



South Carolina House of Representatives

# *Legislative Update*

G. Murrell Smith, Speaker of the House

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## *LEGISLATIVE UPDATE*

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### **House Floor Actions**

#### **H. 4364 Delivered or Curbside Retail Alcohol Sales**

The House has passed, and sent to the Senate, **H. 4364** legislation to allow **curbside pickup and delivery of alcohol** for off-premises consumption. Under this comprehensive, detailed bill, among other things, retailers of beer, wine, porter, or distilled alcoholic spirits would be able to pay a \$400 application fee, and if they are found to be qualified, could become licensed to have delivered to customer locations, or deliver curbside, alcoholic products in their unchilled, original, and sealed containers. Employees delivering alcohol to customers would have to have completed training that has been approved by the South Carolina Department of Alcohol and other Drug Abuse Services. Notably, deliveries would not be able to be made to someone who appears to be intoxicated, churches, schools, playgrounds, college or university campuses, dormitories, or any on-premises-consumption-licensed premises, excluding hotels. The showing of purchasers' valid government-issued ID would be required at pick up. Curbside deliveries of beer and wine could be made by employees 18 years, or older, who have completed the appropriate training. Liquor could only be delivered by employees or deliverers 21 years or older who have been appropriately trained.

#### **H. 3116 Timing of the Property Tax Exemption for Disabled Veterans**

The House concurred in Senate amendments to **H. 3116** and enrolled the bill for ratification. **H. 3116** would address the **timing of the property tax exemption for disabled veterans**. The legislation provides that a qualified veteran of the Armed Forces of the United States, who is permanently and totally disabled as a result of a service-connected disability and who files a certificate signed by the county service officer, may immediately claim the exemption for the entire year in which the disability occurs. A surviving spouse may immediately claim the exemption for the entire year in the same manner as the veteran regardless of whether the veteran applied, filed for, or claimed the exemption. Additionally, a veteran who is permanently and totally disabled for any part of the year, or surviving spouse thereof, is entitled to the exemption for the entire year. In a year in which a disabled veteran, or surviving spouse thereof, owns a property for less than a year, any other owner, who is not a disabled veteran, or otherwise entitled to an exemption, is responsible for the property tax accrued on the property for the time in which he owned the property. The legislation also expands the current private passenger vehicle tax exemption for disabled veterans.

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### **H. 4928 Veterans' Trust Fund**

The House gave third reading and sent to the Senate **H. 4928**. This bill deals with the **Veterans' Trust Fund** that assist public and private veteran programs throughout the state with only voluntary tax donations. Currently, the fund does not have fundraising as an activity to raise monies to add to the fund. As a result, the **bill adds fundraising as an activity**.

### **H. 4710 Maximum Duration of Unemployment Benefits**

The House of Representatives amended, approved, and sent the Senate **H. 4710**, a bill setting the **maximum duration of unemployment benefits based on seasonally adjusted statewide unemployment rates** by replacing the current maximum duration set without regard to economic conditions with a schedule that allows for the collection of the full 20 weeks of unemployment benefits when South Carolina is experiencing relatively high levels of unemployment and fewer weeks of benefits when the state's economy is robust enough to send the unemployment rate into decline. Under the schedule established by the legislation, the maximum duration of unemployment benefits is set at 12 weeks when the state's seasonally adjusted unemployment rate is less than or equal to 5.5 percent. A week of benefits is added with incremental increases in the seasonally adjusted unemployment rate until the maximum duration of benefits is 20 weeks, corresponding to when the state's seasonally adjusted unemployment rate rises above 9 percent. The Department of Employment and Workforce is charged with promulgating regulations to ensure compliance with job search requirements and to prevent fraud. These regulations may include verification of attendance at job interviews.

### **H. 3951 "Working Agricultural Lands Preservation Act"**

The House concurred with Senate amendments (and enrolled for ratification) **H. 3951, "Working Agricultural Lands Preservation Act."** The bill creates in the State Treasury the Working Farmland Protection Fund for the purpose of providing permanent protection to working farmland properties whose continued availability to commercial agricultural businesses is essential to the long-term future of that economic sector. The bill states that balances in the fund must be retained and carried forward annually and interest earned on balances in the fund must be credited to the fund. The Working Farmland Protection Fund must be used by the South Carolina Conservation Bank only for

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the purpose of awarding grants to eligible trust fund recipients for the purchase of interests in farmland in which a landowner derives at least 50 percent of his income. The bill provides particular criteria for evaluating applications for grants. As a result, the bill increases the membership for the South Carolina Conservation Bank from 14 to 17, to include the Commissioner of Agriculture, the Secretary of Commerce, and the Secretary of Transportation or their designees.

### **H. 3608 Ending Mandatory County Auditor Deed Endorsements**

Also sent to the Senate this week was **H. 3608**, proposed legislation to **discontinue mandatory county auditor preapproval of all deeds**. This bill would allow county auditors to opt-out of long-standing procedures for endorsing deeds recorded in a register of deeds or a registrar of mesne conveyances office.

### **H. 4376 Unclaimed Veterans Remains**

The House gave third reading and sent to the Senate **H. 4376**, a bill that would require coroners, as well as funeral home directors, in possession of **unclaimed human remains that have been identified and determined to be unclaimed veterans** remains be released to a funeral home for an appropriate burial in a national cemetery.

### **S. 245 Booster Clubs**

The House adopted the Education Committee recommendation to add charter schools and the House further amended to state that a school district board of trustees *may* request a state criminal records check to **S. 245** (pertaining to the operation and **oversight of booster clubs** within the state's school districts). The legislation defines booster clubs and financial officers. Individuals with felony criminal convictions (i.e., forgery, larceny, embezzlement) are prohibited from serving as financial officers in booster clubs. Any current financial officers with such convictions are required to resign immediately. For oversight, booster clubs must register annually with the school district board of trustees. This registration includes details about the club and its officers. Upon registration, the school district board of trustees may conduct a state criminal records check on the booster club's financial officer. The board must notify the club if the officer is found ineligible due to their criminal record. The school district board of trustees is allowed to charge fees to offset the costs associated with these criminal background checks. A booster club may be required by the school district board of trustees to submit an accounting compilation or review (an external audit may not be required except for a finding of specific cause).

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### **H. 4832 Paid Family Leave Insurance Act**

The House amended, approved, and sent the Senate **H. 4832**, the “**Paid Family Leave Insurance Act.**” The legislation establishes a framework for optional family leave insurance policies issued to employers that allow them to provide employees with a benefit program that pays for a percentage or portion of the employee’s income loss due to: the birth or adoption of a child; the placement of a child with the employee for foster care; care of a family member who has a serious health condition; or, the status of a family member who is a service member on active duty or who has been notified of an impending call or order to active duty. The Department of Insurance is charged with making an annual report on the utilization of family leave insurance.

### **H. 3992 Delinquent Unemployment Compensation Tax Rates**

The House amended, approved, and sent the Senate **H. 3992**, a bill addressing **delinquent unemployment compensation tax rates**. The legislation provides that an employer who has a Department-approved installment payment agreement shall be permitted to pay its unemployment compensation tax at a reduced rate. However, any such employer’s tax rate shall immediately revert to the tax class 20 rate if the employer fails to make any one of the succeeding deferred payments or fails to submit any succeeding wage report and payment in a timely manner as required by the Department-approved installment payment agreement.

### **H. 3278 Real Estate Appraisers**

The House amended, approved, and sent the Senate **H. 3278**, a bill that makes comprehensive revisions to qualifications and other provisions governing the licensure and regulation of **real estate appraisers**. The legislation would make revisions to bring state provisions into alignment with federal standards and provides for enhancements as a means of encouraging more to enter the profession to address the state’s shortfall in qualified real estate appraisers.

### **H. 4869 Regulation of Insurers**

The House amended, approved, and sent the Senate **H. 4869**, relating to **Department of Insurance procedures**. The bill implements recommendations from the Department of Insurance for revising various provisions relating to the regulation of insurers. These revisions include confidentiality provisions for workpapers, and other materials involved in pending investigations; authority for conducting a market analysis and participate in multistate examinations of market practices; and, more expansive provisions clarifying that an insurer or producer, by or through employees, affiliates, or third-party representatives, may offer value-added products or services at no or reduced cost.

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### **H. 5015 New Provisos to be Underlined Instead of Italicized**

The House approved and sent the Senate **H. 5015**, a bill revising provisions governing the format of the general appropriations bill to require new provisos to be underlined instead of italicized.

### **H. 4300 (Act 84 of 2023) Governor's Vetoes Continued**

The House continued the Governor's vetoes to the Fiscal Year 2023-2024 general appropriations act, H. 4300 (Act 84 of 2023).

## **Committees**

### **Education and Public Works**

#### **H. 4957 Name, Image, or Likeness (NIL)**

On Tuesday, February 6, the House Education and Public Works Committee met and recommended to the House the passage of H. 4957. H. 4957 revises definitions and regulations regarding compensation for intercollegiate athletes' use of their name, image, or likeness (NIL). The bill would allow college sports programs and certain agents to support NIL activities. It protects post-secondary institutions and their employees from liability for actions (e.g., decisions in the athletic arena) affecting athletes' NIL earnings. The bill safeguards in-state schools from punitive actions for engaging in NIL activities that violate association rules (e.g., the NCAA), prohibits institutions from receiving fees from NIL deals, and exempts NIL agreements from public records requests (FOIA) unless the institution is a contracting party. Additionally, it mandates athlete agents to adhere to the Uniform Athlete Agents Act of 2018 and related legislation and removes the 10 percent cap on agency contract fees.



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### **Introductions**

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

##### **H. 5041 To Permit the Taking of Deer Committing Depredation Rep. Haddon**

The bill outlines certain conditions to be met for taking of deer committing depredation without a depredation permit.

### **Education and Public Works**

##### **S. 305 Work Experience and Teaching Certificates Sen. Young**

S. 305 would provide that an individual's prior work experience may be awarded on an initial teaching certificate if the prior experience is in or related to the content field of the certificate (existing certificate holders may also receive the same credit for prior work experience).

### **Judiciary**

##### **H. 5039 Judicial Elections Reforms Rep. T. A. Morgan**

Under this proposed bill, members of the General Assembly, who are also licensed attorneys, would be barred from participating in electing any judicial candidates, including gathering pledges or counting votes.

##### **H. 5045 Governor Appoints Secretaries of Transportation Rep. T. A. Morgan**

This bill modifies selecting the Secretary of Transportation for the Department of Transportation [SCDOT]. This position would no longer be appointed by any commission. Instead, this responsibility would fall to the Governor to make this appointment, with the advice and consent of the Senate. Qualifications this position are also set out. It would abolish the Commission of Transportation; and instead, the Transportation Secretary would assume all duties currently being exercised by the Transportation Commission.

This Secretary of Transportation would replace the current Transportation Commission Chair on the State Infrastructure Bank board. In addition, a 20 year Statewide Transportation Plan would be prepared after receiving input from local officials and consolidate all state transportation projects. The Secretary would also submit annual reports to Senate and House leadership. These reports would have to include information about federal enhancement grants received for transportation-related projects, and project funds. All road changes would have to be approved by the Transportation Secretary.

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No transportation policy could discriminate against motorcycle operators. The Department would be allowed to own real estate for maintenance sheds and highway uses. The Secretary would also approve permits for signs and enforce sign maintenance.

### **H. 5052 Partisan School Board Elections Rep. A. M. Morgan**

This bill would require all school board trustees to be elected in partisan elections. Those trustee seat elections that take place at the same time as November general elections would have to follow the same procedures for other candidates nominated by political parties to appear on general election ballots. Petition candidates would follow existing election law as well. Any trustee seat to be voted upon in years that do not include a general election would have to participate in a partisan primary to be held 12 weeks prior to this election.

### **H. 5061 Failure to Stop When Signaled by Law Enforcement Vehicles Rep. Davis**

Under this proposed bill, anyone willfully or wantonly leading law enforcement officers on a high-speed chase that has been videorecorded, could be imprisoned for up to five years for doing so. After a conviction for this willful conduct, an individual's driver's license could be suspended for up to one year from the date of her or his conviction.

### **H. 5066 "Fair Access to Insurance Requirements Fund" Rep. Elliott**

The proposed "Fair Access to Insurance Requirements Fund," seeks to provide an affordable option for liquor liability insurance to any person or business required to have this coverage. A tax on liquor drinks would be credited to this fund. This program would be governed by a board of directors, which would consist of nine directors, representing a variety of different interests. A person licensed to sell alcohol for on-premises consumption that is open after 5:00 p.m. would be required to carry a policy of at least one million dollars in the aggregate during their biennial permit effective dates. These operations, which close by 10:00 p.m., having servers trained in a SC Department of Insurance [SCDOI]-approved courses, meeting SC DOI risk-limiting requirements, and with less than 30 percent of their revenues coming from alcohol sales, [or are non-profits obtaining a one-off alcohol serving fundraising event permit] would potentially qualify for this liquor liability mitigation fund program, and the halving of the total aggregate policy limits they would have to carry.

### **H. 5069 Probate Judge Qualifications Rep. Jordan**

Probate judges would have to be US citizens in order to serve in this elective office under this proposal. In addition, in counties with populations above 90,000, probate judges would have to be at least 25 years old and a licensed South Carolina attorney in good standing.

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

#### **S. 778 “Social Work Licensure Compact Act” Sen. Shealy**

The bill establishes the “Social Work Licensure Compact Act”. The bill outlines the rules of the compact as well as defines necessary terms.

#### **H. 5042 Robert Smalls Monument Commission Rep. B. L. Cox**

The bill creates the Robert Smalls Monument Commission to determine the design and location on the State House grounds of the monument to Robert Smalls.

#### **H. 5043 “South Carolina Kratom Consumer Protection Act” Rep. Ott**

Every kratom product must be accompanied by a clear label that provides adequate information for safe and effective use by consumers including, but not limited to a list of the ingredients used in the manufacture of the product. “Kratom product” means any food or dietary ingredient, produced as a food, drink, powder, pill, capsule, or any other format intended for oral consumption that contains any part of the leaf of the plant *Mitragyna speciosa*.

#### **H. 5060 Blood and Organ Donations Rep. Burns**

The bill outlines that whole blood, plasma, blood derivatives, blood products, other human tissue, and organs must be tested for the presence of high-count spike proteins from long COVID-19 and labeled accordingly, before being used by a hospital or other health care provider

### **Labor, Commerce, and Industry**

#### **S. 700 “South Carolina Earned Wage Access Services Act” Sen. Davis**

This bill establishes requirements for earned wage access services providers.

#### **H. 5068 “South Carolina Uniform Money Services Act” Rep. Sandifer**

This bill revises anti-money laundering provisions to incorporate the Uniform Money Services Act; protect the public from financial crime; standardize the types of activities that are subject to licensing; and, modernize safety and soundness requirements to ensure funds are protected in an environment that supports innovative and competitive business practices.

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### **Ways & Means**

#### **S. 621 “South Carolina Ireland Trade Commission” Sen. Reichenbach**

This bill establishes the “South Carolina Ireland Trade Commission” to advance bilateral trade and investment between South Carolina and Ireland.

#### **S. 806 Adoption of Budget Legislation Prior to Adjournment of the General Assembly Sen. Alexander**

This bill provides that if the general appropriations bill or Capital Reserve Fund resolution is not completed by the sine die adjournment date, the President of the Senate and the Speaker of the House of Representatives may call their respective bodies into session at any time after the date of sine die adjournment and until the first Thursday in June to complete those matters.

#### **H. 5040 Corporate Income Tax Reduction Rep. T. A. Morgan**

This bill lowers the corporate income tax rate from five percent to four and one half percent.

#### **H. 5044 Elimination of Individual Income Taxes Rep. T. A. Morgan**

This bill reduces all the income tax rates on individuals, estates, and trusts by one percent each year until the rate across all brackets equals zero percent.

#### **H. 5046 Restocking or Handling Fees in Sales Tax Provisions Rep. Carter**

This bill revises sales and use tax provisions to provide that “gross proceeds of sales” does not include the sales price of property returned when the full sales price minus a restocking or handling fee is refunded, and to provide that “sales price” does not include an amount charged for property, which is returned by the purchaser, and the full amount minus a restocking or handling fee is refunded.

#### **H. 5051 Congressional Fund Approval Committee Rep. Bauer**

This bill would create the Congressional Fund Approval Committee to determine which federal funds are available to this state and to make recommendations.

#### **H. 5062 Conservation Income Tax Credit Increase Rep. Haddon**

This bill increases the amounts allowed for the income tax credit for conservation or qualified conservation contribution of real property.

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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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Tuesday, February 13, 2024