs in early fetal development. In addition, computer-generated animation showing the process of fertilization, and at every stage of human development, would be part of this video presentation. In addition, if enacted, this proposal would allow the attorney general to bring a civil action to compel compliance with any Act requirements.

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### **H. 5291 Local Law Enforcement Agency Cooperation With Federal Authorities And Confiscation Of All Items Used To Deliver Undocumented Individuals To South Carolina Rep. Burns**

If enacted, this initiative would require county and municipal law enforcement agencies to participate in at least one of the U.S. Immigration and Customs Enforcement's [ICE's] Section 287(g) programs. In addition, once county and municipal law enforcement agencies discover illegal undocumented individual transportation operations, to bring undocumented individuals to this state, they then would have to fully cooperate with the U.S. Attorney's office to commence RICO-based seizures. The focus of these proceedings would be to seize all assets used in any efforts to deliver any undocumented individuals to this state

### **H. 5303 "Election Transparency Act" Rep. Moore**

The "Election Transparency Act" would require county voter registration and election commissions to provide electronic versions of their county voter registration lists or files, poll lists or precinct lists, cast vote records, ballot review and reconciliation reports, chain of custody documents, polling place incident reports, audit logs, and poll tapes to citizens at no cost.

In addition, they would be required to conduct a postelection audit of precinct and voting center election results. Hand-count audits would have to prioritize races with the narrower margins of victory. Before audits of hand counted votes could commence, a minimum twenty-four hours' notice to the public of the date, time, and location would have to be posted on a website or webpage managed by, or on behalf of, the State Election Commission and each respective county board of voter registration and elections.

Any audit showing a discrepancy between the post-election audit results and the tabulated vote counts of equal to or greater than 0.001% would have to be reported to the State Election Commission and the Office of the Inspector General by the director of the county board of voter registrations and elections. The Inspector General would then be required to commence an investigation for election system tampering by a forensic audit team.

As a final feature of this proposed legislation, the approval of any electronic vote recorder systems would have to be immediately revoked by the State Election Commission, and no such type vote recorder could be purchased for use --or used-- in in South Carolina, when upon reexamination of the vote recorder, it appears that it can no longer be accurately and efficiently used, or it has an error rate equal to or greater than 0.001% is reported for that kind of vote recorder in one or more precincts providing results from a post-election audit.

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### **H. 5304 Constitutional Rights And Homeowners Protections Rep. Pope**

This bill proposes that any document purporting to restrict any constitutional right of any lot owner, or any person residing in a residential planned community, is void.

### **H. 5305 Federal Special Agents As Federal Law Enforcement Officers Rep. Mitchell**

This bill proposes to include under South Carolin's state statutory definition of 'federal law enforcement officer' special agents of the Department of Defense, including its Army Criminal Investigation Division, Naval Criminal Investigation Division, Air Force Office of Special Investigations, and Defense Criminal Investigative Service.

### **H. 5308 Qualified Civil Liability Immunity For Volunteers Driving Vulnerable Adults Rep. Smith**

This bill would protect the personal automobile insurance policy held by a strictly volunteer driver transporting any vulnerable adult on behalf of any charitable organization from any claims. This protection would not extend; however, to any driver participating in any Transportation Network Company-supported events.

These volunteers would not be so protected from proximately cause injuries to their rider due to these drivers' acts of gross negligence, willfulness, or wanton misconduct.

Insurers would not be allowed to cancel, refuse to renew, raise rates, or limit coverage in any way for their strictly volunteer insureds providing the transportation services defined in this bill.

### **H. 5316 Grantor Trust Vesting And Trustee Reimbursement Payments Rep. Newton**

This bill proposes that a nonvested property interest would be invalid unless it is certain to vest or terminate no later than 21 years after the death of an individual alive when it was created, or vest or terminate within 365 years after its creation.

If any trust that would require any trustee's discretionary authority to pay taxes owed to taxing authorities --or to reimburse the settlor-- for any taxes paid, then these amounts would not be considered part of any regular trust payment to the settlor, or for the settlor's benefit.

### **S. 839 Increasing Victims Age In Homicide By Child Abuse Cases Sen. Alexander**

This proposed bill would modify the definition of 'child' by increasing any victim's age under homicide by child abuse crimes, from under 11 years old to under 18 years old.

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### **S. 877 Luring Or Enticing Children Sen. Senn**

This bill would make it a felony offense for a person over the age of 18, to lure, entice, or attempt to lure or entice a child, under the age of 16, into a motor vehicle, dwelling, or structure without express, or implied, consent of these minors parents or guardians. An exception to this requirement would be rendering aid to a minor obviously needing assistance. Violators could be fined up to \$10,000, imprisoned for up to 10 years, or sentenced to both. This offense would not be a lesser included offense to kidnapping, and mistake as to the victim's age would be no defense to this charge.

### **S. 996 Artificial Intelligence [AI] Child Abuse Visual Representations Sen. Hutto**

Under this bill, anyone producing, distributing, receiving, or possessing with intent to distribute any visual representations of minors in sexually explicit conduct would face from two to ten years in jail. Minors in possession of these representations would face misdemeanor punishment and be processed in family court. Adults violating these prohibitions would face registration as either a Tier I or Tier II sex offender and have specified abilities to have their names removed from this registry in 15 or 25 years, depending upon the nature of their underlying offense.

### **S. 1046 Judicial Merit Selection Commission Reforms Sen. Hembree**

Amongst other things, this bill proposes judicial selection reforms beginning with a revised Judicial Merit Selection Commission to be composed of twelve members. The Speaker of the House of Representatives would appoint four members, the Chairman of the Senate Judiciary Committee would appoint two members, and the President of the Senate would appoint two members. The Governor would appoint four members representing the diversity of South Carolina. The Governor's appointees would consist of three attorneys, with one having experience in criminal law, one in civil law, and the other one in family law. The remaining appointee would be a retired judge from the Supreme Court, Court of Appeals, Circuit Court, or the Family Court, who is not holding court in retired judge status.

These appointees would serve a four-year term and could not serve successive terms. Appointees could not seek judicial election for one year after completing their commission service.

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No one could seek any pledges for any judicial candidate prior to the formal release of the commission's report.

If a judicial candidate is a family member of someone serving on the commission the member would be required to resign. A family member would include a spouse, parent, brother, sister, child, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

All qualified candidates names would be submitted to the General Assembly for a first ballot, which would be held twenty-two days after the formal report has issued. The commission would set forth the reasons any candidate was found to be unqualified. After the first ballot, the top three vote-getters would constitute the second ballot slate of candidates.

### **Labor, Commerce, And Industry**

#### **S. 434 Automatic Renewal Provisions in Service Contracts Sen. Alexander**

This bill provides that no clause of a service contract which states that the term of the contract shall be deemed renewed for a specified additional period, unless the service contract holder gives notice to the provider of his intention to terminate the contract at the expiration of the term, shall be enforceable against the service contract holder.

#### **S. 859 "State Employment Skills Based Hiring Act" Sen. Davis**

This bill establishes requirements for the Office of Human Resources to conduct periodic reviews of the educational, experiential, and training requirements for all executive branch jobs with a special emphasis on whether a four-year college degree is necessary. The legislation requires the Office of Human Resources to reduce the requirements in certain circumstances and report on its actions.

#### **S. 962 Pharmacy Service Administrative Organizations Sen. Cromer**

This bill revises the duties of pharmacy service administrative organizations to remove the requirement that pharmacy service administrative organizations must act as fiduciaries to pharmacies.

#### **H. 5309 Licensure And Regulation of Estheticians Rep. Herbkersman**

This bill provides for the licensure and regulation of estheticians by a State Board of Esthetics Services. The legislation removes estheticians from provisions relating to regulation by the Board of Cosmetology.

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### **H. 5315 Cost of Relocating Broadband Service Lines Rep. West**

This bill revises provisions relating to Transportation Improvement Projects to provide that those who are undertaking a federal highway project shall bear the costs related to relocating broadband service lines. The legislation establishes requirements for broadband service providers to be eligible for relocation payments.

### **Ways And Means**

#### **S. 969 Tax Deductions for Law Enforcement Officers, Firefighters, and Emergency Medical Service Personnel Sen. Alexander**

This bill revises deductions from individual taxable income to increase the subsistence deduction amount for certain paid public servants such as law enforcement officers, firefighters, and emergency medical service personnel. The legislation increases the volunteer exemption amount for unpaid public servants in these positions.

#### **S. 1021 South Carolina Abandoned Buildings Revitalization Act Sen. Davis**

This bill extends the provisions of the South Carolina Abandoned Buildings Revitalization Act through 2035. The legislation revises provisions for the abandoned buildings tax credit to increase the amount of the maximum tax credit that may be earned.

#### **H. 5289 Penalties for Driving Without a License Rep. Oremus**

This bill revises provisions relating to penalties for driving without a license, and summary court jurisdiction over these offenses, to provide for the suspension of drivers' licenses for violations. The legislation requires the Department of Motor Vehicles to post all convictions on the offenders' driving records. The legislation revises provisions relating to courts reporting certain convictions to the Department of Motor Vehicles to provide that courts failing to report certain convictions to the DMV shall result in the loss of state funds to the local governments with jurisdiction over the offenses.

#### **H. 5306 Eligibility for Temporary Assistance for Needy Families Benefits and Federal Food Assistance Rep. McDaniel**

This joint resolution establishes conditions under which the Department of Social Services is directed to exempt individuals from certain eligibility restrictions to ensure eligibility for Temporary Assistance for Needy Families benefits and federal food assistance. The legislation authorizes the Department of Social Services to seek, apply for, accept, or renew a waiver of the mandatory work requirements for the federal Supplemental Nutrition Assistance Program.

## ***Legislative Update, 2024***

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### **H. 5307 Tax Incentives for Grocers to Alleviate Food Deserts Rep. W. Jones**

This bill establishes an income tax credit for a grocer that opens a new location in a food desert. The legislation provides a sales tax exemption for certain purchases made by a grocer that operates a new store located in a food desert.

### **H. 5310 Taxation of Aircraft Owned by Airline Companies Rep. Murphy**

This bill revises property tax exemptions to exempt a portion of the value of aircraft of an airline company. The legislation revises provisions relating to the valuation of aircraft to specify the manner in which time on the ground is calculated.

### **H. 5312 “Progressive Design-Build” Delivery Method for Transportation Projects Rep. Brewer**

This bill authorizes the Department of Transportation to establish and implement a pilot project to award contracts using the “progressive design-build” project delivery method.

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## **Legislative Update, 2024**

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### **Note to the reader regarding these Legislative Summaries**

#### **Sources**

The versions of bills and acts that these summaries are based on can be found in the House and Senate Journals of the 125th Session (First and Second Sessions, 2023-2024) and other webpage resources: (<https://www.scstatehouse.gov>).

#### **Citation Style (Chicago Manual of Style) for Students/Researchers**

South Carolina General Assembly, South Carolina House of Representatives, *Legislative Update*, 2024. <https://www.scstatehouse.gov/hupdate.php>

#### **Online Resources**

These summaries are on the South Carolina General Assembly homepage (<http://www.scstatehouse.gov>). Go to "Publications" and then "*Legislative Updates*" (<https://www.scstatehouse.gov/publications.php>). This lists all the *Legislative Updates*.

- 1) a Word document showing that week's bill activity.
- 2) a Webpage (the Bill Summary Index) with hypertext links to the bills (by bill number, date, and the different stages in the legislative process).
- 3) the end of session summaries (with index).

#### **Style**

The House Research Office uses the 17th edition of the Chicago Manual of Style (with in-house style modifications, esp. regarding numbers/numerals).

NOTE: In the Word file *within* the Table of Contents, you can go directly to the act or bill summary by pointing the cursor at the line, pressing the Ctrl key + left click the mouse.]

#### **Use**

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Friday, April 5, 2024