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Legislative Update

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2023 MAJOR ISSUES

(Acts Passed by the General Assembly and Bills Passed by the House of Representatives)

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Note to the reader regarding these Legislative Summaries

An Act (*with a number*) is completed legislation that has become law. If it is *not* noted as an Act with a number, it is still pending.

The legislation that these summaries are based on can be found in the House and Senate Journals (online resources: www.scstatehouse.gov) of the 125th Session, 2023-2024 (First Regular Session, 2023). Also, see sources at the end of this document. These legislative summaries are grouped by subject (finalized Acts listed first, then bills “pending in the Senate”). In the Word file in 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.

Notes regarding the Index

While electronic searches are ideal in their precision and speed, finding something in a hard copy can be tedious. This index (including the detailed Table of Contents) can help with your searches in the hardcopy document while at meetings or community events away from a computer.

The index is organized by subject and by Act/House/Senate bill number (with status noted).

Online

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- 1) a Word document showing that week’s bill activity by date.
- 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).

Use

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Style

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

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OVERVIEW OF 2023 LEGISLATION

The 125th Session (2023-2024) of the South Carolina General Assembly saw substantial support for economic development projects – as was evident with Scout Motors, the Education and Workforce Development Act, ARPA expenditures on rural infrastructure, and (to name a few examples), tax incentives for headquarters and micro-chip production.

Lawmakers approved substantial education, economic development, health, law enforcement and public safety funding via agency support in the \$14 billion Fiscal Year 2023-2024 state government budget.

Children and family issues were also a significant legislative effort this year, with coordinated, systemic reforms in adoption waiting periods, child development services, abuse and neglect investigations, legal guardianships, infant safe haven laws, and paid parental leave for teachers upon the birth of a child or initial legal placement of a foster child or a child by adoption.

In addition to reforming laws regarding children, the General Assembly addressed the issue regarding the commission of crimes while out on bond, protections keeping confidential all execution team member identities, and protecting judges and law enforcement officers identities.

“Gavin’s Law” was passed to address sexual extortion. A focus on school safety created the Center for School Safety and Targeted Violence. Taking care of our first responders’ families (with death benefits for those killed in the line of duty) was just and right.

Enhanced criminal penalties for trafficking or distributing fentanyl is a response to the opioid crisis, as is mandating that prescribers must offer opioid antidotes and coroners may administer an opioid antidote.

In addition to passing the Education Scholarship Trust Fund that provides support for educational alternatives, the House made progress by sending the Senate several major education issues such as competency-based education, open enrollment, and reading methodology. The bill addressing prevention of ideological and viewpoint biases (Transparency and Integrity in Education Act) is currently in conference committee.

The General Assembly passed the Fetal Heartbeat and Protection from Abortion Act, began to restructure DHEC (creating separate departments of Public Health and Environmental Services), repealed the Certificate of Need, protected utility infrastructure, strengthened tobacco enforcement, improved protections for applicants for professional and occupational licenses (Earn and Learn Act), and enhanced youth boating rules.

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BUDGET

Note: many of the budgeted items in this section correspond to legislation listed below (such as support for economic development, infrastructure, and opioid treatment, to name a few items).

Lawmakers approved the \$14 billion **Fiscal Year 2023-2024 State Government Budget** [the **General Appropriation Bill (H. 4300, Act 84)** and the joint resolution making appropriations from the **Capital Reserve Fund (H. 4301, Act 86)**]. After \$796 million is transferred to the Tax Relief Trust Fund that provides for the residential property tax caps, \$11.8 billion in recurring revenue is available for appropriation. The budget's \$2.2 billion in one-time nonrecurring revenue includes \$209 million in Capital Reserve Funds.

General Government - In keeping with the "Comprehensive Tax Cut Act of 2022," \$96.2 million in recurring funds is used for the second year of the tax relief schedule (allowing the highest income tax bracket to be lowered from 6.5 percent to 6.4 percent).

The state's financial reserves are increased to a total of \$1.1 billion.

\$156 million in recurring revenue is devoted to state employee pay raises with each full-time state employee who makes no more than \$50,000 a year receiving a \$2,500 increase in base pay and full-time employees making more than \$50,000 a year receiving a 5 percent salary increase. The salary increase is structured so that the lowest paid state employees receive the largest percentage pay increase.

\$122 million in recurring funds is included to cover the increased costs of operating the state's health insurance plan with no additional monthly premium costs.

Education - The budget allows for a \$2,500 teacher pay increase across all salary levels. The state's starting salary for teachers increases from \$40,000 to \$42,500.

In K-12 education, public schools receive over \$12 billion in funding next year across all funding levels. An additional \$260 million is provided in State Aid to Classrooms. The per pupil average in State Aid to Classrooms is increased to \$5,377. \$15 million in nonrecurring Education Improvement Act funds is appropriated for high-intensity tutoring for students struggling with math and reading to recover from the educational losses resulting from the disruptions of the COVID-19 pandemic.

\$120 million is provided for Capital Funding for Disadvantaged Schools. In the allocation of these funds, incentives are provided for school and school district consolidation. \$20 million of this funding is devoted to school safety upgrades (including new door locks, bulletproof glass, and security measures for school entry points). \$14 million in recurring funding is provided for school resource officers, which is estimated to

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provide an SRO for every school (with \$13 million provided for outfitting the officers). \$17.3 million in recurring funds is appropriated to provide a 20 percent salary increase for school bus drivers. \$20.6 million in nonrecurring EIA funds (along with \$4 million in lottery funds and provisions for spending unclaimed prize money) is allocated for purchasing and leasing school buses .

Higher Education/Technical Colleges - The budget continues to include a higher education tuition mitigation initiative in which a total of \$97 million in additional recurring funds is distributed among the state's institutions of higher learning. In order to retain these appropriations, the institutions must comply with provisions for freezing in-state tuition and mandatory fees during the 2023-2024 academic year for all in-state undergraduate students at all their four-year and two-year campuses.

\$20 million in recurring funds is divided among the state's technical colleges. The Capital Reserve Fund is devoted to capital needs at the state's colleges, universities, and technical schools (with the \$209 million in these nonrecurring funds allocated among the institutions for construction, repairs, renovations, and maintenance of various facilities). Full funding is provided through the Education Lottery for the LIFE, HOPE, and Palmetto Fellows higher education scholarship programs. The Commission on Higher Education is allocated \$80 million in lottery funds for need-based grants. The Higher Education Tuition Grant Commission is allocated \$20 million in lottery funds. \$51 million in lottery funds is provided through CHE and the Board of Technical and Comprehensive Education for tuition grants.

Law Enforcement - The budget emphasizes funding for salary increases, recruitment, and retention programs for law enforcement and correctional officers across the agencies that employ officers. This includes a 15 percent pay raise for Class I law enforcement officers.

Health - The budget emphasizes funding for salary increases, recruitment, and retention programs for nurses and mental health professionals across various agencies. The Department of Health and Human Services receives \$117 million in recurring funds for annualizations for FMAP (Federal Medical Assistance Percentage) state increase and Medicare rate increases, \$42 million in recurring funds for Medicaid program maintenance of effort, \$36.8 million in recurring funds for Medicaid provider rate adjustments and access to services, \$10 million in recurring funds for the Babynet Program, and \$2.4 million in recurring funds for pregnancy crisis centers. Funding is provided for several DSS reforms and programs that pertain to children's services and adoptions. See CHILDREN AND FAMILY ISSUES below.

Commerce, Other - The Department of Employment and Workforce is afforded \$7.4 million to fulfill its new duties under the "Statewide Education and Workforce Development Act" approved by the General Assembly this year (H. 3726, Act No. 67). \$200 million in nonrecurring funds is provided for the Disaster Relief and Resilience Reserve Fund for land preservation and mitigation of risk from a variety of natural disasters. The Department of Agriculture receives \$40 million in nonrecurring funds for its Growing Agribusiness Fund. The Department of Parks, Recreation and Tourism

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receives \$29 million in nonrecurring funds for improvements and outdoor recreation projects across the state. \$20 million is provided for capital investments to improve the state's six commercial airports. \$20 million in nonrecurring funds is provided for information technology system modernization at the Department of Motor Vehicles. \$20 million in additional funding is allocated to the County Transportation Committees for accelerating projects on the state's lower volume and secondary roads.

For the full summary of significant funding for state agencies and related programs, please see the budget section in the Major Issues section below.

In the 2022 General Election, the state's voters approved an amendment to the South Carolina Constitution **enhancing the state financial reserve funds**. This Act (**S. 381, Act 5**) ratifies that Constitutional amendment to increase the state's General Reserve Fund by two percent over time to seven percent and the Capital Reserve Fund by one percent to three percent to manage revenue shortfalls.

Note: several legislative Acts listed below correspond to budgeted items (such as support for economic development, infrastructure, and opioid treatment).

ECONOMIC DEVELOPMENT AND TAXES

H. 3604 (Act 3) appropriates \$1.2 billion from the Fiscal Year 2021-2022 Contingency Reserve Fund and \$86 million from the Fiscal Year 2022-2023 General Fund surplus for **Project Connect**, the construction of a manufacturing facility near Blythewood, in Richland County, by **Scout Motors**, a subsidiary of Volkswagen Group, to produce **electric trucks and sport utility vehicles**.

S. 604 (Act 6) authorizes **American Rescue Plan Act (ARPA) appropriations** from the funds disbursed to the state under the federal "American Rescue Plan Act of 2021." The legislation appropriates \$586 million to the Rural Infrastructure Authority ARPA Water and Sewer Infrastructure Account to be used towards fulfilling existing grant applications. \$100 million of this amount must be available for projects designated by the Secretary of Commerce as being significant to economic development and may be funded at up to \$20 million dollars per project with no local match requirement. It also provides for mitigation regarding possible contamination from the USS **YORKTOWN** (CV-10) at Patriots Point.

H. 3726 (Act 67) is the "**Statewide Education and Workforce Development Act**." This major, sweeping legislation makes comprehensive revisions aiming to coordinate and maximize all publicly funded job training, scholarships, apprenticeship programs, and other workforce development services. The Act creates the Office of Statewide Workforce Development (OSWD) in the Department of Employment and Workforce (DEW) to provide centralized oversight of all services and to direct efforts to maximize resources, enhance accountability and transparency, and support a customer-centric workforce structure that is accessible and understandable. An online Education and Workforce Portal provides information (e.g., real-time labor market

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information, an inventory of all education and training assets in the state) critical to lifelong education. The portal includes an “Educational Program Alignment Toolkit” (enabling the whole education system to coordinate their curriculum and programming to match workforce needs) and the “Career Pathways Tool” (using applicable occupational, salary, and workforce needs data) to provide students, job seekers, and educators information about careers and jobs. In addition to studying and making recommendations to address barriers to labor participation such as affordable access to childcare and transportation, the CCWD and the OSWD are also responsible for helping those on public assistance with the support, skills, and credentials to gain and retain jobs where they are needed. A “Benefits Calculator” will help families in their exit from the use of public benefits. The CCWD is directed to coordinate with the South Carolina Department of Veterans’ Affairs to develop and implement procedures that connect active-duty military spouses, family members, veterans, and military retirees to job opportunities and career support.

To foster the growing craft beer business, **S. 566 (Act 31)**, the “South Carolina **Craft Beer Economic Development Act**,” allows craft breweries to sell up to 2,000 barrels of beer each year – with additional allowances on case sales and volume transfers.

H. 4017 (Act 46) conforms federal and state tax provisions.

S. 739 (Act 88) provides for a one-time reallocation of **housing tax credit funding** to assist affordable housing construction projects experiencing cost overruns because of inflation, higher interest rates, and other economic pressures.

S. 557 (in the Senate) would expand and enhance **tax incentives for economic development via income tax credit provisions** for establishing a corporate headquarters, with a focus on research and development, micro-circuit technology, pharmaceuticals, life sciences, and advanced technologies. The Secretary of Commerce is given authority to allow eligible businesses to sell, exchange, or transfer **job tax credits**. The legislation would also lower the minimum investment threshold for qualified recycling facilities to be eligible for tax credits (batteries, solar panels, turbines, and related structures are included in the definition of “postconsumer waste material” for recycling facilities). Additionally, revisions to the Enterprise Zone Act of 1995 would include remote employees with certain job creation requirements and changes regarding withholding for retraining and apprenticeship income tax credit provisions.

H. 4020 (in the Senate), motion picture production company tax rebates, would enhance the tax rebate provisions by increasing the total annual limit from \$10 million to \$30 million and by allowing the use of rebates for certain additional expenditures and expenses. The bill also would establish tax incentives for live theater productions by providing an income tax credit equal to thirty percent of overall expenditures that is either a pre-Broadway or post-Broadway production.

A series of tax-related legislation was passed by the House and sent to Senate:

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H. 3563 (in the Senate) would establish a sales tax exemption for **feminine hygiene products**.

H. 4118 (in the Senate) would provide an extension for **community development tax credits**.

H. 3824 (in the Senate) would expand the **alternative fuel property income tax credit provisions** to include electrical equipment and the use of **electricity as an alternative fuel**.

H. 3948 (in the Senate) would expand the **renewable energy resource property tax exemption** so that it applies to **solar panels** on commercial property.

H. 3072 (in the Senate) would provide for the continuation of the **owner-occupied property tax assessment ratio and homestead exemption** following the owner's death while the estate is in probate.

H. 3811 (in the Senate) would provide for an Industry Partnership Fund **tax credit** increase associated with the South Carolina Research Authority (SCRA).

H. 3116 (in the Senate) would address the timing of the **property tax exemption for disabled veterans**. The legislation provides that a qualified veteran who has a permanent and total service-related disability may immediately claim the exemption for the entire year in which the disability occurs.

H. 3880 (in the Senate) would provide that no admissions taxes may be charged or collected on annual or monthly dues paid to a **golf club**.

Redevelopment fees remitted by the DOR would have their annual maximum removed in **H. 4145 (in the Senate)**, including the extension of a sunset provision. The legislation amends Act 356 of 2002, relating to the **Charleston Naval Complex Redevelopment Authority**, to eliminate a provision requiring the sharing of certain revenue.

GENERAL GOVERNMENT

H. 3142 (Act 34) designates the thirteenth day of May each year as "**Robert Smalls Day**" in South Carolina, to commemorate Robert Smalls (US Representative during Reconstruction). Robert Smalls is primarily known as an enslaved person who freed himself and other enslaved persons and their families by commandeering the Confederate steamer *Planter*, of which he was the pilot.

H. 3681 (Act 38), the "**Omnibus Tobacco Enforcement Act of 2023**," prohibits municipalities from enacting laws related to the ingredients and flavors of tobacco products (or electronic smoking devices or vapor products), allows cities and towns to continue to control zoning for businesses that sell these products, and adds measures to limit sales to minors and "grandfathers" in cities and towns.

H. 3605 (Act 13) addresses the **screening of applicants for professional and occupational licenses** and the investigation of complaints filed against those who hold such licenses. The legislation provides that a professional or occupational board under

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the authority of the Department of Labor, Licensing, and Regulation may not solely or in part deny a license to an applicant because of a prior criminal conviction, unless the criminal conviction directly relates to the duties, responsibilities, or fitness of the occupation or profession for which the applicant is seeking a license. Boards are prohibited from using vague or generic terms, such as "moral turpitude" or "good character," nor may they consider charges that have been dismissed or dropped or that have resulted in a finding of not guilty as a justification for denying an applicant a license. An applicant may not be denied a license because of a prior criminal conviction without being afforded an opportunity to appear at a hearing. When prior criminal history is involved in the denial of a license, the legislation requires the board to issue a written final order that includes the grounds for denial and notification of the appeals process. The legislation revises provisions governing the investigation of professional and occupational licensees when complaints have been filed against them by enhancing notification and disclosure requirements and requiring a procedural review of formal complaints.

The legislation includes the "**Earn and Learn Act of 2023**" which makes provisions for paid professional and **occupational apprenticeship programs** as a means of expanding economic opportunities and building a skilled workforce according to industry standards by allowing a worker to earn a paycheck while fulfilling licensing requirements.

S. 399 (Act 60) restructures the **Department of Health and Environmental Control** (creating the Departments of **Public Health and Environmental Services**). The new departments are to be established as cabinet agencies. The legislation also transfers certain programs and duties to other state government agencies (e.g., food to Agriculture, water to Natural Resources, the Department of Veterans' Affairs is given authority over veterans' homes). The Department of Administration is tasked with procuring the services of independent, third-party experts to conduct a comprehensive public health services study analyzing the missions and delivery models of all state agencies concerned with the overall public health that will also consider the health of certain specific populations (e.g., children, the elderly, the chronically ill and others). This act takes effect on **July 1, 2024**, except certain preparatory Department of Administration duties take effect upon approval by the Governor.

H. 3209 (Act 87) extends the **expiration dates of permits** issued by certain agencies during the **COVID-19 pandemic**.

S. 459 (Act 61) allows screened airflight **passengers to consume liquor drinks** purchased from licensed airport concessionaires in specified airports.

The House and Senate overrode the Governor's veto of **S. 31 (Act 71), Local Government Financial Audits**. The new law provides options for certain municipalities to elect to provide for either a full audit of financial statements or follow a procedure for providing a compilation of financial statements in lieu of an audit.

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H. 3425 (in the Senate) would allow retirees in state pension systems to **return to covered employment without being subject to earnings limitations**. The legislation allows earnings limitations not to apply when a retiree in the SC Police Officers Retirement System (PORS) returns to covered employment in a *critical* needs law enforcement position.

H. 3953 (in the Senate) would restructure the Department of **Consumer Affairs as a cabinet agency** (dissolving the Department's governing board, with the chief administrator appointed by the Governor and subject to the Governor's removal).

H. 3769 (in the Senate) would provide that DHEC shall not deny a property owner the **right to repair and replace any existing well or septic tank** solely because of any other available water and/or sewer service. And in an effort to accelerate the septic tank permitting process, **H. 4486 (in the Senate)** would allow septic tank installers to conduct **septic tank field evaluation tests** for DHEC.

H. 3138 (in the Senate) would clarify the authority regarding the **disposal of abandoned aircraft**.

H. 3872 (in the Senate) would protect an Education Lottery participant's **personal information**.

H. 3960 (in the Senate) would designate the **South Carolina Poultry Festival** in Lexington County as the official State Poultry Festival.

BUSINESS AND COMMERCE

Several bills sought to improve **consumer protections**.

S. 500 (Act 29) revises numerous insurance provisions: the Hurricane Damage Mitigation Program, authority to provide information regarding premium rates, required notice to the Director by the insurer relating to withdrawing from the market, authority for the Director or his designee to make available information that affects private passenger premium rates under provisions relating to the publication of representative sample premiums, and, provisions for commercial motor vehicle liability surplus lines insurance.

S. 259 (Act 22) revises the **Structured Settlement Protection Act**. These changes provide additional consumer protections relating to the transfer of structured settlement payment rights. New provisions are established to govern the conduct of registered structured settlement purchase companies, including penalties for violations. New disclosure and notification requirements are included, and courts are authorized to appoint an attorney to serve as a guardian *ad litem* to make an independent assessment. The court is to take into consideration a list of factors, in addition to consideration of the welfare and support of the payee and any dependents, when determining whether a proposed transfer is in the best interest of the payee.

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H. 4049 (Act 68) authorizes **remote shareholders meetings**, allowing for participation through “remote communication” instead of in-person attendance.

H. 4115 (Act 69) revises the licensure and **regulation of building contractors**, increasing the minimum project value that requires licensure for general contracting and mechanical contracting. The financial surety requirements of licensees for different project levels were also revised, allowing financial security requirements to be met based on **working capital instead of net worth**.

S. 284 (Act 57) addresses **funding for the development of workforce housing**. The legislation authorizes a county or municipality to expend a percentage of its annual local accommodations tax revenue for the development of workforce housing, which must include programs to promote home ownership.

Furthering consumer protections, **H. 4086 (in the Senate)** would revise regulations for **residential builders**, including a new tiered system for licenses and criminal background checks for new applicants. It also would allow for independent contractors to work with licensed builders or property owners for specialized construction work over \$500. The prospective legislation establishes conditions for using unlicensed workers under supervision and provides a mechanism for exempted individuals to register as home inspectors. Additionally, the bill requires more expansive surety bonds for projects over \$500 to enhance consumer protection.

H. 3500 (in the Senate) would **identify real estate mortgage and deed preparers**. Real estate-related mortgages and deeds, to be filed after **December 31, 2023**, would have to include the name of the document preparer, or the name of the South Carolina licensed lawyer who handled the closing.

H. 4116 (in the Senate) would make revisions relating to the licensure and regulation of **funeral directors and other licensed funeral service providers** -- making licensure requirements apply to someone who engages and participates in the active management of a funeral establishment and also works actively, regularly, and directly with the families of the deceased.

H. 3782 (in the Senate) would revise statutes governing telephone, cable television services, and other telecommunications public utilities to specify that video **streaming services** are not subject to the franchise fees that local governments charge for the use of public rights of way.

H. 3737 (in the Senate), the prospective “**Short Line Railroad Modernization Act**,” would make provisions for an income tax credit equal to a percentage of an eligible taxpayer’s qualified railroad reconstruction or replacement expenditures to encourage the rehabilitation of certain comparatively small rail lines.

H. 3810 (in the Senate) is a bill reducing **corporate license fees** by excluding certain initial investments in a business (headquarters and the principal place of business).

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H. 3690 (in the Senate), "ESG Pension Protection Act," is legislation that would require South Carolina's state retirement system funds to base investment and management decisions solely on **pecuniary** factors that have a material effect on the financial risk or return of an investment. Nonpecuniary factors, such as *environmental, social, or political* goals, would be excluded from consideration.

INSURANCE, BANKING, and UTILITIES

S. 330 (Act 76) regards **malicious injury to utility systems and infrastructure**.

H. 3977 (2nd reading in the Senate) would allow insurance companies to post standard property and casualty policies or endorsements **on their website** instead of mailing them to the insured.

H. 3614 (in the Senate), the "Rate Payer Protection Act," would provide whistleblower protections to employees of public utilities by prohibiting public utilities from taking adverse employment actions against employees who report waste, fraud, abuse, or other wrongdoing to the Office of Regulatory Staff.

AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES

H. 3868 (Act 42) designates the third Saturday in November of every year as **"Women in Hunting and Fishing Awareness Day."**

S. 101 (Act 15) adds that a disabled resident, who is certified to be legally blind, may be issued a lifetime hunting and fishing license at no cost. **H. 3433 (Act 64)** regards the **suspension of saltwater and hunting/fishing privileges**. The legislation removes the requirement for a mail return receipt request and instead requires the Department to certify that the notice has been sent.

S. 603 (Act 32) is an act pertaining to the South Carolina **Grain and Cotton Producers Guaranty Fund**. Current law states that if there is an insufficient amount of money in the fund to cover all claims, payments must be made on a pro-rata basis.

H. 3538 (Act 65) is a new law that updates **electronic harvest reporting requirements** for big game species, which includes white-tailed deer, black bear, and wild turkey. This provision will take effect on **July 1, 2024**.

H. 3514 (in the Senate) would enact the South Carolina **Equine Advancement Act** - establishing a South Carolina Equine Commission to oversee advance deposit account wagering for equestrian activities. Some of the fees would be used to assist the development of the equine industry in South Carolina.

H. 3993 (in the Senate) - Currently, it is illegal to sell animal parts, but this bill would provide for an **exemption for the retail sale of white-tailed deer organ meat**, packaged as **pet treats**.

H. 4047 (in the Senate) is a bill that would hold that the Department of Natural Resources cannot release records of a **landowner's address** when the occurrence of a rare, threatened, endangered plant or animal species is located on such property.

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H. 3121 (in the Senate) is a bill that would establish an **income tax credit for perpetual recreational trail easements** - a one-time income tax credit for encumbering property with a perpetual recreational trail easement and right-of-way. The trail must connect a municipality or county's regional trail system plan to a local or regional attraction or point of interest.

H. 3951 (in the Senate) would create the **Working Agricultural Lands Preservation Program**, which aims to provide permanent protection to strategically significant working farmland properties. The program also creates a fund for qualifying projects under this program, which would complement agricultural projects funded by the South Carolina Conservation Bank and cooperating entities by creating a matching grant payment for qualified projects.

H. 3505 (in the Senate) would remove certain possession restrictions (unlawful to possess more than two blue catfish greater than thirty-two inches in length in any one day) for **blue catfish** (*Ictalurus furcatus*) for all state waterways and maintain restrictions for certain bodies of water.

H. 3786 (in the Senate), the South Carolina **Conservation Enhancement Act**, would reinstate a funding stream for the South Carolina Conservation Bank and expand the governing board to include the Commissioner of Agriculture, the Secretary of Commerce, and the Secretary of Transportation as ex officio members.

H. 3682 (in the Senate) would require hearing procedures and allow a bond or other surety for **animal care for seized animals**. The entity housing the seized animals would receive reimbursement for the care they provided while charges were pending, and innocent animal owners would receive full reimbursement of related care and bonding costs.

LAW ENFORCEMENT AND PUBLIC SAFETY

H. 3503 (Act 72) establishes and **enhances criminal penalties for trafficking or distributing fentanyl or fentanyl-related substances**. This legislation imposes mandatory minimum jail time and fines for first-time and subsequent offenders possessing specified amounts of fentanyl. Traffickers and distributors also in possession of firearms or ammunition while committing this crime would face additional penalties for doing so.

S. 120 (Act 16) keeps **confidential personal and identifying information related to individuals involved in the planning or administration of death sentence executions**. These people include pharmacists and healthcare professionals. It also sets out protections for businesses providing lethal injection and related drugs, medical supplies, and equipment. Violators face penalties.

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S. 407 (Act 78) outlines that prescribers must offer **opioid antidotes** (e.g., **Narcan**), in a manner that is consistent with the existing standard of care and the FDA. It also outlines that prescribers who comply with these provisions are not subject to professional disciplinary actions. However, this provision does not apply to patients receiving care for cancer or in palliative care.

S. 96 (Act 74) allows minors aged 16 and younger to go **jet skiing after obtaining** watercraft **safety certification**. There are exceptions to this requirement, including minors riding with someone who is 18 years or older and has a boating operation certification or licensure from the United States Coast Guard.

H. 3340 (Act 63) adds anyone with an **autism spectrum disorder or other developmental disability diagnosis** to the list of people eligible for inclusion in our State Law Enforcement Division's **Endangered Person Notification System**.

S. 36 (Act 55) expands the scope of using **interlock ignition devices** in motor vehicles for minors whose licenses have been suspended for having a measurable amount of alcohol in their systems, for drivers issued temporary alcohol licenses, or for habitual offenders seeking reinstatement of their drivers' licenses. Any driver with an alcohol concentration of 0.00 one hundredths of one percent cannot be required to install this device, however.

S. 330 (Act 76) covers **malicious injury to utility systems and infrastructure** and establishes a tiered criminal penalty scale based on the amount of damage done to an installation. It also sets out a method for utility owners to sue offenders in civil court to recover their monetary damages and court expenses.

H. 3691 (Act 66) allows a coroner and like associates to administer an **opioid antidote** in accordance with the requirements of the "South Carolina Overdose Prevention Act." In addition, it outlines that a coroner and a deputy coroner are considered public safety officers if killed in the line of duty.

In **H. 3890 (Act 73)**, **youthful offenders convicted of driving under suspension or disturbing schools** are now entitled to **expungement** of their convictions once they meet specified requirements after the General Assembly overrode the Governor's veto of this legislation.

S. 108 (Act 75) is a new law providing for **death benefits for first responders killed in the line of duty** (amounts based on circumstances). The benefit, paid to surviving spouses or other beneficiaries, applies to certain law enforcement officers, reserve officers, detention and correctional officers, constables, emergency medical technicians, paid and volunteer firefighters, coroners, and deputy coroners.

H. 4120 (on the Senate calendar) would create an "**Illegal Immigration Enforcement Unit**" within SLED as well as requirements for the unit to enter into a memorandum of agreement with the United States Immigration and Customs Enforcement (ICE) agency.

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H. 4002 (in the Senate) would **prohibit telecommunication devices for inmates** (including portable two-way pagers, handheld radios, cellular telephones, personal digital assistants, and laptop computers). Violators of the ban would face penalties (including if used in the commission of a subsequent felony).

H. 3865 (in the Senate) would establish additional optional **coroner candidate qualifications**. All candidates for coroner must meet all standards set out on a list of minimum qualifications. In addition to these minimum qualifications, they also must meet at least one listed qualification from a second list of qualifications. This proposal would add three years of experience as a licensed paramedic to the second list.

OPIOIDS

H. 3503 (Act 72) establishes and **enhances criminal penalties for trafficking or distributing fentanyl or fentanyl-related substances**. This legislation imposes mandatory minimum jail time and fines for first-time and subsequent offenders possessing specified amounts of fentanyl. Traffickers and distributors also in possession of firearms or ammunition while committing this crime would face additional penalties for doing so.

S. 407 (Act 78) outlines that prescribers must offer opioid antidotes (e.g., **Narcan**), in a manner that is consistent with the existing standard of care and the FDA. It also outlines that prescribers who comply with these provisions are not subject to professional disciplinary actions. However, this provision does not apply to patients receiving care for cancer or in palliative care.

H. 3691 (Act 66) allows a coroner and like associates to administer an opioid antidote accordance with the requirements of the "**South Carolina Overdose Prevention Act**." In addition, it outlines that a coroner and a deputy coroner are considered public safety officers if killed in the line of duty.

JUDICIAL AND COURT MATTERS

The General Assembly passed **H. 3532 (Act 83), committing crimes while out on bond** -- a cornerstone of this General Assembly's approach to issues of law and order. This measure imposes a mandatory five-year jail term for anyone out on a pretrial bond, or other pretrial release, for committing a statutorily listed violent crime who is then found, beyond a reasonable doubt, to have committed another, unrelated, and statutorily listed, violent crime or possessing a firearm while committing a felony. [Given the complexity of this Act's text, it would be important for you to see the fuller summary below].

The "**Law Enforcement Personal Information Privacy Protection Act**" and the "**Judicial Personal Privacy Protection Act**," **S. 252 (Act 56)**, allows judges, law enforcement officers to request their personal information be kept confidential in all state records (effective **July 1, 2024**).

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H. 3883 (in the Senate) would allow circuit court trial judges discretion to retain **alternate jurors** through deliberations. Trial judges would determine the appropriate time to release these alternates from jury duty.

H. 3508 (in the Senate) would expand **the concurrent jurisdiction** with South Carolina and the United States over a military installation relating to any violation of federal law committed by a juvenile that is also a criminal offense under state law.

H. 3019 (in the Senate) extends no-cost **expungements to mistaken identity arrests**. Anyone arrested for a crime they did not commit, and who was arrested because their identity was mistaken, would be entitled to a no-fee expungement of their arrest records within 180 days of discovering their identity had been mistaken.

The South Carolina **Attorney General's role in litigation** pursued in South Carolina's interest is clarified by **H. 3866 (in the Senate)** and **H. 3925 (in the Senate)** would name the Attorney General, or his designee, as a Prosecution Coordination Commission member.

LAW AND CIVIL SOCIETY

S. 474 (Act 70) is the “**Fetal Heartbeat and Protection from Abortion Act**.” The Act declares that life begins with a **fetus's first detectable heartbeat**. [For greater detail about this comprehensive legislation, we recommend reading our more detailed summary in the Major Issues section below].

H. 3583 (Act 54), “Gavin’s Law,” is legislation passed to abate **sexual extortion**. These cases typically involve blackmailing individuals who have shared their nude or other private images via text messaging or 'sexting,' who are then blackmailed after doing so.

H. 3014 (on Senate calendar), the “Clementa C. Pickney Hate Crimes Act” is a proposed bill that would allow additional penalties for criminal offenses committed against someone based on their perceived race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability.

H. 3594 (on Senate calendar), proposes to declare that South Carolina citizens have a **constitutional right to carry their firearms** anywhere in South Carolina. Exceptions to this general permission prohibit carrying a weapon in law enforcement facilities, courthouses, and schools.

H. 3591 (in the Senate) is a ballot referendum on the repeal of a state constitutional provision that prohibits direct **public funding for religious or other private educational institutions**, also known as our *Blaine Amendment*.

H. 4042 (in the Senate) would codify **antisemitism** as an additional discriminatory act. These incidents would be included in efforts to review policies for violations and to protect civil rights laws, policies, and regulations prohibiting discriminatory acts.

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ELECTIONS

Several election-related bills were considered:

S. 92 (Act 18) extends election protest deadlines past interceding legal holidays.

S. 405 (Act 27) changes the timing and manner of **certification of electoral college electors**.

In **H. 4066 (in the Senate)**, the state elections commission executive committee would hear all election protests and could require **protest bonds** to be posted by anyone contesting an election.

H. 3734 (in the Senate), municipal election reforms, would standardize municipal elections (dates, election authority, the terms of office) statewide.

EDUCATION

The Education Scholarship Trust Fund became law while a series of other education initiatives addressing major education issues such as competency-based education, open enrollment, and reading methodology reside in the Senate. The bill addressing prevention of ideological and viewpoint biases (Transparency and Integrity in Education Act, H. 3728) is in Conference Committee.

H. 3360 (Act 79) outlines the establishment of the **Center for School Safety and Targeted Violence** within SLED. The purpose of the center is to provide training, education, and expertise in the areas of school safety and targeted violence.

S. 39 (Act 8) creates the **Education Scholarship Trust Fund** (an individual account of funds allocated to parents of an eligible student to pay for qualifying expenses). Eligible elementary and secondary students may be awarded scholarships in the amount of \$6,000 to pay for education expenses (expenses may include, among other items, tuition and fees, instructional materials, tutoring, computer hardware, assessments, and transportation). The new law creates an application process, determines student eligibility, and informs about eligibility and providers. Before receiving funds, parents or guardians must agree to provide instruction in at least English/language arts, mathematics, social studies, and science. Providers may be banned if they do not comply with accountability standards or provide educational services. Families must meet a specified percentage of the federal poverty guidelines to qualify.

H. 4023 (Act 81) - amending **First Steps to School Readiness Act**. The primary significance of this Act is that **First Steps is now permanently enacted** (future reauthorization is not necessary). Another significant change is that the legislative delegation may delegate some or all of its appointments to a county council. Much of this legislation focuses on local partnership boards. Appointed members shall comprise a voting majority of the board. Local partnership boards will consist of elected and appointed members, with members representing the community along with members appointed by the legislative delegation upon recommendation of the local DSS,

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DHEC, the Head Start offices, the county library system and one appointment from each school district.

H. 3797 (Act 40), the Military Temporary Remote School Enrollment Act, requires school districts in South Carolina to accept electronic school enrollment for children of military personnel who are transferred to a military installation within the state while on active military duty.

H. 3857 (Act 41) allows a state college or university under the **Doctoral/Professional University classification** to offer college-level baccalaureate, master's, and no more than five professional doctorate or Doctor of Philosophy degrees.

S. 397 (Act 77) transfers regulatory authority of athletic trainers from DHEC to the Board of Medical Examiners (LLR). Athletic Trainer Act of South Carolina refers to an allied health professional with specific qualifications who provide services under the direction of or in collaboration with a licensed physician. The new law creates licensure for athletic trainers and outlines the requirements and certifications needed to obtain and renew a license.

H. 3312 (Act 89), the Child Food and Nutrition Services Study Committee, examines the feasibility of transferring the administration of certain national food and nutrition programs and initiatives from the State Department of Education to the State Department of Agriculture. These programs include the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs.

S. 256 (Act 21) allows public schools to permit students to possess and use certain types of **sunscreens on school property** and at school-sponsored events.

H. 3728 (in conference), the "South Carolina Transparency and Integrity in Education Act," seeks to **prevent ideological and viewpoint biases** from being presented as fact to students in public schools. It also would promote a positive learning environment, critical thinking skills, and prepare students to be college and career ready. The bill lists prohibited concepts that may not be included or promoted in a course of instruction, and **library and media center material** must be age-appropriate and grade-appropriate. The bill provides procedures for public review of **public-school curricula and instructional materials**, and provisions are made for complaints and feedback. If a complaint cannot be resolved locally, an appeal can be made to the State Board for a final determination.

H. 3501 (in the Senate) would apply to "certified athlete agents" and their interactions with student athletes, including their ability to pay for certain expenses incurred by student athletes before entering into a formal agency contract.

H. 4280 (in the Senate), the Educator Assistance Act, proposes to make professional certificates issued by the State Board of Education permanent (unless revoked or suspended) and not subject to renewal.

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H. 3295 (in the Senate) would allow the State Board of Education to waive certain laws and regulations for districts that successfully apply to start a **competency-based school**. The bill outlines core principles for Competency-Based Education, including explicit, measurable, and transferrable competencies, personalized and flexible pathways for students, and meaningful assessments. Competency-Based schools cannot be exempted from anti-discrimination laws or health, safety, civil rights, and disability rights requirements, and state and federal assessment requirements may not be waived.

H. 3843 (in the Senate) would amend statutes **regarding students attending public schools outside their attendance zone and school district**. The bill directs school boards to adopt an open enrollment policy by the 2023-24 school year. The bill outlines requirements for district **open enrollment** policies, including adhering to federal desegregation and other education requirements.

H. 4060 (in the Senate) aims to improve **workforce education in K-12 and higher education**. The prospective bill would include provisions such as ensuring that all public high schools provide remedial courses in language and math for students who want to pursue postsecondary education, requiring each high school senior to complete and submit a Free Application for Federal Student Aid (FASFA) before graduation, and developing a statewide postsecondary articulation agreement for dual enrollment courses between all school districts and higher education institutions. The Department of Employment and Workforce (DEW) is also required to provide online access to information regarding the economic value of college majors.

S. 418 (returned to Senate with amendments) defines terms related to **literacy and reading instruction** and would require teacher training in foundational literacy skills, structured literacy, and mandates the use of scientifically based reading instruction. It also would establish requirements for teacher certification and professional development, as well as interventions for students who struggle with reading. Additionally, the bill sets standards for reading assessments and prohibits the use of certain instructional methods.

HEALTH

S. 407 (Act 78) outlines that prescribers must offer **opioid antidotes** (e.g., **Narcan**), in a manner that is consistent with the existing standard of care and the FDA. It also outlines that prescribers who comply with these provisions are not subject to professional disciplinary actions. However, this provision does not apply to patients receiving care for cancer or in palliative care.

H. 3870 (Act 43) authorizes the Board of Pharmacy to issue a permit to a **Narcotic Treatment Program (NTP)** before they can administer or dispense methadone or other narcotic treatment medications.

S. 520 (Act 30) addresses **pharmacy benefits and services** -- expanding the rights and duties of pharmacies during audits and revises duties of pharmacy benefits managers. The legislation includes regulatory oversight and management provisions

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for pharmacy benefits managers and pharmacy services administrative organizations. A three-tiered prescription drug classification system is established as a means of encouraging competition to drive down costs of prescription drugs. This Act takes effect **January 1, 2024**, but the recurring examinations by the Department of Insurance provided herein must not begin before **January 1, 2025**.

H. 4122 (Act 47) expands the authorized use of **epinephrine auto-injectors** in schools to include the provision of other lifesaving medications in addition to epinephrine.

S. 164 (Act 20) provides a sunset date of **January 1, 2027** for the requirement of obtaining a **Certificate of Need (CON)** for new hospitals and expansion of hospital beds. The legislation also creates a Certificate of Need Study Committee to examine the effect of repealing the Certificate of Need on the quality and quantity of access to healthcare in rural areas.

S. 394 (Act 26) provides for **additional testing as well as the notification of a child's primary** provider and a qualified pediatric specialist when dealing with the results of abnormal neonatal testing.

S. 343 (Act 59) amends the definition of a crisis stabilization unit facility to include all short-term residential **stabilization and intensive crisis services** -- removing the requirement that they be operated by or in partnership with the Department of Mental Health.

S. 569 (Act 62) establishes an advisory council to update the statewide plan addressing Alzheimer's disease and related dementias.

H. 3204 (Act 35) specifies Psychology Interjurisdictional Compact [PSYPACT] Commission Dispute Resolution jurisdiction. PSYPACT oversees the work of therapists licensed in other states who treat patients who do not live in those licensing states, allowing nonresident telepsychology therapists to treat South Carolina patients without obtaining a license in the state. This legislation designates the Georgia US District Court as the sole arbiter of disputes arising from service provided in South Carolina.

H. 3877 (in the Senate) is legislation that would revise an anesthesiologist's supervisory requirements for **anesthesiologist's assistants**.

H. 3592 (in the Senate) would update the "**Pharmacy Practice Act**" by modifying certain definitions related to the **compounding** of medications and revises requirements for compounding pharmacies.

H. 4159 (in the Senate) would expand telehealth by removing the in-person requirement and provides requirements for all licensed practitioners by enacting the "**South Carolina Telehealth and Telemedicine Modernization Act.**"

H. 3255 (in the Senate) would enact the "**Living Donor Protection Act**" -- prohibiting insurance companies from discriminating against living organ donors in regard to coverage and policy conditions. This includes not being able to decline or limit coverage based solely on someone's status as a living organ donor.

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CHILDREN AND FAMILY ISSUES

The General Assembly and the House passed a significant package of legislation this year regarding protections and reforms for children regarding adoption, guardianship, permanent placement changes, infant safe havens, adoption reports, termination of parental rights, and reforms governing the Department of Social Services.

H. 3553 (Act 80) removes the **adoption waiting period** by eliminating the existing 90-day waiting period after adoption petitions have been filed before adoptions may be finalized with an adoption decree. The Act also now covers permanency planning, **infant “safe havens,”** and termination of parental rights in specified instances.

S. 612 (Act 33) establishes a tiered system and **statutory guidelines for DSS abuse and neglect case investigations** (and reporting). SC DSS is tasked with preparing annual reports showing all cases not resolved within statutory timeframes and explanations about why they were not resolved in a timely manner.

S. 380 (Act 25) pertains to **legal guardianships with supplemental benefits**. These legal guardians --that can include fictive kin-- would have access to a monetary fund to pay benefits.

S. 341 (Act 10) sets out guardianship appointment revisions. Probate Court jurisdiction has been expanded to allow guardianship petitions to be filed up to six months prior to a minor turning 18 years old. Necessary findings before appointing a guardian for these youths are included.

S. 342 (Act 23) adds definitions of ‘unaccompanied **homeless youth,**’ ‘homeless child or youth,’ and ‘youth at risk of homelessness’ to the South Carolina Children’s Code. Significantly, all of these definitions include anyone from their birth to 24 years of age who lacks a fixed, regular, and adequate nighttime residence.

In an effort to further assist families, **H. 3908 (Act 17)** provides for **paid parental leave for teachers** and other school district employees upon the birth of a child or initial legal placement of a foster child or a child by adoption.

H. 3231 (Act 36), repeals the provision relating to the responsibility of the Department of Health and Human Services to establish and expand **Child Development Services**.

H. 3558 (in the Senate) is proposed legislation for prerequisite **child safety, placement plans and removal cases** in Department of Social Services. Before any child could be placed outside of their home, and in lieu of placement in an SC Department of Social Services [SCDSS]-approved facility, all interested parties, including relatives and fictive kin, who could qualify for placement of the child with them instead, would have to sign off on safety, placement, and—where appropriate—treatment plans for the child under this proposal.

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The “**Uniform Child Abduction Prevention Act,**” **H. 3220 (in the Senate)**, would set out comprehensive criteria for determining a credible threat to a child’s safety, or likelihood of abduction, in either child custody or visitation situations.

H. 3217 (in the Senate) would be the “**Uniform Unregulated Child Custody Transfer Act.** This legislation proposes to set out criteria for adoption and transfer of custody of children by a custodial parent, or parents to the other parent, stepparents, blood kin, or fictive kin, without state agency involvement or the issuance of a court order. Additional proposed provisions incorporate these placements into existing pre-placement state laws for the adoption of these children by their custodians.

H. 3554 (in the Senate) is a bill to establish **Family Court Judicial Discretion to Waive Pre- and Post-Placement Adoption Reports.** See **H. 3553.**

H. 3555 (in the Senate) would enact **Adoption and Permanent Placement Reforms for Children in Department of Social Services Custody.** This bill represents an effort to speed up adoption, permanent placement, or another planned permanent living arrangement [APPA] for children in Department of Social Services [SCDSS] custody. Sent to the Senate (4/5/23).

H. 3556 (in the Senate) proposes to modify existing state **Infant Safe Havens Law.** See **H. 3553.** Sent to the Senate (4/5/23).

TRANSPORTATION AND VEHICLES

S. 363 (Act 24) prohibits **motor vehicle modifications** that result in the motor vehicle's front fender being raised four or more inches above the height of the rear **fender.** This fender height differential is known as the “**Carolina Squat.**”

S. 361 (Act 2) removes the requirement for preapproval of **construction contract extensions** by the DOT Commission. Instead, it requires that the Commission ratify any extensions to construction contracts at their next scheduled meeting.

S. 549 (Act 51) is omnibus style legislation making a comprehensive **Vehicle Dealers/DMV update,** with numerous changes related to **driver's license reinstatement fees and vehicle insurance requirements.** The Act extends the validity of driver's licenses issued under the reinstatement fee payment program and revising the amount of reinstatement fees owed; changing requirements for vehicle insurance and other changes related to motor vehicles and dealers; and, changing **driver training schools** and **vision screening requirements** for obtaining a driver's license.

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H. 3952 (Act 45) revises the **administrative authority of the Department of Consumer Affairs relating to motor vehicle dealers** and their closing fees under the state's Consumer Protection Code. The legislation revises criteria for determining if a dealer's closing fee is reasonable and charges the Department of Consumer Affairs with promoting education for consumers and best practices for dealers.

H. 3359 (in the Senate) would address the subject of **utility terrain vehicles (UTV)** by defining utility terrain vehicles and providing for registration and operation on highways and streets. Among the many requirements and restrictions are age, insurance, road type, operating times, restraints, licenses and permits.

H. 3355 (in the Senate) is a bill that would provide that a **towing truck with a fifth-wheel assembly** may tow one additional vehicle.

H. 3518 (in the Senate) would amend the **DMV's driver's license reinstatement fee payment program**. The bill lowers the threshold to participate and allows the driver to make payments online, except for the first and final payments.

H. 3750 (in the Senate) is a bill that adds "planning for repairs to bridges, highways, roads, and other improvements on the state's rights of way" to the list of **exemptions from the state procurement code** -- allowing the DOT greater flexibility.

H. 3168 (in the Senate) would clarify that **antique motor vehicles and motorcycles may be used at night** for particular purposes if equipped with working headlights and rear lights.

H. 3732 (in the Senate) would designate the restoration, exhibition, showing, and enjoyment of **classic and antique motor vehicles as the official family-friendly pastime** of South Carolina.

VETERANS

S. 317 (Act 58) regards the **Board of Trustees for the Veterans' Trust Fund**, including its composition, appointment process, and term limits. The new law reduces the number of board members on the Board of Trustees for the **Veterans' Trust Fund of South Carolina** from 19 to 11 voting members. The board consists of eleven members appointed by the Governor, with at least six being veterans. Of the seven members appointed at large, three must come from a **rural county** so designated by the U.S. Census Bureau. Hold-over capacity is limited to 180 days to ensure timely turnover and potential for new appointments.

H. 3116 (in the Senate) would address the timing of the **property tax exemption for disabled veterans**. The legislation would provide that a qualified veteran who has a permanent and total service-related disability may immediately claim the exemption for the entire year in which the disability occurs.

MAJOR ISSUES 2023 LEGISLATION

BUDGET AND FINANCE

Note: many of the budgeted items in this section correspond to legislation listed below (such as support for economic development, infrastructure, and opioid treatment).

Appropriations for Fiscal Year 2023-2024 (H. 4300, Act 84) (H. 4301, Act 86)

H. 4300 (Act 84), the General Appropriations Act, and **(H. 4301, Act 86)**, the joint resolution making appropriations from the Capital Reserve Fund, together comprise the \$14 billion **Fiscal Year 2023-2024 State Government Budget**. After \$796 million is transferred to the Tax Relief Trust Fund that provides for the residential property tax caps, \$11.8 billion in recurring revenue is available for appropriation. The budget's \$2.2 billion in nonrecurring revenue includes \$209 million in Capital Reserve Funds.

In keeping with the "Comprehensive Tax Cut Act of 2022," \$96.2 million in recurring funds is used for the second year of the tax relief schedule, allowing the highest income tax bracket to be lowered from 6.5 percent to 6.4 percent.

\$20 million in additional funding is allocated to the County Transportation Committees for accelerating projects on the state's lower volume and secondary roads.

\$20 million is provided for capital investments to improve the state's six commercial airports.

The budget funds the enhancements to the state financial reserve accounts used to cope with revenue shortfalls as provided for in the amendments to the South Carolina Constitution that were approved by voters in the 2022 general election and ratified by the General Assembly. \$140 million is used for the first phase of the General Reserve Fund increase. \$181 million is used to increase the state's Capital Reserve Fund from 2 percent to 3 percent of General Fund revenue. The state's financial reserves are increased to a total of \$1.1 billion.

\$156 million in recurring revenue is devoted to state employee pay raises with each full-time state employee who makes no more than \$50,000 a year receiving a \$2,500 increase in base pay and full-time employees making more than \$50,000 a year receiving a 5 percent salary increase. The salary increase is structured so that the lowest-paid state employees receive the largest percentage pay increase.

\$122 million in recurring funds is included to cover the increased costs of operating the state's health insurance plan with no additional monthly premium costs.

\$40 million is used to reduce the unfunded liability of state retirement plans, completing the final year of the pension stabilization commitment adopted in Act 13 of 2017.

Education

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In K-12 public education, public schools receive over \$12 billion in funding next year across all funding levels. An additional \$260 million is provided in State Aid to Classrooms. The per pupil average in State Aid to Classrooms is increased to \$5,377.

The budget legislation includes the revised educational funding formula established last year that consolidates numerous budget lines into the single State Aid to Classrooms. This year, additional lines are consolidated into the simplified funding stream. The funding formula's weightings continue to apply, including those added last year to emphasize more funding for students in poverty and students with disabilities. After satisfying fundamental requirements, local school districts are afforded greater flexibility in spending State Aid to Classrooms. Districts are subject to accountability and transparency requirements for publishing their expenditures of federal, state, and local funds online.

The budget allows for a \$2,500 teacher pay increase across all salary levels. The state's starting salary for teachers is increased from \$40,000 to \$42,500.

\$3 million in recurring Education Improvement Act funds is provided to increase the amount that each teacher is provided for purchasing classroom supplies from \$300 to \$350.

\$30 million in nonrecurring Education Improvement Act funds is appropriated for instructional materials.

\$16.7 million is used to raise state per pupil expenditures from \$300 to \$5,100 for SC Department of Education and First Steps full day 4K.

\$10.2 million in recurring Education Improvement Act funds is allocated to the Child Early Reading and Developmental Education Program.

\$39 million in nonrecurring Education Improvement Act funds is provided for the Literacy Instruction Program to expand training in Language Essentials for Teachers of Reading and Spelling to all K-3 teachers in the state. Teachers who complete this LETRS training in the science of reading are compensated with a \$500 stipend.

\$9.5 million in recurring Education Improvement Act funds is appropriated for career and technology education.

\$2 million in recurring Education Improvement Act funds is provided for the Jobs for America's Graduates program.

\$1.5 million in recurring Education Improvement Act funds is appropriated for the math Teach to One software program used to create individualized instruction from third grade to Algebra 1.

\$3 million in recurring Education Improvement Act funds is provided for computer science education.

\$3.3 million in recurring Education Improvement Act funds is appropriated for intensive developmental education and therapy services.

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\$15 million in nonrecurring Education Improvement Act funds is appropriated for high intensity tutoring for students struggling with math and reading to recover from the educational losses resulting from the disruptions of the COVID-19 pandemic.

\$10.2 million in nonrecurring Education Improvement Act funds is provided for instructional support for school districts.

\$17.3 million in recurring funds is appropriated to provide a 20 percent salary increase for school bus drivers.

\$20.6 million in nonrecurring EIA funds is allocated for purchasing and leasing school buses along with \$4 million in lottery funds and provisions for spending unclaimed prize money.

\$120 million is provided for Capital Funding for Disadvantaged Schools. In the allocation of these funds, incentives are provided for school and school district consolidation. \$20 million of this funding is devoted to school safety upgrades including new door locks, bulletproof glass, and security measures for school entry points.

\$14 million in recurring funding through the Department of Public Safety is provided for school resource officers, which should be sufficient to provide an SRO for every school. \$13 million is provided for outfitting the officers.

Provisions are included to facilitate retirees in the Police Officers Retirement System returning to employment with a public school district as a critical needs school resource officer.

\$3.6 million is allocated for the State Law Enforcement Division to create a Center for School Safety.

A provision is included that prohibits school districts, or any of their schools, from using any funds appropriated or authorized by the budget legislation to offer students any monetary incentive or inducement to receive a COVID-19 vaccination.

A Student Technology Safety initiative is included that directs the Department of Education to create and maintain an approved list of third-party providers on an annual basis that provide technology to mitigate cyberbullying and assist in the prevention of self-harm, suicide, or possible harm to others by monitoring student digital activity on school-issued devices and accounts. Providers included on the list must meet all state and agency data use and governance policies and must be domiciled in the United States.

The budget includes a provision prohibiting schools and school districts from accessing the TikTok application or any other application owned by its Chinese parent company ByteDance Ltd.

The SC Department of Education is directed to expend \$3 million in Education Improvement Act funds to develop, pilot, and implement a curriculum for high school students in an artificial intelligence (AI) career and technology program. The program is to include a four-year sequential pathway that is aligned with two-year and four-

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year college automotive programs and includes teacher training, third-party assessments, and certifications.

The State Department of Education Grants Committee is provided \$16.5 million in nonrecurring Education Improvement Act funds.

The budget continues to include a higher education tuition mitigation initiative in which a total of \$97 million in additional recurring funds is distributed among the state's institutions of higher learning. In order to retain these appropriations, the institutions must comply with provisions for freezing in-state tuition and mandatory fees during the 2023-2024 academic year for all in-state undergraduate students at all their four-year and two-year campuses.

The Capital Reserve Fund is devoted to capital needs at the state's colleges, universities, and technical schools with the \$209 million in these nonrecurring funds allocated among the institutions for construction, repairs, renovations, and maintenance of various facilities.

\$12.5 million in recurring funds and \$75 million in nonrecurring funds is provided for the creation of a College of Veterinary Medicine at Clemson University.

\$8 million in Education Lottery funds is devoted to technology at the state's public four-year and two-year colleges and technical schools.

Full funding is provided through the Education Lottery for the LIFE, HOPE, and Palmetto Fellows higher education scholarship programs.

\$51 million in lottery funds is provided through CHE and the Board of Technical and Comprehensive Education for tuition grants.

The Commission on Higher Education is provided \$80 million in lottery funds for need-based grants.

The Higher Education Tuition Grant Commission is allocated \$20 million in lottery funds.

\$4 million in lottery funds is provided to the Commission on Higher Education for College Transition Program Scholarships to assist individuals with disabilities.

MUSC receives \$3.5 million in lottery funds for SC First Scholarships that place physicians in rural areas and other underserved communities.

\$10 million in lottery funds is provided to the Commission on Higher Education for its Nursing Initiative.

The USC system is afforded \$4.5 million in lottery funds for its Carolina Internship Pilot Program.

The Board of Technical and Comprehensive Education is afforded \$93.7 million in lottery funds for SC Workforce Industry Needs scholarships that help provide full tuition at technical colleges for SC WINS recipients seeking degrees in industry sectors with critical workforce needs.

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\$2 million in lottery funds is allocated to the Ready SC Program which provides worker training at the state's technical colleges that is customized to the needs of new and expanding business and industry.

\$3.5 million in lottery funds is provided to the Tech Board for SC Youth and Small Business Grants.

The Tech Board is budgeted \$7 million in lottery funds for high demand job skill training equipment.

Commerce, DEW, Infrastructure

The Department of Employment and Workforce is afforded \$7.4 million to fulfill its new duties under the "Statewide Education and Workforce Development Act" approved by the General Assembly this year (H. 3726, Act 67).

\$3.7 million in nonrecurring funds is provided for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state.

The Department of Commerce is afforded \$9 million in nonrecurring funds for the Locate SC Site Inventory, \$5.5 million for strategic marketing, \$200,000 in recurring funds for SC Manufacturing Extension Partnerships, and \$15 million in nonrecurring funds for the SC Quantum Association Curriculum Development and Use Study.ⁱ

The Rural Infrastructure Authority is given \$11.4 million in nonrecurring funds for Water Quality Revolving Loan Fund match, \$3.5 million in recurring funds for planning and technical assistance for small and rural utilities, \$20 million in nonrecurring funds for I-85 Corridor utility upgrades, \$7.5 million in nonrecurring funds for the Rural Infrastructure Fund, and \$5 million in nonrecurring funds for the Statewide Water and Sewer Fund.

Agriculture

The Department of Agriculture receives \$40 million in nonrecurring funds for its Growing Agribusiness Fund, \$1.3 million for consumer services equipment replacement, \$500,000 in recurring funds for marketing SC agricultural products, \$500,000 in recurring funds for agribusiness infrastructure, and \$3 million in nonrecurring funds for enhancements to local farmers' markets throughout the state.

Clemson PSA is afforded \$4.6 million in nonrecurring funds for its poultry research facility, \$1 million in nonrecurring funds for statewide program support, \$2.1 million in nonrecurring funds for critical research infrastructure and dam maintenance, and \$15 million in nonrecurring funds for animal farms infrastructure.

SC State PSA receives \$2.5 million in nonrecurring funds for agribusiness development and expansion support, \$2.5 million in nonrecurring funds for the Camp Daniels Training and Activity Center, \$2 million in nonrecurring funds for the SC Limnology Center, and \$500,000 in recurring funds for agriculture innovation research.ⁱⁱ

The Department of Parks, Recreation and Tourism receives \$29 million in nonrecurring funds for improvements and outdoor recreation projects across the state, \$11.8 million in nonrecurring funds for state park development, upgrades, and maintenance.

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nance, \$13.5 million in nonrecurring funds for destination specific tourism marketing grants, \$2.5 million for SC Association of Tourism Regions promotions, \$7.5 million in nonrecurring funds for film incentives, \$3.7 million in nonrecurring funds for its Sports Marketing Program, \$250,000 in nonrecurring funds for the Undiscovered SC Grant Program, and \$2.1 million in nonrecurring funds for the state's welcome centers.

The Arts Commission is afforded \$2.5 million in nonrecurring funds for arts education programs and \$450,000 in nonrecurring funds for cultural arts and theater center grants.

The Department of Archives and History receives \$100,000 in recurring funds for the SC African American Heritage Commission, \$500,000 in nonrecurring funds for Historic Preservation Grants, and \$1 million in recurring funds for the commemoration of the 250th anniversary of the American Revolution in South Carolina.

Natural Resources

\$200 million in nonrecurring funds is provided for the Disaster Relief and Resilience Reserve Fund for land preservation and mitigation of risk from a variety of natural disasters.

The Department of Natural Resources gains \$20 million in nonrecurring funds for habitat protection and land conservation acquisitions, \$3 million in nonrecurring funds for river basin planning, \$10 million in nonrecurring funds for marine resources coastal infrastructure maintenance, \$10.8 million in nonrecurring funds for deferred maintenance and repairs at fish hatcheries, and \$2 million in nonrecurring funds for waterfowl impoundments infrastructure maintenance.

The Conservation Bank is provided \$25 million in nonrecurring funds for conservation grant funding.

Health and Social

The Department of Health and Environmental Control is budgeted \$36 million in nonrecurring funds for the Dam Safety Emergency Fund, \$6 million in recurring funds for permitting services, \$3.5 million for the Uncontrolled Hazardous Waste Sites Contingency Fund, \$1 million in recurring funds for the air quality program, \$753,830 in recurring funds for local community management of coastal resources, \$540,125 in recurring funds for the Resource Conservation and Recovery Act Program, \$842,192 in recurring funds for obesity prevention, and \$1 million in recurring funds for childhood lead screening.

The Department of Health and Human Services receives \$117 million in recurring funds for annualizations for Federal Medical Assistance Percentage (FMAP) state increase and Medicare rate increases, \$42 million in recurring funds for Medicaid program maintenance of effort, \$36.8 million in recurring funds for Medicaid provider rate adjustments and access to services, \$10 million in recurring funds for the BabyNet Program, and \$2.4 million in recurring funds for pregnancy crisis centers.

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A Department of Health and Human Services provision is included for a biomedical research center initiative for the evaluation of genetic profiles and patterns associated with disease risk to establish effective detection and therapeutic responses.

The Department of Mental Health is provided \$4 million in recurring funds for its suicide prevention hotline, \$11.4 million in recurring funds for veterans nursing homes and long-term care facilities, \$1.5 million in recurring funds for the sexually violent predator treatment program, and \$4 million in nonrecurring funds to expand its alternative transportation program which takes non-violent adults for involuntary psychiatric admission without the need to use law enforcement.

The budget emphasizes funding for salary increases, recruitment, and retention programs for nurses and mental health professionals across various agencies.

\$5 million in nonrecurring funds is appropriated for the Department of Administration to conduct a Health Agencies Restructuring Study on the proper organizational structures of the agencies that provide health services in state government.

The Department of Disabilities and Special Needs is allocated \$3.7 million in recurring funds for regional center direct support professional career path, \$1.4 million in recurring funds for maintenance of effort in quality assurance of waiver services, \$4 million in nonrecurring funds for annualizations for Federal Medical Assistance Percentage (FMAP) state increase, \$5 million in nonrecurring funds for the Unumb Center for Neurodevelopment offering autism spectrum disorder services, \$2 million in nonrecurring funds for the Greenwood Genetic Center along with \$2 million in nonrecurring funds for its Carroll Campbell Project for conducting genetic research for the treatment of Alzheimer's Disease.

The Department of Social Services is afforded \$15 million in recurring funds for support for South Carolina's children and adults, \$15.6 million for infrastructure integrity and information security, and \$5 million in nonrecurring funds for Healthy Bucks to allow recipients of the Supplemental Nutrition Assistance Program to purchase additional fresh fruits and vegetables with their SNAP EBT cards.

The Department of Alcohol and Other Drug Abuse Services receives \$2 million in recurring funds for sustaining its efforts to combat addiction, and nonrecurring funds in the amounts of \$2 million for the SC Center for Excellence in Addiction to counter the opioid crisis and other substance abuse issues, \$150,000 for the community wellness outreach opioid addiction program, \$300,000 for substance abuse recovery at the Courage Center, and \$100,000 for the statewide fentanyl awareness campaign.

Law Enforcement

The budget emphasizes funding for salary increases, recruitment, and retention programs for law enforcement and correctional officers across the agencies that employ officers. This includes a 15 percent pay raise for Class I law enforcement officers.

\$3.9 million in recurring funds is provided for the four additional Circuit Court Judges and three additional Family Court Judges approved in Act 232 of 2022 along with their staff. \$1 million is appropriated for court facilities.

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The Prosecution Coordination Commission receives \$14.5 million in recurring funds and the Commission on Indigent Defense receives \$11.2 million in recurring funds for personnel and retention programs to reduce the growing court case backlog which has become particularly severe following the disruptions of the COVID-19 pandemic.

The Adjutant General receives \$4.5 million in nonrecurring funds for armory revitalization and \$1.5 million in recurring funds for reimbursing State Guard members for their training in preparation for natural disasters and other emergencies.

The Department of Veterans' Affairs is afforded \$255,000 in recurring funds for the Burial Honor Guard Support Fund and \$7.5 million in nonrecurring funds for the Military Enhancement Plan Fund that is used for awarding grants to communities surrounding military installations.

\$3 million in recurring funds is provided for the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program which awards grants to volunteer fire departments and combination departments for purchasing protective gear, vehicles, and other firefighting equipment and for funding such initiatives as firefighter training and upgrades to fire stations.

The Forestry Commission receives \$2.3 million in nonrecurring funds for emergency operations and equipment and \$1.6 million in nonrecurring funds for equipment replacement.

\$13.2 million in recurring funds is included for full funding of the Local Government Fund that is consistent with the revised approach for sending revenue to political subdivisions established in Act 84 of 2019.

\$20 million in nonrecurring funds is provided for information technology system modernization at the Department of Motor Vehicles.

\$8 million is provided to the Department of Transportation for litter removal initiatives.

Note: several legislative Acts listed below correspond to budgeted items (such as support for economic development, infrastructure, and opioid treatment).

State Constitutional Amendment Enhancing Financial Reserve Funds (S. 381, Act 5)
S. 381 ratifies the State Constitutional amendment enhancing financial reserve funds. The amendment to the South Carolina Constitution approved by the state's voters at the 2022 general election enhances the state financial reserve funds that are used to manage revenue shortfalls. The amendment provides for the state's General Reserve Fund, currently set at five percent of General Fund revenue of the latest completed fiscal year, to be increased each year by half a percent until it equals seven percent of such revenue. The amendment increases the state's Capital Reserve Fund from two percent to three percent of General Fund revenue and provides that the first use of the Capital Reserve Fund must be to offset midyear budget reductions.

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ECONOMIC DEVELOPMENT

Scout Motors (Project Connect) (H. 3604, Act 3)

H. 3604 (Acts 3) appropriates \$1.2 billion from the Fiscal Year 2021-2022 Contingency Reserve Fund and \$86 million from the Fiscal Year 2022-2023 projected General Fund surplus for **Project Connect**, the construction of a manufacturing facility near Blythewood, in Richland County, by **Scout Motors**, a subsidiary of Volkswagen Group, to produce **electric trucks and sport utility vehicles**. The Department of Commerce is appropriated \$1 billion to provide funding to Project Connect for: (1) road access and improvements (including a new interchange on Interstate Highway 77); (2) water and wastewater infrastructure; (3) required site improvements and mitigation; (4) a railroad bridge over I-77 to support rail spur construction; (5) a training center run by Midlands Technical College to train workers for the manufacturing facility; (6) land acquisition; (7) soil stabilization and (8) other necessary purposes as recommended by the Department of Commerce for Project Connect (subject to review and comment by the Joint Bond Review Committee). Provisions are made for a \$200 million loan for additional soil stabilization that is not eligible for forgiveness and must be paid back to South Carolina.

Statewide Education and Workforce Development Act (H. 3726, Act 67)

H. 3726 (Act 67) is the “**Statewide Education and Workforce Development Act.**” Drawing upon the work of the Ad Hoc Committee for Economic Development and Utility Modernization appointed by the Speaker of the House, the legislation makes comprehensive revisions geared towards realizing South Carolina’s full workforce potential by implementing initiatives to coordinate and make the most of all publicly funded job training, scholarships, apprenticeship programs, and other workforce development services. The Act creates the Office of Statewide Workforce Development in the Department of Employment and Workforce to provide centralized oversight of all services and to coordinate, align, and direct workforce efforts throughout the state to maximize available resources, enhance accountability and transparency, and actively foster a customer-centric workforce development system that is readily accessible, highly effective, and easily understandable. The Director of the OSWD is appointed by the Governor, upon the advice and consent of the Senate, and is subject to removal from office by the Governor. All functions, powers, and duties of the Department of Commerce relating to the former Education and Economic Development Coordinating Council are transferred to the Department of Employment and Workforce to provide for a reconstituted and expanded Coordinating Council for Workforce Development made up of representatives from pertinent state agencies, legislative committees, K-12 public education, higher education, technical and comprehensive education, and private sector employers ranging from largescale industries to small businesses.

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The Coordinating Council for Workforce Development is composed of: (1) the Executive Director of the Department of Employment and Workforce or his designee, who shall serve as chairman; (2) the Director of the Office of Statewide Workforce Development or his designee; (3) the Director of the South Carolina Department of Veterans Affairs or his designee; (4) the Commissioner of South Carolina Vocational Rehabilitation or his designee; (5) the Chairman of the South Carolina Research Authority or his designee; (6) the Commissioner of Agriculture or his designee; (7) the Director of the Department of Labor, Licensing and Regulation or his designee; (8) the Director of the Office of Revenue and Fiscal Affairs or his designee; (9) the Director of the Education Oversight Committee or his designee; (10) the President of the South Carolina Manufacturing Extension Partnership or his designee; (11) the Secretary of the Department of Commerce or his designee; (12) the State Superintendent of Education or his designee; (13) the Executive Director of the State Board for Technical and Comprehensive Education or his designee; (14) the Executive Director of the Commission on Higher Education or his designee; (15) the Director of the South Carolina Department of Parks, Recreation and Tourism or his designee; (16) the president or provost of a research university in this State who is selected by the presidents of the research universities in this State; (17) the president or provost of a four-year college or university in this State who is selected by the presidents of the four-year universities in this State; (18) the president of a technical college in this State who must be appointed by the Chairman of the State Board for Technical and Comprehensive Education; (19) the following members appointed by the State Superintendent of Education who have expertise regarding the South Carolina Education and Economic Development Act: (a) a school district superintendent; (b) a school counselor; and (c) a career and technology education director; (20) the Chairman of the South Carolina State Workforce Development Board or his designee; (21) a representative of a local workforce board, appointed by the Executive Director of the Department of Employment and Workforce; (22) the Executive Director of South Carolina First Steps or his designee; (23) the Director of the South Carolina Department of Revenue or his designee; (24) two representatives from the business community, appointed by the Governor, who have professional expertise in economic development and workforce issues; (25) one person appointed by the Chairman of the House Education and Public Works Committee and one person appointed by the House minority party leader; (26) one person appointed by the Chairman of the Senate Education Committee and one person appointed by the Senate minority party leader; (27) the Executive Director of South Carolina State Housing Finance and Development Authority or his designee; (28) three persons appointed by the Governor who are considered current or past small business owners under the North American Industry Classification System (NAICS) code; (29) representatives of any other agencies or entities selected by vote of the executive committee; (30) one person appointed by the Speaker of the House and one person appointed by the Senate President, both of whom have professional expertise in economic development and workforce issues, both of whom also shall serve on the executive committee.

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The legislation provides for an executive committee of the CCWD, composed of the heads of key state agencies and appointees of legislative leadership. The executive committee is composed of: (1) the Executive Director of the Department of Employment and Workforce, who shall serve as chairman; (2) the Director of the Office of Statewide Workforce Development; (3) the Secretary of the Department of Commerce; (4) the State Superintendent of Education; (5) the Executive Director of the State Board for Technical and Comprehensive Education; (6) the Executive Director of the Commission on Higher Education; and (7) the experts appointed by the Speaker of the House and the Senate President to the full CCWD.

The CCWD is charged with formulating and updating a comprehensive Unified State Plan that provides a systemwide approach to streamline and unify efforts of all those involved in education and workforce development in South Carolina. The plan must be formulated using time-sensitive metrics including educational attainment and labor participation rate targets. An online dashboard must be developed to enable the public to monitor and track progress of the USP.

The Office of Statewide Workforce Development is charged with monitoring the compliance of each state and local government agency, nonprofit group, and quasi-governmental group that is appropriated state funds or is authorized to expend federal funds related to workforce development. When necessary, the OSWD is to issue directives for any actions that are necessary to comply with the responsibilities set forth in the USP. An annual report detailing all funds used for workforce development projects must be submitted to the Governor, Speaker of the House, President of the Senate, Chair of the House Ways and Means Committee, and Chair of the Senate Finance Committee.

The legislation revises requirements for employers to make Unemployment Trust Fund contribution and wage reports to the Department of Employment and Workforce by expanding reporting requirements to include more employers and providing for more detailed reports that include Standard Occupational Classification (SOC) codes and total number of hours worked.

The duties of the CCWD and the Office of Statewide Workforce Development include the creation and maintenance of an Education and Workforce Portal to provide South Carolinians with information critical to their lifelong educational journey, including: (a) an “Educational Program Alignment Toolkit” that serves as an infrastructure of resources to enable the K-12, technical college, and higher education systems to individually and collectively ensure their respective educational curriculum, initiatives, and programming match workforce needs; (b) a “Career Pathways Tool” that uses applicable occupational data, educational programming, workforce needs, salary information, job market analyses, in-demand occupations, and other information to provide students, parents of students, job seekers, educators, and counselors, with useful information about potential career pathways and the various routes to meaningful employment; (c) real-time labor market information; (d) comprehensive inventory of all education and training assets in the state; and (e) global

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view of workforce-related program data including federal, state, and local education and training options and opportunities.

The legislation provides for regional workforce advisors, overseen by the OSWD, who are charged with coordinating and facilitating the delivery of information, resources, and services to students, educators, employers, and the community within their geographic areas of responsibility.

The CCWD and the Office of Statewide Workforce Development are charged with studying and making recommendations to address barriers to labor participation, such as affordable access to childcare and transportation. The CCWD and the Office of Statewide Workforce Development are responsible for providing individuals who are receiving assistance from public benefit programs with the supports, skills, and credentials they need to gain and retain employment in occupations for which employers demonstrate persistent demands. This includes a “SC Benefits Calculator” to help families, case managers, and community providers understand the impact of earnings and assist families planning their exit from the use of these public benefits, with the goal of promoting self-sufficiency and maximizing use of available opportunities.

The CCWD is directed to coordinate with the South Carolina Department of Veterans’ Affairs to develop and implement procedures that connect active-duty military spouses, family members, veterans, and military retirees to job opportunities and career support.

The executive committee of the CCWD may recommend the appropriate actions necessary to eliminate duplicative programs and workforce activities that do not further the USP, improve programs not meeting stated performance targets, and, when necessary and to the extent not prohibited in law, recommend the discontinuation of programs that repeatedly do not meet targets or may no longer be needed. The CCWD is charged with meeting regularly with industry associations to gain an understanding of their workforce needs and ideas and producing an annual statewide workforce and education supply gap analysis of what skills should be developed to meet demand. The CCWD is directed to make recommendations to the General Assembly on how the state of South Carolina could marshal its workforce development resources more effectively.

American Rescue Plan Act (ARPA) Appropriations (S. 604, Act 6)

S. 604 (Act 6) authorizes **American Rescue Plan Act (ARPA) appropriations**. From the funds disbursed to the state under the federal “American Rescue Plan Act of 2021,” the legislation appropriates \$586 million to the Rural Infrastructure Authority ARPA Water and Sewer Infrastructure Account to be used towards fulfilling existing grant applications. Of this amount, \$100 million must be available for projects designated by the Secretary of Commerce as being significant to economic development and may be funded at up to \$20 million per project with no local match requirement. The

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legislation provides that the funds in the ARPA Resilience Account also may be used to mitigate the potential release of contamination associated with the USS *YORK-TOWN* (CV-10), an asset of the Patriots Point Development Authority. The *YORK-TOWN* project must be conducted in two phases that require review and comment by the Joint Bond Review Committee to finalize project cost and scope.

Craft Beer Economic Development Act (S. 566, Act 31)

S. 566 (Act 31), the “**South Carolina Craft Beer Economic Development Act**,” allows, among other things, craft breweries to sell up to 2,000 barrels of beer each year. In addition, no tour will be necessary before selling this beer to customers. Three cases, up from the past limit of two cases of craft beer could be sold to each customer at these breweries, for off-premises consumption. As a final feature of this legislation, these breweries will be able to transfer their product to another location they own and not incur state or local distribution or wholesale fees or costs for doing so.

Executive Director of DEW (H. 3783, Act 1)

H. 3783 (Act 1) temporarily waves a statutory requirement so that the **Department of Employment and Workforce Review Committee** could “submit less than three applicants to the Governor to serve as Executive Director of the Department of Employment and Workforce until that position is filled or July 1, 2023, whichever occurs first.”

Tax Incentives for Economic Development (S. 557, in the Senate)

S. 557 would expand and enhance **tax incentives for economic development**, among them the income tax credit provisions for establishing a corporate headquarters in South Carolina. The legislation would lower the minimum investment threshold from \$300 million to \$100 million for a qualified recycling facility to be eligible for tax credits. Batteries, solar panels, turbines, and related structures are included in the definition of “postconsumer waste material” for recycling facilities. Provisions in the Enterprise Zone Act of 1995 would be revised to allow remote employees working in South Carolina to be included in certain job creation requirements and adds incentives for certain investments. The legislation revises provisions relating to the Enterprise Zone Act credit against withholding for retraining employees to provide who is eligible for the credit and the amount of the credit allowed. In order to recruit an eligible business to this state or encourage an expanded investment in South Carolina, the legislation provides authority for the Secretary of Commerce, subject to approval by the Joint Bond Review Committee, to allow an eligible business to sell, exchange, or otherwise transfer job tax credits they have earned. The sale or exchange of credits applies to state income tax credits earned from 2022 until 2029 by a business that is headquartered in South Carolina, or whose primary business is in: research and development; the production of microchips, semiconductors, or circuit boards and other electronics components; the production of pharmaceuticals, including active pharmaceutical ingredients; advanced manufacturing; life sciences; or new, emerging, or high technologies. The legislation would enhance apprenticeship income tax credit provisions to provide that the amount of

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the credit is equal to the greater of the cost of the apprenticeship or \$1,000 for each apprentice employed, but not to exceed \$4,000 for an apprentice, or \$6,000 for the youth apprenticeship program. If the apprentice completes the apprenticeship and remains an employee of the taxpayer, the taxpayer may claim the one thousand dollars credit for up to three additional taxable years. The maximum aggregate credit for all taxpayers may not exceed \$5 million in any one tax year. The General Assembly, in the annual general appropriations act, may increase or decrease this maximum aggregate credit amount. Any unused credit may be carried forward for three years. This Act first applies to income tax years beginning after 2022. The House returned S. 557 to the Senate with amendments (5/11/23).

Motion Picture Production Company Tax Rebates (H. 4020, in the Senate)

See detail in the **TAX** section below. Sent to the Senate (4/6/23).

TAX ISSUES

State-Federal Income Tax Conformity (H. 4017, Act 46)

H. 4017 (Act 46) conforms **state and federal income taxes**. The legislation updates references to the federal Internal Revenue Code in state tax laws and aligns provisions so that extensions granted at the federal level prompt extensions for South Carolina income tax purposes.

Reallocation of Housing Tax Credits (S. 739, Act 88)

S. 739 (Act 88), a joint resolution for a one-time **reallocation of South Carolina Housing Tax Credits**, provides for a one-time reallocation of housing tax credit funding to assist affordable housing projects under construction that are experiencing cost overruns due to inflation, higher interest rates, and other economic pressures. The joint resolution allows for unallocated housing tax credit funding to be diverted to these existing projects under construction to allow for their completion. This Act revises laws pertaining to near term tax years.

Tax Incentives for Economic Development (S. 557, in the Senate)

See above in ECONOMIC DEVELOPMENT.

Motion Picture Production Company Tax Rebates (H. 4020, in the Senate)

H. 4020 would enhance **motion picture production company tax rebates**. The legislation would revise the tax rebate provisions for certain motion picture production companies by increasing the total annual limit from \$10 million to \$30 million and by allowing the use of rebates for certain additional expenditures and expenses. Provisions are made for a rebate to a motion picture production company of up to 30 percent of its in-state expenditures if the motion picture production company has a minimum in state expenditure of \$1 million. A portion of the rebate allotment may be used to fund the operations of the South Carolina Film Commission and for the promotion of collaborative production and educational efforts between institutions of higher learning in South Carolina and motion picture-related entities. The legisla-

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tion would repeal provisions relating to the distribution of admissions taxes for rebates to motion picture production companies and certain departmental expenses. The legislation establishes tax incentives for live theater productions by making provisions for an income tax credit equal to thirty percent of total production, performance, and transportation expenditures for an accredited theater production performed in South Carolina that is either a pre-Broadway or post-Broadway production. Sent to the Senate (4/6/23).

Sales Tax Exemption for Feminine Hygiene Products (H. 3563, in the Senate)

H. 3563 (in the Senate) would establish a **sales tax exemption for feminine hygiene products** including tampons, sanitary napkins, and other similar personal care items for use in connection with the menstrual cycle. Sent to the Senate (4/6/2023).

Extension of Community Development Tax Credits (H. 4118, in the Senate)

H. 4118 (in the Senate) would provide **extension of community development tax credits** so that these tax credit provisions are set to terminate on June 30, 2029, rather than 2023. Sent to the Senate (4/6/2023).

Alternative Fuel Property Income Tax Credit (H. 3824, in the Senate)

H. 3824 (in the Senate) would **expand the alternative fuel property income tax credit** provisions (adding electrical equipment and the use of electricity as an alternative fuel - so that the credits may be used for the installation of electric vehicle charging stations). Sent to the Senate (5/11/2023).

Owner-Occupied Assessment Ratio/Homestead Exemptions (H. 3072, in the Senate)

H. 3072 (in the Senate) would provide for the **continuation of the owner-occupied property tax assessment ratio and homestead exemption following the owner's death** while the estate is in probate. This prospective legislation would revise property tax provisions to provide that when an owner receiving the four-percent special assessment rate for owner-occupied residential property and homestead exemption dies, the property shall continue to receive the special assessment rate and homestead exemption until the decedent's estate is closed, upon the recording of a deed or deed of distribution out of the estate, or after December 31st of the year following the date of death, whichever occurs first. This extension does not apply if the property is rented for more than seventy-two days in or following the calendar year of the decedent's death or if a change of use occurs. Sent to the Senate (5/11/23).

Renewable Energy Resource Property Tax Exemption (H. 3948, in the Senate)

H. 3948 (in the Senate) is a bill **expanding the renewable energy resource property tax exemption** so that it applies to solar panels on commercial property. Sent to the Senate (5/11/23).

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Industry Partnership Fund Tax Credit (H. 3811, in the Senate)

H. 3811 (in the Senate) is a bill that would provide for an **Industry Partnership Fund tax credit increase**. The legislation would revise the tax credit established for contributions to the Industry Partnership Fund associated with the South Carolina Research Authority (SCRA) by increasing the aggregate credit from \$9 million to \$12 million for tax years after 2022. Sent to the Senate (5/23/23).

Timing of the Property Tax Exemption for Disabled Veterans (H. 3116, in the Senate)

H. 3116 (in the Senate) is a prospective bill addressing the **timing of the property tax exemption for disabled veterans**. The legislation would provide that a qualified veteran of the Armed Forces of the United States, who has a permanent and total service-related 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. Additionally, a veteran who is permanently and totally disabled for any part of the year is entitled to the exemption for the entire year. In a year in which a disabled veteran 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 House sent to the Senate (5/11/23).

GENERAL GOVERNMENT

Robert Smalls Day (H. 3142, Act 34)

H. 3142 (Act 34) designates the thirteenth day of May each year as "**Robert Smalls Day**" in South Carolina, to commemorate Robert Smalls (member of the SC legislature and US Representative during Reconstruction). Robert Smalls is also known for leading a group of enslaved families to freedom on May 13th, 1862 by commandeering the Confederate armed steamer *Planter*, of which he was the pilot, turning over the ship and valuable military intelligence on the disposition of Confederate forces.ⁱⁱⁱ

Omnibus Tobacco Enforcement Act of 2023 (H. 3681, Act 38)

H. 3681 (Act 38), the "**Omnibus Tobacco Enforcement Act of 2023**," prohibits municipalities from enacting laws, ordinances, or rules pertaining to ingredients and flavors of **tobacco products** such as cigarettes or electronic smoking devices or vapor products related to the sale. The Act provides for a ban on tobacco sale restrictions, adds measures to limit sales to minors, allows cities and towns to continue to control zoning for businesses that sell these products, and "grandfathers" in cities and towns that passed ordinances before 2021 that pertained to ingredients and flavors of tobacco.

As a result, the Act provides for specific definitions pertaining to tobacco products, electronic smoking devices, E-liquid, and establishments and retailers. In addition, the legislation extensively regulates tobacco retailers and provides penalties for violating certain provisions. It increases the roles of SLED and the SC Department of Al-

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cohol and Other Drug Abuse Services. The Act also requires that retailers disclose whether they sell tobacco, tobacco products (including electronic smoking devices or e-liquid), or any other product used for smoking. A retailer that sells tobacco, tobacco products, or any other product used for smoking that does not disclose on their initial retail application or supplement their retail license application is subject to a fine of not more than two hundred dollars must file within fifteen days of notification of a failure to file. A retailer that fails to file within fifteen days after the notification is subject to a fine of \$2,000.

“Earn and Learn Act of 2023” (Professional/Occupational Licenses) (H. 3605, Act 13)

H. 3605 (Act 13) addresses the **screening of applicants for professional and occupational licenses** and the investigation of complaints filed against those who hold such licenses. The legislation provides that a professional or occupational board under the authority of the Department of Labor, Licensing, and Regulation may not solely or in part deny a license to an applicant because of a prior criminal conviction, unless the criminal conviction directly relates to the duties, responsibilities, or fitness of the occupation or profession for which the applicant is seeking a license. Boards are prohibited from using vague or generic terms, such as "moral turpitude" or "good character," nor may they consider charges that have been dismissed or dropped or that have resulted in a finding of not guilty as a justification for denying an applicant a license. An applicant who has submitted a completed application may not be denied a license because of a prior criminal conviction unless the licensing board has given the applicant an opportunity to appear at a hearing to determine the applicant's fitness for the occupation or profession. When a license is solely or in part denied because of the applicant's prior criminal history, the board must, within thirty days of the hearing, issue a written final order that includes the grounds for denial and notification that appeals are to be made to the Administrative Law Court. The legislation revises provisions governing the investigation of professional and occupational licensees when complaints have been filed against them. Within thirty days after an investigation is initiated, the LLR Director is responsible for sending: (1) a letter advising the licensee that a complaint has been filed, an investigation has been initiated, and the licensee is requested to respond in writing within fourteen days; (2) a copy of the complaint; (3) the name of the complainant, unless the board believes good cause exists to withhold the name; and (4) all materials filed with the complaint. In any case, where an investigation prompts a licensing board to recommend a formal complaint, the legislation requires a procedural review in which the LLR Director is charged with verifying that notification requirements have been fulfilled and that any response from the licensee has been included and considered in the investigative file. Any procedural defects that the Director finds during the review must be rectified before a formal complaint can be issued.

The legislation includes the **“Earn and Learn Act of 2023”** which makes provisions for paid professional and **occupational apprenticeship programs** as a means of expanding economic opportunities and building a skilled workforce according to indus-

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try standards by allowing a worker to earn a paycheck while fulfilling licensing requirements.

Restructuring the Department of Health and Environmental Control (S. 399, Act 60)

S. 399 (Act 60) restructures the **Department of Health and Environmental Control** and makes other provisions for reassigning and restructuring certain state government programs and duties relating to **public health and environmental protection**. The legislation creates the **Department of Public Health** comprised of the divisions, offices, and programs of the Department of Health and Environmental Control that perform health related functions. DHEC'S functions related to the regulation and protection of the environment are transferred to and devolved upon the newly created **Department of Environmental Services**. The new departments are established as cabinet agencies in the executive branch of government under the leadership of directors who are appointed by the Governor with the advice and consent of the Senate. DHEC and its governing board are dissolved. The Department of Administration is charged with determining the best manner of efficiently and effectively dividing DHEC and reporting its recommendations to the General Assembly. The hydrology and aquatic nuisance species programs of the Land, Water and Conservation Division of the Department of Natural Resources are restructured as a division of the Department of Environmental Services. The food safety program in DHEC's Division of Food and Lead Risk Assessment and the Milk and Dairy Lab is restructured as a division of the Department of Agriculture. The authority to establish, manage, and operate veterans' homes is transferred to the Department of Veterans' Affairs, and all powers and duties assigned to the Department of Mental Health regarding veterans' homes are transferred to and devolved upon the Department of Veterans' Affairs. Provisions are made for the Department of Administration to procure the services of independent, third-party experts to conduct a comprehensive analysis of the missions and delivery models of all state agencies concerned with the overall public health of the state, as well as certain specific populations such as children and adolescents, newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with chemical dependencies, the chronically ill, economically disadvantaged, and veterans. This Act takes effect on **July 1, 2024**, except certain preparatory Department of Administration duties take effect upon approval by the Governor.

Permit Extensions (H. 3209, Act 87)

H. 3209 extends the expiration dates of permits issued by the Office of Ocean and Coastal Resource Management, Department of Health and Environmental Control, the State, other agencies, or subdivisions of South Carolina that were issued between January 1, 2020 and December 31, 2023, and set to expire, to remain in effect for the length of time originally set out in them. Nothing in this Joint Resolution affects any development agreements; federal agency actions, other federal entities, or federal laws applicable to permits; can be used for shortening the effective dates of approvals; is to be interpreted to prohibit extensions from being granted; blunts the effect

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of any administrative consent orders; prevents any agency or entity from lawfully modifying or revoking any permits it has issued; prevents any federal lawful actions from being taken; affects certificates of need, or applies to any coastal island permits issued by SC DHEC.

Alcohol Consumption in Airport Secured Areas (S. 459, Act 61)

S. 459 (Act 61) - Alcohol Consumption in Airport Secured Areas. This legislation allows screened airflight passengers to consume liquor drinks purchased from authorized airport concessionaires throughout the secured areas of the Charleston International, Columbia Metropolitan, Florence Regional, Greenville-Spartanburg, Hilton Head Island, and Myrtle Beach airports.

Fair Play Welcome Center (S. 490, Act 7)

S. 490 (Act 7) provides that funds from Act 94 of 2021 appropriated to the Department of Parks, Recreation and Tourism may be extended for the current **Fair Play Welcome Center** project.

Clog Dancing Day (H. 4291, Act 49)

H. 4291 (Act 49) , Clog Dancing Day, designates the eighth day of August of each year as "Clog Dancing Day" in South Carolina.

Local Government Financial Audits (S. 31, Act 71)

The General Assembly overrode the Governor's veto on **S. 31 (Act 71)** to allow the bill to become law. The legislation revises requirements for **local government financial audits** to make them less stringent for small towns and counties. The legislation provides that the council of each municipality having total recurring revenues below a set threshold may elect to provide for either an audit of financial statements or follow a procedure for providing a compilation of financial statements in lieu of an audit. The legislation provides authority for the State Treasurer to grant a county an extension of ninety days on its required financial audit deadlines. Beginning with the municipality fiscal year which begins after January 1, 2024, the reporting threshold is \$500,000 of the total recurring revenue of a municipality.

Right to Repair and Replace Any Existing Well or Septic Tank (H. 3769, in the Senate)

H. 3769 (in the Senate) would provide that the Department of Health and Environmental Control shall not deny a property owner the **right to repair and replace any existing well or septic tank** solely because of any other available water and/or sewer service. Sent to the Senate (4/19/23).

Water Professionals Day (H. 3799, in the Senate)

H. 3799 (in the Senate) is a bill that would designate the first Monday in March of each year as "**Water Professionals Day**" in South Carolina. Sent to the Senate (4/19/23).

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Abandoned Aircraft (H. 3138, in the Senate)

H. 3138 (in the Senate) would deal with the disposal of **abandoned aircraft** by an airport manager. The bill provides requirements for the notification and sale process for an airport manager of a publicly owned or public-use airport when it is determined an abandoned aircraft or derelict aircraft is located on the premises of the airport. It increases the timeframe for which an abandoned aircraft (due to being wrecked, or in partially dismantled condition) be located or stored on the premises from 60 days to 120 days. In addition, a "derelict aircraft" means any aircraft that is located or stored on the premises of an airport for at least 180 days. Also, the bill outlines that the courts must establish ownership before any court-ordered sale or transfer of the aircraft. Sent to the Senate (4/6/23).

Restructuring the Department of Consumer Affairs (H. 3953, in the Senate)

H. 3953 (in the Senate) would restructure the Department of **Consumer Affairs** as a cabinet agency accountable to the Governor in the executive branch of state government. The bill dissolves the department's nine-member governing board, the Commission on Consumer Affairs, and provides for the head of the department to be an administrator appointed by the Governor, upon the advice and consent of the Senate, who is subject to removal from office by the Governor. Sent to the Senate (4/27/2023).

Septic Tank Field Evaluation Tests (H. 4486, in the Senate)

H. 4486 (in the Senate) would provide authority for the Department of Health and Environmental Control to create a **pilot program that allows septic tank installers to conduct septic tank field evaluation tests** for the department. To take part in this pilot program conducted in designated areas of the state, a septic tank installer must register with and be granted written approval by DHEC, hold a valid license, and be in good standing. The written approval records must be made available upon request to those for whom the work is being completed. Sent to the Senate (6/7/23).

Retirees Returning to Covered Employment (PORS) (H. 3425, in the Senate)

H. 3425 (in the Senate) is a bill **facilitating retirees in state pension systems returning to covered employment** without being subject to earnings limitations. The prospective legislation establishes conditions that allow earnings limitations not to apply when a retiree in the South Carolina Police Officers Retirement System returns to covered employment in a *critical* needs law enforcement position as determined by the Law Enforcement Training Council. Additionally, the bill removes the earnings limitation for a retiree of South Carolina Retirement System if the employee is separated from covered employment for at least twelve months before returning to covered employment. Sent to the Senate (5/16/23).

Repealing Requirements Regarding the Attorney General (H. 3122, in the Senate)

H. 3122 (in the Senate) is a bill **repealing outdated statutory requirements for the Attorney General to inspect local county office** and to approve all easements or

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other access agreements to be signed by officials with the South Carolina Department of Mental Health. Sent to the Senate (2/1/23).

Dues Paid to a Golf Club (H. 3880, in the Senate)

H. 3880 (in the Senate) would provide that no admissions taxes would be charged or collected on annual or **monthly dues paid to a golf club**. Sent the Senate (5/16/23).

Fort Gordon (H. 3934, in the Senate)

H. 3934 (in the Senate) is a bill **adding Fort Gordon to the definition of Federal Military Installations**. The bill also updates name changes for certain bases currently on the list. Sent to the Senate (5/5/2023).

Florence County Register of Deeds Established (H. 3313, in the Senate)

Florence County would be added to the list of counties with a **Register of Deeds** by **H. 3313 (in the Senate)** if this bill would be adopted and enacted. This list specifies the South Carolina counties who have a Register of Deeds to handle all real estate-related matters. In the past, county Clerks of Courts handled these documents. Sent to the Senate (4/27/2023).

Redevelopment Fees (H. 4145, in the Senate)

H. 4145 (in the Senate) would revise provisions for **redevelopment fees** remitted by the Department of Revenue to remove an annual maximum and extends a sunset provision. The legislation amends Act 356 of 2002, relating to the Charleston Naval Complex Redevelopment Authority, to eliminate a provision requiring the sharing of certain revenue. Sent to the Senate (5/11/2023).

Lottery Participant Personal Information Protections (H. 3872, in the Senate)

H. 3872 (in the Senate) would provide South Carolina Education **Lottery participants personal information protection**. The bill would continue to protect, as confidential, a lottery participant's name, address, telephone number, birth date, Social Security number, and form of identification they gave to the commission. Public information would be limited to the date of the claim and draw, the game played, the prize amount, and location of the retailer that sold the ticket. Sent to the Senate (5/5/2023), Senate recalled from Committee on Education and placed on the Senate calendar under Statewide Second Reading Bills.

BUSINESS AND COMMERCE

Structured Settlements Protection Act (S. 259, Act 22)

S. 259 (Act 22) revises the Structured Settlement Protection Act to provide additional consumer protections relating to the **transfer of structured settlement payment rights**. The legislation requires registration with the Secretary of State to do business as a structured settlement purchase company in order for someone to act as a transferee, attempt to acquire structured settlement payment rights through a transfer from a payee who resides in South Carolina, or file a structured settlement transfer

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proceeding. The legislation establishes provisions governing the conduct of registered structured settlement purchase companies and establishes penalties for violations. New disclosure and notification requirements are included. Courts are authorized to appoint an attorney to serve as a guardian *ad litem* to make an independent assessment, and to advise the court whether a proposed transfer is in the best interest of the payee. The legislation requires the court to take into consideration a list of factors, in addition to consideration of the welfare and support of the payee and any dependents, when determining whether a proposed transfer is in the best interest of the payee. The final court order must expressly state that these enumerated factors have been considered, and, if the court approves the transfer of payment rights, the order must state that the court finds that it is in the best interest of the payee. Portions of this Act take effect Jan. 1, 2024.

Department of Insurance Procedures (S. 500, Act 29)

S. 500 (Act 29) updates and revises numerous insurance procedures and provisions, including those relating to grant criteria in the South Carolina Hurricane Damage Mitigation Program; authorizes the Director of the Department of Insurance to provide information regarding factors that may affect premium rates; requires notice to the Director by the insurer relating to withdrawing from the market; authorizes the Director or his designee to make available information that affects private passenger premium rates under provisions relating to the publication of representative sample premiums, and, provides provisions for commercial motor vehicle liability surplus lines insurance.

Remote Communication of Shareholders Meetings (H. 4049, Act 68)

H. 4049 (Act 68) authorizes “remote communication” shareholders meetings. The legislation revises requirements for holding meetings in provisions governing corporations, partnerships, and associations and provisions in the South Carolina Nonprofit Corporation Act to allow for **remote participation instead of in-person attendance**.

Building Contractors (H. 4115, Act 69)

H. 4115 (Act 69) revises the licensure and regulation of **building contractors** (increasing from \$5,000 to \$10,000 the minimum project value that requires licensure for general contracting and mechanical contracting). The legislation revises financial surety requirements of licensees for the various project levels, including provisions that allow financial security requirements to be met **based on working capital rather than net worth**. The legislation defines ancillary work. Penalties for violations are revised to be more in line with penalties established for other boards and commissions under the authority of the Department of Labor, Licensing and Regulation. Private reprimands are included in the disciplinary process. Revisions are made to general contractor specialty subclassifications, including provisions for fabricating, assembling, installing, and replacing solar panels and related components.

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Workforce Housing Development (S. 284, Act 57)

S. 284 (Act 57) addresses funding for the **development of affordably priced workforce housing**. The legislation authorizes a county or municipality to expend up to fifteen percent of its annual local accommodations tax revenue for the development of workforce housing (which must include programs to promote home ownership - this provision expiring in 2030). A sunset provision is included so that the legislation is no longer effective after December 31, 2030. A temporary Land Development Study Committee was created to examine current and prospective methods to plan for and manage **land development** in South Carolina. The study committee, comprised of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House, is charged with providing a report to the General Assembly by December 31, 2023, at which time the study committee shall dissolve. Before the beginning of the 2030 legislative session, the Director of the Department of Parks, Recreation and Tourism, in consultation with the Secretary of Commerce and the Commission of Agriculture, shall issue a report to the General Assembly detailing the effects on tourism and workforce housing resulting from these provisions.

Identifying Drafters of Real Estate Mortgages and Deeds (H. 3500, in the Senate)

H. 3500 (in the Senate), if enacted, preparers of real estate-related mortgages and deeds, to be filed after **December 31, 2023**, would have to include the **name of the document preparer**, or the name of the South Carolina **licensed lawyer who handled the closing**. Absent this information appearing on these documents, Registers of Deeds and Clerks of Court would refuse to accept them for filing. Sent to the Senate (4/5/2023).

Video Streaming Services (H. 3782, in the Senate)

H. 3782 (in the Senate) is a bill that would revise statutes governing telephone, cable television services, and other telecommunications public utilities to specify that **video streaming services** are not subject to the franchise fees that local governments charge for the use of public rights of way. In the Senate.

Residential Builders (H. 4086, in the Senate)

H. 4086 (in the Senate) is a bill making revisions relating to the licensure and regulation of **residential builders**. The South Carolina Residential Builders Commission is charged with instituting a new tiered system for residential builders licenses. New applicants for licensure and registration would be required to supply a criminal background report from an accredited agency or state/government entity that covers the states where they have resided for the last ten years. The legislation makes provisions for residential trade registrants as independent contractors who contract with a licensed residential builders, licensed general contractors, or individual property owners to do construction work, repairs, improvements, or reimprovements that require special skills and involve the use of specialized construction trades or crafts that are not tested for licensure under the residential builders chapter, when the undertakings exceed \$500 and are not regulated by the contractor provisions of

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Chapter 11. The legislation would establish conditions for using unlicensed workers under supervision. As a means of bringing down home inspection costs, the legislation provides a mechanism that allows someone exempted from these licensure provisions to engage in the business of home inspection by registering with the commission and paying a fee to the commission of not more than the cost of registering the individual as a home inspector. As a means of enhancing protection for consumers, the legislation provides for more expansive requirements for obtaining surety bonds that apply when undertaking projects in excess of \$500.

Funeral Directors and Other Licensed Funeral Service Providers (H. 4116, in the Senate)

H. 4116 (in the Senate) is a bill making revisions relating to the licensure and regulation of **funeral directors and other licensed funeral service providers**. The legislation would revise criteria for those who are considered to be in the practice of funeral service so that licensure requirements apply to someone who, not only engages and participates in the active management of a funeral establishment, but also works actively, regularly, and directly with the families of the deceased. Continuing education requirements are enhanced, including a requirement for one credit hour to be an ethics in funeral service course. The legislation would provide that it is unlawful to aid and abet those who are unlicensed to engage in the practice of funeral service. Provisions are included to target the unlawful division of funeral service fees and other payments. The legislation enhances penalties for violations. The legislation includes a requirement that a licensed funeral director or embalmer who commits a violation must be reported to the State Board of Funeral Services for immediate investigation and disciplinary proceedings. Someone convicted of a felony in South Carolina is permanently banned from conducting preneed funeral contract sales. This prospective legislation includes requirements that all cremations must be performed by a trained individual who: (1) successfully completed a crematory operator training course approved by the board of not less than eight hours instructional time; (2) has submitted an affidavit of good character from at least one crematory operator; and (3) has submitted a nationwide employment clearance indicating that he has not been convicted of, or pled guilty to, any felony crime in South Carolina or any other jurisdiction in this country. The legislation provides a more detailed definition of cremation. Apprentices would be redesignated as interns. The legislation revises the criteria for the issuance of funeral home permits that include a requirement that a manager resides within the boundaries of the state. A manager must live within a radius of one hundred miles, rather than twenty-five miles, of the funeral home. The legislation makes revisions that allow requirements for displaying options to consumers to be satisfied with showing photographs or other representations of available caskets and other necessary funeral supplies. On the Senate calendar 6/14/2023.

Short Line Railroad Modernization Act (H. 3737, in the Senate)

H. 3737 (in the Senate) is the prospective **“Short Line Railroad Modernization Act.”** This bill makes provisions for an income tax credit equal to 50 percent of an eligible

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taxpayer's qualified railroad reconstruction or replacement expenditures to encourage the rehabilitation of certain comparatively small rail lines. Sent to the Senate (4/6/2023).

Reducing Corporate License Fees (H. 3810, in the Senate)

H. 3810 (in the Senate) is a bill **reducing corporate license fees** by excluding certain initial investments in a business. The legislation would provide that a corporation whose headquarters and principal place of business are in South Carolina may exclude from its paid-in or capital surplus subject to the annual corporate license fee the first \$50 million of equity contributions from a qualifying venture capital fund, angel investor, or private investment firm. Sent to the Senate (4/6/2023).

ESG Pension Protection Act (H. 3690, in the Senate)

H. 3690 (in the Senate), the "**ESG Pension Protection Act**," would revise provisions governing South Carolina's state retirement system funds to require decisions about investing and managing assets to be based solely on **pecuniary factors** "that a prudent person in a like capacity would reasonably believe has a material effect or impact on the financial risk or return on an investment, including factors material to assessing an investment manager's operational capability, based on an appropriate investment horizon consistent with a retirement system's investment objectives and funding policy." Under the legislation, investment and management decisions must exclude **nonpecuniary factors** that are collateral to or not reasonably likely to affect or impact the financial risk and return of the investment, such as the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes ("**ESG**" refers to "**Environmental, Social, and Governance**"). To the extent that it is economically practicable, the "commission must retain the authority to exercise **shareholder proxy rights** for shares that are owned directly or indirectly on behalf of a system." The legislation includes requirements for the Retirement System Investment Commission to certify compliance. The Attorney General is authorized to bring legal actions to enforce these provisions. On the Senate calendar 6/14/23.^{iv}

INSURANCE AND BANKING

Property and Casualty Insurance Policies (H. 3977, given 2nd reading in the Senate)

H. 3977 (given 2nd reading in the Senate) would facilitate **property and casualty insurance policies** that are posted on a website. The legislation would establish conditions under which an insurer may post a standard property and casualty policy or endorsement, that does not contain personally identifiable information, on its website instead of mailing the document to the insured. Should an insurance company exercise its option to post e-policies online, the insured must still be able to obtain, upon request, a paper copy of the policy without charge. Given 2nd reading in the Senate (5/11/23).

UTILITIES

Malicious Injury to Utility Systems and Infrastructure (S. 330, Act 76)

S. 330 (Act 76) enhances penalties for **malicious injury to electric, telephone, or telegraph utility systems and infrastructure**. After national incidents of damage to these installations, this legislation puts in place a graduated, tiered system of punishments that enhances those set out in our existing criminal code. Jail time can be up to 25 years depending on the amount of damage perpetrators inflict on any of these utility installations. Any fines levied will be in the discretion of the trial court judge. One last component of this legislation is the right of injured parties to civilly sue offenders and recover their losses, including their costs of the lawsuit.

Rate Payer Protection Act (H. 3614, in the Senate)

H. 3614 (in the Senate), is the "**Rate Payer Protection Act**," which would afford employees of public utilities whistleblower protections so that they might not refrain from reporting wrongdoing out of fear of retaliation. The legislation prohibits a public utility from dismissing, demoting, or taking other adverse employment actions against an employee who has, in good faith, reported waste, fraud, abuse, or other wrongdoing by the public utility to the Office of Regulatory Staff. Remedies are established should a public utility retaliate against an employee who acts as a whistleblower. Sent to the Senate (2/1/23).

AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES (WILDLIFE)

Transportation of Live Swine (S. 449, Act 28)

S. 449 (Act 28) repeals the January 2024 sunset date for the ban on the **transportation of live swine without identification**. As a result, temporary state law with this sunset date (making it illegal to transport live swine without identification) has become permanent law instead.

Grain and Cotton Producers Guaranty Fund (S. 603, Act 32)

S. 603 (Act 32) is an Act pertaining to the South Carolina **Grain and Cotton Producers Guaranty Fund**. Current law states that if there is an insufficient amount of money in the fund to cover all claims, payments must be made on a pro rata basis. This Act adds that the pro rata determination shall be based upon the producer's total loss amount as well as the total number of exemptions granted to the producer. The more exemptions granted to a producer, the lower the share the producer will receive. The Act also allows for a producer to opt out of the program and adds cotton producers to the grain producers who may receive an exemption from participating in the fund.

Disability Lifetime Hunting and Fishing License (S. 101, Act 15)

Currently, state law allows disabled residents three-year disability combination license or a three-year disability fishing license at no cost. **S. 101 (Act 15)** adds that a **disabled resident**, who is certified to be legally blind, may be issued a lifetime hunt-

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ing and fishing license at no cost. In addition, this license requires no disability recertification or renewal.

The Venus Flytrap - South Carolina's Carnivorous Plant (S. 581, Act 11)

S. 581 (Act 11) names the **Venus Flytrap** (*Dionaea Muscipula*) as the **official carnivorous plant of South Carolina**.

Suspension of Saltwater Privileges/Hunting and Fishing Privileges (H. 3433, Act 64)

H. 3433 (Act 64) requires the Department of Natural Resources to provide notice (by mail) of the **suspension of saltwater/hunting and fishing privileges**. The giving of notice by mail is complete 20 days after the deposit of the notice and ends the same day the following year. This legislation removes the mail return receipt request requirement. As a result, the Department must certify that the notice has been sent as required and is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee. The person shall return the license and any tags in the person's name to the Department no later than 10 days following the effective date of the suspension. A person whose privileges have been suspended may appeal the decision of the Department under the Administrative Procedures Act.

Electronic Harvest Reporting (H. 3538, Act 65)

H. 3538 (Act 65) - Current law addresses electronic reporting wild turkey. This new law deletes "wild turkey," and substitutes references to "big game species." "Big game species" includes white-tailed deer, black bear, and wild turkey. The Act also outlines that with electronic harvesting, a person who takes a big game carcass to a processor must provide the tag number and harvest report confirmation number to the processor at the time the carcass transfers from the person to the processor. The processor must record and maintain the harvest report confirmation number until the processed meat is received by the hunter or their designee. This provision takes effect **July 1, 2024**.

Watercraft Safety Certification (S. 96, Act 74)

S. 96 (Act 74) allows minors aged 16 and younger to go **jet skiing after obtaining safety certification**. It prohibits any minor from operating a 'personal watercraft,' jet ski, or other specialty prop-craft, less than 16 feet long, along with other specifications set out in this bill, until they have successfully completed a SC Department of Natural Resources (SC DNR) approved boating safety education class. An exception to these requirements includes minors riding with someone 18 years or older who has a boating operation certification or other licensure from the United States Coast Guard.

Women in Hunting and Fishing Awareness Day (H. 3868, Act 42)

H. 3868 (Act 42) designates the third Saturday in November of every year as "Women in Hunting and Fishing Awareness Day."

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Uniforms and Emblems (H. 3269, Act 37)

Upon recommendation by the Legislative Oversight Committee, **H. 3269 (Act 37)** repeals a section of the S. C. Code relating to the publication of descriptions of uniforms and emblems by the Department of Natural Resources. The section is no longer necessary.

Operation of Airboats (H. 3689, Act 39)

H. 3689 (Act 39) deals with the **time of operation of airboats**. It is unlawful to operate an airboat on the waters of the Broad River in Richland County and Stevens Creek in Edgefield County from one hour before legal sunset to one hour after legal sunrise.

South Carolina Equine Advancement Act (H. 3514, in the Senate)

H. 3514 would enact the "**South Carolina Equine Advancement Act**." Among many things, this bill would set up a South Carolina Equine Commission. It would be chaired by the Department of Revenue Director. This Commission would select and license up to three entities in South Carolina to operate advance deposit account wagering [or ADW, i.e., parimutuel betting] for equestrian activities. This bill sets out a comprehensive list of duties and responsibilities for this commission, including awarding grants and providing financial assistance to advance equine pursuits in South Carolina.^v

These entities would have to be qualified to do business in South Carolina, and maintain physical offices here, with at least one staffer present from 9:00 a.m. to 5:00 p.m. Monday through Friday. The commission would be tasked with setting and collecting a license application fee of ten percent of applicants' estimated ADW totals for their first year of operations. If licensees exceed this projected amount, then they would be required to pay a supplemental fee based on their actual earnings. Previously paid estimated fees would be credited back against this total, actual amount. After this initial year, licensees would pay their percentage ADW fee based on their prior year's ADW. Their fees would have to be paid within four calendar weeks of the end of their ADW licensed fiscal or calendar year, as previously indicated on their application and license they are operating under. Any misrepresentation by applicants could result in criminal prosecution.

Five percent of the ten percent licensing fee would be retained by this commission to cover their operation costs as a division within the South Carolina Department of Revenue. Remaining fees from this portion would be used to set up a grant program to assist the growth and development of the equine industry in South Carolina. Sent to the Senate (4/06/23).

Rural Infrastructure Authority (RIA) (H. 3075, in the Senate)

H. 3075 is a cleanup bill that would update and clarify the role and responsibilities of the **SC Rural Infrastructure Authority (RIA)**. As a result of the 2019 Legislative Oversight Review, the bill would remove references to an obsolete funding program that

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was under the SC Budget and Control Board now transferred to RIA along with its duties and responsibilities. In addition, the bill would update the definition of a rural infrastructure project (as well as update terminology and remove outdated accounting requirements language). These updates would reflect what is currently being implemented under the RIA. Sent to the Senate (5/4/2023).

South Carolina Poultry Festival (H. 3960, in the Senate)

H. 3960 (in the Senate) would designate the **South Carolina Poultry Festival** in Lexington County as the official State Poultry Festival. Status: Referred to Committee on Family and Veterans' Services, then the Senate recalled the bill and placed it on the Senate calendar (5/9/2023).

The Retail Sale of White-Tailed Deer Organ Meat (H. 3993, in the Senate)

H. 3993 (in the Senate) would provide for the retail sale of **white-tailed deer organ meat**, packaged as **pet treats**, by official establishments certified by the State Live-stock-Poultry Health Division, Clemson University, or USDA. The product would be registered by the South Carolina Department of Agriculture. Currently, it is illegal to sell animal parts. Sent to the Senate (5/4/2023).

Privacy of Landowners Addresses Re Endangered Species (H. 4047, in the Senate)

H. 4047 (in the Senate) is a bill that would hold that the Department of Natural Resources cannot release records of a **landowner's address** when the occurrence of a rare, threatened, **endangered plant or animal species** is located on such property. Sent to the Senate (5/4/2023).

Perpetual Recreational Trail Easements (H. 3121, in the Senate)

H. 3121 (in the Senate) is a bill that would establish an income tax credit for perpetual recreational trail easements. The legislation makes provisions for a one-time income tax credit equal to ten cents for each square foot of property that a taxpayer encumbers with a perpetual recreational trail easement and right-of-way. To qualify for this tax credit, the trail must provide a connection between a trail within a municipality's or county's regional trail system plan and a local or regional attraction or point of interest, such as other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. User groups may include equestrians, pedestrians, bicyclists, and other non-motorized users. The maximum amount of tax credits allowed to all qualifying taxpayers under these provisions may not exceed one million dollars for each calendar year. The legislation includes a sunset provision that repeals these tax credits on January 1, 2028. Sent to the Senate (5/11/23).

Working Agricultural Lands Preservation Program (H. 3951, in the Senate)

H. 3951 (in the Senate) - Designed to protect farmland in South Carolina, this legislation would give landowners another option for protection by creating the Working Agricultural Lands Preservation Program - to identify and provide permanent protec-

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tion to strategically significant working farmland properties whose continued availability to commercial agricultural businesses is essential to the long-term future of the economic sector. The bill creates an eight-member committee, each serving two years, to administer the program. The bill provides for the criteria for the selection of committee members.

In addition, the program would create a fund for qualifying projects under this program. The fund's purpose is to complement agricultural projects funded by the South Carolina Conservation Bank and cooperating entities by creating a matching grant payment for qualified projects. The committee would evaluate and verify whether proposed project applications qualify for the program, as well as designate the amount of program funds to be applied to a qualified project. Funds shall be awarded only for qualified projects which result in the permanent protection of agricultural lands. The bill provides criteria for funding projects. The bill also states that elected or appointed officials and their immediate family members are not eligible to participate in the program. This provision takes effect upon approval by the Governor and is contingent upon funding in the General Appropriations Act. Sent to the Senate (3/30/23).

Blue Catfish (H. 3505, in the Senate)

H. 3505 (in the Senate) is a bill that would remove certain possession restrictions (unlawful to possess more than two blue catfish greater than thirty-two inches in length in any one day) for blue catfish (*Ictalurus furcatus*) for all state waterways, but maintains those restrictions for Lake Marion, Lake Moultrie, the upper reach of the Santee River, Congaree and Wateree Rivers and adds the Great Pee Dee. A similar change is made to make it unlawful to take more than twenty-five blue catfish a day on Lake Marion, Lake Moultrie, the upper reach of the Santee River - adding the Great Pee Dee River and removing those restrictions from all other state waterways. Sent to the Senate (2/24/23).

South Carolina Conservation Enhancement Act (H. 3786, in the Senate)

H. 3786 (in the Senate) is the prospective "South Carolina Conservation Enhancement Act." This bill would reinstate a dedicated funding stream for the South Carolina Conservation Bank from a share of the deed recording fee by providing that twenty-five cents of each one dollar and thirty cents of the fee is devoted to the Conservation Bank Trust Fund. The legislation expands the Conservation Bank's governing board from fourteen members to seventeen by adding the Commissioner of Agriculture, the Secretary of Commerce, and the Secretary of Transportation as members who serve in an ex officio capacity without voting privileges. The ex officio board members may be represented by their designees. The legislation revises qualifications criteria for voting members appointed to the board by adding farming as one of the fields of expertise. Sent (4/6/23).

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Levying on Seized Animals for Care Costs (H. 3682, in the Senate)

H. 3682 (in the Senate) is proposed legislation to better facilitate **levying on seized animals** for care costs **in ill-treatment of animal cases**. Before defendants could be held responsible for paying costs incurred while their charges were pending, required hearing procedures with prior notice would have to be met under this proposed bill. A surety or bond for animal care could be required. The entity housing these seized animals would receive reimbursement for the care they provided while these charges were pending. As amended, animal owners found innocent of any ill-treatment of animal charges made against them would receive full reimbursement of all related care costs they fronted during the pendency of these charges. Sent to the Senate (3/30/23).

LAW ENFORCEMENT AND PUBLIC SAFETY

Trafficking or Distributing Fentanyl (H. 3503, Act 72)

H. 3503 (Act 72) establishes and enhances criminal penalties for **trafficking or distributing fentanyl**, or fentanyl-related substances, and are considered Schedule I drugs. Anyone possessing over 4 grams of fentanyl are subject to these new criminal enforcement penalties.

First time offenders with four grams or more, but less than 14 grams, of fentanyl would face mandatory minimum jailtime sentences of 7 years, and maximum incarceration for 25 years. A fine of \$50,000 would also be levied. Second and subsequent offenders trafficking these amounts potentially face a minimum of 25 years in jail and a fine of \$100,000.

Second or subsequent, offenders with 14, but less than 28, grams of fentanyl would face a minimum 25 years in jail and a fine of \$100,000. Subsequent offenders with 28, or more, grams of fentanyl would face a minimum of 25 years in jail and up to a maximum of 40 years incarcerated once convicted. All these categories of subsequent offenders also would be fined \$200,000. No part of any of these listed sentences or fines could be suspended by a judge. Judges also could not put these offenders on probation. Anyone violating this law while in possession of **firearms or ammunition** would face additional penalties.

Opioid Antidotes (S. 407, Act 5)

S. 407 (Act 5), this Act outlines that prescribers must offer **opioid antidotes** (e.g., **Narcan**) in a manner that is consistent with the existing standard of care and the FDA. In addition, the Act further outlines that a prescriber is not subject to professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions. This provision does not apply to patients who are receiving care for cancer or who are in palliative care.

Coroner May Administer an Opioid Antidote (H. 3691, Act 66)

H. 3691 (Act 66) states that a **coroner, deputy coroner, or coroner's designee** may administer an opioid antidote in accordance with the requirements of the "South

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Carolina Overdose Prevention Act” and believes in good faith that the person is experiencing an opioid overdose and exercises reasonable care. The Act also states that a coroner and a deputy coroner are considered public safety officers if killed in the line of duty.

Interlock Ignition Devices (S. 36, Act 55)

S. 36, Act 55 expands the scope of using **interlock ignition devices** in motor vehicles for minors whose licenses have been suspended for having a measurable amount of alcohol in their systems, for drivers issued temporary alcohol licenses, or for habitual offenders seeking reinstatement of their drivers’ licenses. Anyone issued a temporary alcohol license would have to install these devices in the motor vehicle they will drive using that license. However, anyone registering an alcohol concentration of 0.00 one hundredths of one percent could not be required to install a device. In cases where the license suspensions are contested, these devices could not be required to be installed until the suspension is upheld after a hearing has been conducted. If the suspension is not upheld, drivers must be reimbursed the fees they previously paid by the Department of Motor Vehicles.

Endangered Person Notification System (H. 3340, Act 63)

H. 3340 (Act 63) adds anyone with an **autism spectrum disorder or other developmental disability diagnosis** to the list of people eligible for inclusion in the State Law Enforcement Division’s **Endangered Person Notification System**.

Confidential Execution Team Membership and Providing Supplies (S. 120, Act 16)

S. 120 (Act 16) keeps confidential all **Execution Team Member Identities as well as Lethal Injection Drugs and Related Materials Information**. This new law protects personal and other identifying information about any person, or entity, participating in the planning or administration of death sentence executions. This protected information includes, but not be limited to, names, social security numbers, birth dates, addresses, telephone numbers, social media information, and usernames. Also to be protected is information related to pharmacists, other healthcare professionals, and providers of lethal injection drugs for executions. Anyone revealing this confidential information, including information about execution team members or their families, would be facing up to three years in jail for doing so.

No General Assembly member, family member of a General Assembly member, or any business in which they hold a controlling interest as an owner, director, officer, or majority shareholder with voting rights or control over that business’s financial decisions, would be allowed to provide drugs, medical supplies, or medical equipment to be used for these executions. Also the confidential information set out above could not be obtained by any means of legal compulsion, including, but not limited to, subpoenas, discovery rules, rules of civil procedure, or other disclosure processes by any entity that exercises the sovereign powers of South Carolina.

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The State Comptroller General, Treasurer, and Department of Corrections would have to coordinate on developing a system to keep all related purchases and expenditures in a deidentified status. The Department of Corrections would have to comply with all federal regulations applicable to bringing execution drugs into South Carolina.

Youthful Offender Driving Under Suspension Conviction Expungements (H. 3890, Act 73)

The General Assembly overrode the Governor's veto of **H. 3890 (Act 73)**. The Act facilitates **Youthful Offender Driving Under Suspension Conviction Expungements**. It is now the law in our state. Youthful offenders convicted of driving under suspension or disturbing schools would be able to expunge these convictions after they meet specified prerequisites. These include having no other in-state or out-of-state convictions, other than one for driving under suspension or, prior to May 17, 2018, a conviction for disturbing schools, during their service of a youthful offender sentence including probation and parole or during the five-year period following completion of their youthful offender sentence, also including probation and parole time.

Death Benefits for First Responders Killed in the Line of Duty (S. 108, Act 75)

S. 108 (Act 75) provides for **death benefits for first responders killed in the line of duty**. The benefit, paid to surviving spouses or other beneficiaries, applies to certain law enforcement officers, reserve officers, detention and correctional officers, constables, emergency medical technicians, paid and volunteer firefighters, coroners, and deputy coroners. The amount of the benefit is \$75,000, but is increased to \$150,000 if certain conditions apply, such as if the death is the result of an unlawful deliberate act or is due to an accident that occurs in the pursuit of a suspect during an emergency response, while at the scene of a traffic accident, or in the enforcement of traffic laws and ordinances.

Malicious Injury to Utility Systems and Infrastructure (S. 330, Act 76)

S. 330 (Act 76) covers **malicious injury to electric, telephone, or telegraph utility systems and infrastructure**. After national incidents of damage to these installations, this legislation puts in place a graduated, tiered system of punishments that enhances those set out in our existing criminal code. Jail time can be up to 25 years depending on the amount of damage perpetrators inflict on any of these utility installations. Any fines levied will be in the discretion of the trial court judge. One last component of this legislation is the right of injured parties to civilly sue offenders and recover their losses, including their costs of the lawsuit.

Sexual Offender Registry (S. 146, Act 19)

S. 146 (Act 19) addresses issues raised in a case before the South Carolina Supreme Court on definitions of someone "**likely to engage in acts of sexual violence**" and the unconstitutional provisions of state law that keep sexual offenders listed for their lifetimes without any opportunity to petition to be removed from the state

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sexual offender registry. The Act has procedures and prerequisites for listed offenders to be delisted from this registry.

Illegal Immigration Enforcement Unit (H. 4120, on the Senate calendar)

H. 4120 (on the Senate calendar) would create an "Illegal Immigration Enforcement Unit" within the South Carolina Law Enforcement Division (SLED). The proposed bill also includes provisions for the administration and duties of the unit, including the requirement for it to enter into a memorandum of agreement with the United States Immigration and Customs Enforcement (ICE) agency. Sent to the Senate (3/30/23). Recalled from Senate Judiciary Committee (5/10/23).

Prohibition of Telecommunication Devices for Inmates (H. 4002, in the Senate)

H. 4002 (in the Senate) regards the prospective **prohibition of telecommunication devices for inmates**. Absent preapproval by the Department of Corrections Director, under this proposal, no inmate could possess any telecommunications device, including but not limited to portable two-way pagers, handheld radios, cellular telephones, personal digital assistants, or laptop computers, while incarcerated. If these contraband device bans are violated, violators face penalties ranging from one to five years in jail depending on the number of the offense. If they are found to have been used in the commission of a subsequent felony, violators would face up to an additional ten years in jail. In Senate Corrections and Penology.

Additional Optional Coroner Candidate Qualifications (H. 3865, in Senate Judiciary)

H. 3865 (in the Senate) would establish **additional optional coroner candidate qualifications**. Under existing state law, all candidates for coroner must meet all standards set out on a list of minimum qualifications in order to be able to serve in this office. In addition to these minimum qualifications, they also must meet at least one listed qualification from a second list of qualifications. This bill would add anyone with three years of experience as a licensed paramedic to this second list as a potential, additional qualification to become a coroner. Sent to the Senate (4/05/23).

OPIOIDS

Trafficking or Distributing Fentanyl (H. 3503, Act 72)

H. 3503 (Act 72) establishes and enhances criminal penalties for **trafficking or distributing fentanyl**, or fentanyl-related substances, and are considered Schedule I drugs. Anyone possessing over 4 grams of fentanyl are subject to these new criminal enforcement penalties.

First time offenders with four grams or more, but less than 14 grams, of fentanyl would face mandatory minimum jailtime sentences of 7 years, and maximum incarceration for 25 years. A fine of \$50,000 would also be levied. Second and subsequent offenders trafficking these amounts potentially face a minimum of 25 years in jail and a fine of \$100,000.

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Second or subsequent, offenders with 14, but less than 28, grams of fentanyl would face a minimum 25 years in jail and a fine of \$100,000. Subsequent offenders with 28, or more, grams of fentanyl would face a minimum of 25 years in jail and up to a maximum of 40 years incarcerated once convicted. All these categories of subsequent offenders also would be fined \$200,000. No part of any of these listed sentences or fines could be suspended by a judge. Judges also could not put these offenders on probation. Anyone violating this law while in possession of **firearms or ammunition** would face additional penalties.

Opioid Antidotes (Narcan) (S. 407, Act 78)

S. 407 (Act 78) outlines that prescribers must offer **opioid antidotes** (e.g., **Narcan**), in a manner that is consistent with the existing standard of care and the FDA. In addition, the Act further outlines that a prescriber is not subject to professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions. This provision does not apply to patients who are receiving care for cancer or who are in palliative care.

Coroner May Administer an Opioid Antidote (H. 3691, Act 66)

H. 3691 (Act 66) states that a **coroner, deputy coroner, or coroner's designee** may administer an opioid antidote in accordance with the requirements of the "South Carolina Overdose Prevention Act" and believes in good faith that the person is experiencing an opioid overdose and exercises reasonable care. The Act also states that a coroner and a deputy coroner are considered public safety officers if killed in the line of duty.

JUDICIAL AND COURT MATTERS

Privacy Protection for Judges and Law Enforcement Officers (S. 252, Act 56)

S. 252 (Act 56), the "**Law Enforcement Personal Information Privacy Protection Act**" and the "**Judicial Personal Privacy Protection Act**," allows judges and law enforcement officers to file an appropriate form with supporting documents and **request their personal information**, including home addresses and cell phone numbers **be kept confidentially** in state and local records. The Act becomes effective **July 1, 2024**.

Concurrent Jurisdiction Regarding Military Installations (H. 3508, in the Senate)

H. 3508 (in the Senate) would address crimes committed by children of military families. Currently, the only exception to the United States' exclusive jurisdiction over lands it acquires in South Carolina, including Department of Defense military installations, is for service by the state's civil and criminal process courts. This bill expands the **concurrent jurisdiction with South Carolina and the United States over a military installation** relating to any violation of federal law committed by a juvenile that is also an offense under state law with two conditions: the United States Attorney, or the United States District Court, for the applicable district in South Car-

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olina waives exclusive jurisdiction and the violation of federal law is also a crime or infraction under state law. The bill also states that when concurrent jurisdiction has been established, the Family court has exclusive original jurisdiction over these cases. Sent to the Senate (2/8/23).

Mistaken Identity Arrests and Other Mandatory Expungements (H. 3019, in the Senate)

H. 3019 (in the Senate) is a bill that deals with **Expunging Mistaken Identity Arrests and Other Mandatory Expungements**. Anyone arrested for a crime they did not commit, and who was arrested because their identity was mistaken, would be entitled to a no-fee expungement of their arrest records within 180 days of the discovery of the mistaken identity. In addition, if no trial is conducted, or no guilty plea is entered, within five years of an arrest for third degree assault and battery [i.e., *simple assault and battery*], public intoxication or disorderly conduct, breach of trust, open container in a motor vehicle, trespassing, fraudulent check, misdemeanor shoplifting, driving under suspension, or a simple possession of marijuana charge, the person who was arrested will receive approval from the circuit solicitor for its dismissal, expungement, and destruction of all related records. SLED would have to be informed of these dismissal and expungement approvals. Anyone failing to follow these requirements would be subject to contempt of court citations. Sent to the Senate (3/9/23).

Attorney General's Role in Litigation Pursued in SC's Interest (H. 3866, in the Senate)

H. 3866 (in the Senate) is a proposal to clarify the South Carolina **Attorney General's Role in Litigation Pursued in South Carolina's Interest**. When the Attorney General brings litigation in South Carolina's interest on behalf of a state agency, this bill sets forth that he would be doing so not as the lawyer for that agency, or its staff. In addition, he would not be considered the holder of any records or other agency documents that relate to the lawsuit that is brought. Unfair trade practice suits filed by the Attorney General would not be considered brought by South Carolina's State Department of Consumer Affairs, or other state agency, unless they are named in these pending lawsuits as a party, should this proposal be enacted. As amended, in these cases he can return any produced documents back over to the producing parties instead of keeping them for a lengthy time--as current law requires him to do, destroy them, or retain these documents in compliance with state records retention policies. On Senate calendar (contested) (3/29/2023).

Attorney General on the Prosecution Coordination Comm. (H. 3925, in the Senate)

H. 3925 (in the Senate) is a bill to add South Carolina's **Attorney General as a Prosecution Coordination Commission member**. It would add the Attorney General, or his designee, as a member of the South Carolina Commission on Prosecution Coordination, delete Commission responsibility for providing blank indictments to circuit solicitors, and remove staggered terms for initial Commission appointees. Sent to the Senate (3/7/2023).

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Retention of Alternate Jurors (H. 3883, in the Senate)

The Senate has received **H. 3883 (in the Senate)**, a bill that would allow circuit court trial **judges discretion to retain alternate jurors through deliberations**. Trial judges would determine the appropriate time to release these alternates from jury duty. In the Senate Judiciary Committee.

LAW AND CIVIL SOCIETY

Fetal Heartbeat and Protection from Abortion Act (S. 474, Act 70)

S. 474 is the "**Fetal Heartbeat and Protection from Abortion Act.**" Among other things, this Act declares that life begins with a fetus's first detectable heartbeat. It prohibits anyone from knowingly providing drugs to a pregnant female to cause an abortion, except in emergency medical situations. These situations are defined as conditions that complicate a woman's pregnancy requiring a procedure to prevent death or irreversible impairment of one of her major bodily functions. These conditions have to be determined by a physician. Records of these medical findings must be maintained for seven years. Entities failing to maintain these records would face fines of up to \$50,000 for each incident of noncompliance.

However, it does not prevent a licensed physician, who fills out appropriate paperwork, from performing an abortion in cases where a pregnancy results from incidents of rape or incest. These pregnant females have to be carrying a fetus with a gestational age of less than 12 weeks however. As required under existing state laws, physicians continue to be required to obtain and preserve a DNA sample in these cases by preparing a SLED-approved sexual assault protocol kit. Doctors performing these procedures have to inform a pregnant woman they will be, and then, report these crimes to the county sheriff where the procedures are performed. These reports have to be made within 24 hours of procedure completion. These doctors also have to note they made these reports on the pregnant woman's medical chart, and ensure they provide all the information set out in this bill in their notes.

A procedure also is permitted when a fatal fetal anomaly is present. Under this legislation, these anomalies are defined as a fetus with a profound and irremediable congenital or chromosomal anomaly incompatible with sustaining life after birth. A procedure is also permissible when it is needed to prevent the death of a pregnant woman, or it would abate the substantial risk to any pregnant woman who has one or more of the physical conditions listed in this bill that put her in harm's way to give birth. Any physical impairment could not be a psychological or emotional one. Nevertheless, before these procedures are undertaken, reasonable efforts must be taken to save the fetus's life, without endangering the life or health of the mother. Physicians who perform a procedure, or a certified sonographer, have to perform an ultrasound on the pregnant woman and offer her an opportunity to view it live. In addition, this physician also has to provide an opportunity to listen to the heartbeat of the fetus.

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No procedure can be performed without voluntary, written, and witnessed informed consent documentation being completed by the pregnant woman, or her court-appointed guardian.

Contraceptives, *in vitro* fertilizations [IVFs], and other assistive reproduction technologies are not subject to the prohibitions in this bill, so long as they are not used to terminate the pregnancy of any woman known to be pregnant. Illegally providing these drugs to cause abortions in these instances would carry jail time from two to five years, and/or fines of up to \$5,000.

Violators of any prohibitions, including anyone intimidating a pregnant woman into having an abortion, can be prosecuted for committing a felony, and face up to two years in prison, and/or fines of up to \$10,000. Violators also face civil liability for statutory, actual, and punitive damages as well as restraining orders initiated by a circuit solicitor or the South Carolina Attorney General, the pregnant woman, or the pregnant woman's parents if she has not yet reached the age of 18. If damages are awarded, then these parties can recover their attorney fees and costs, so long as any successful plaintiff committed no criminal acts relating to the subject of this civil suit.

Medical professionals also face disciplinary action, including potential revocation of their licenses, ethics violations, and potentially having to pay the costs of any investigations, fines, or other professional disciplinary actions should they violate any restrictions listed in this bill.

Pregnant women are shielded from being held criminally or civilly liable for seeking a procedure in compliance with this proposed legislation's parameters.

In addition, the biological father is responsible for paying 50 percent of the birth mother's pregnancy expenses, including copays, from the time of conception, in addition to having to pay child support, which would be calculated from the date of conception. Further, if the pregnancy was the result of rape or incest, then the biological father is responsible for 100 percent of the expenses incurred by the mother for mental health counseling as a result of that incident of rape or incest.

No state agency or political subdivision may buy, or accept donations of, fetal tissue from any of these procedures, and no public funds could be used by, or sent to, the Planned Parenthood organization. No state-appropriated funds to the State Health Insurance Plan can reimburse abortion medicines or procedures expenses unless they were permitted medicines or procedures performed under the scope of this legislation. Additionally, health care insurance could cover contraceptives, unless a religious belief exception is present.

Committing Crimes While Out on Bond (H. 3532, Act 83)

H. 3532 (Act 83), committing crimes while out on bond, imposes a mandatory five-year jail term for anyone out on a pretrial bond, or other pretrial release, for committing a statutorily listed violent crime who is then found, beyond a reasonable doubt, to have committed another, unrelated, and statutorily-listed, violent crime or possessing a firearm while committing a felony. These violent crimes include rape,

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domestic violence, offenses involving preying on minors, strong arm robbery, weapons offenses, or using weapons to commit these types of crimes while out of jail on bond. This jail time could be imposed only after the conclusion of a separate sentencing hearing, to be conducted as soon as possible after a defendant is convicted of the second, unrelated violent crime. If a defendant is found guilty of the second violent crime through a jury verdict, that jury would hear all evidence related to this offense. If a conviction results after a non-jury hearing or guilty plea, the trial judge would hear the entire, relevant evidence as defined in the legislation.

Solicitors are required to file a written 30-Day Notice with defendants of their intent to pursue this charge. They also have to prove the elements of it beyond a reasonable doubt. Also, if the second offense is committed in another judicial circuit, that circuit solicitor must send notice to the original offense circuit solicitor.

Once the first pretrial bond or other pretrial release is revoked, and a written order has been issued with findings of fact and conclusions of law, a hearing on setting any subsequent bond would have to be held within 14 days of the first bond being revoked. These subsequent bond hearings require personal appearance by the offender, and this legislation sets out specific minimum information that the court must cover with the offender at this hearing. Any subsequent bond in these circumstances would have to be paid in full in US currency, to the exclusion of all other forms of bond, but could be posted either by a defendant or a bondsman. Motions for revocation or modification of any bond would have to be in writing, heard, and a ruling made within 30 days after notice was filed. These hearings could not be held unless all sureties or bondsmen have been given notice of it. Additionally, any surety or cash bond provider who accepted collateral to issue that subsequent bond could not liquidate it without providing notice of their intent via certified mail, return receipt requested.

While serving this five-year sentence, offenders would not be eligible for good-time credits, parole, work release, or extended work release. Defendants or prosecutors would still be able to file speedy trial motions for disposition of this offense. As a final feature, this legislation exempts electronic monitoring device service technicians from existing law that sets out criminal penalties for altering or otherwise tampering with an electronic monitoring device. Portions of this Act take effect 6 months after the Governor's signature, with the "surety bondsman" provision effective after July 1, 2024.

Sexual Extortion [Gavin's Law] (H. 3583 (Act 54))

H. 3583 (Act 54), now to be known as "**Gavin's Law**," is an Act to abate **Sexual Extortion** in South Carolina. This offense typically involves someone obtaining nude, or other private, images of someone else via text messaging, or 'sexting.' Once the recipients have these images, they then blackmail the senders by threatening to release, exhibit, or otherwise distribute these private images on the Internet, with often fatal outcomes.

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As amended, this legislation also includes as an element of this proposed new criminal offense any threats to obtain additional private images or anything else of value from victims of this crime. It proposes abating these schemes by adding sexual extortion and aggravated sexual extortion definitions to the criminal code and proposing penalties ranging from five years to twenty years in jail for violations, and aggravated violations, of this proposed new crime.

Local school districts are required to collaborate with the Attorney General's Office and the State Law Enforcement Division to educate students, parents, guardians, citizens, and school personnel about **Gavin's Law**. Annual reports will be provided to the General Assembly and the governor by the State Department of Education.

Constitutional Firearm Carrying (H. 3594, on the Senate calendar)

H. 3594 (on Senate calendar), constitutional firearm carrying, is on the Senate calendar after being recalled from the Senate Judiciary Committee.

It would declare that South Carolina citizens have a constitutional right to carry their firearms anywhere in South Carolina except in law enforcement, detention, or correction facilities; courthouses; polling places on election day; in business meetings by, or in the offices of, city, county, public school district, or special purpose district facilities; school or college events unrelated to firearms; daycare or preschool facilities; anywhere prohibited by federal law; religious sanctuaries including churches; healthcare facilities of any type unless permission is granted; another person's residence; and any facility clearly marked with a sign complying with state specifications that disallows firearms on those premises. They also could store their firearms anywhere within their motor vehicles.

However, these prohibitions would not apply to anyone with permission of a property owner to carry on those premises, law enforcement officials, military, militia, and reserve officers while on duty; qualified retired law enforcement officers; anyone listed under state law as having authority to carry pistols anywhere in South Carolina, including justices, judges, solicitors, workers' compensation commissioners; and, the South Carolina Attorney General and his assistants. As amended, active county clerks of court, active public defenders, and active assistant public defenders would be added to this list. Note, though, that in its current version, this bill prohibits public defenders and assistant public defenders from carrying a firearm into any local or state detention facility.

Anyone openly carrying their firearm in compliance with this proposed legislation would not give any law enforcement officer or official with arrest powers either a reasonable suspicion or probable cause to be searched, detained, or arrested for doing so.

Also as amended, first time violators of these prohibitions would face up to 5 years in jail, second time offenders would face from 5 to 20 years in jail, and third time or more violators would face 10 to 30 years in jail. Anyone convicted of a crime punishable by up to one year in jail would be prohibited from possessing firearms or ammunition.

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Firearm owners would have to report the loss or theft of their guns to an appropriate law enforcement agency within 30 days after discovering it. The General Assembly encourages all gun owners to receive appropriate gun safety training before carrying their firearms. CWP holders would have to report losing their permits within 48 hours, and pardons that are granted could ban gun possession, transport, or sales if this bill is enacted. (On the Senate calendar).

Public Funding for Religious or other Private Education Institutions (*Blaine Amendments*) (H. 3591, in the Senate)

H. 3591 (in the Senate) is a joint resolution to facilitate a prospective ballot referendum on the question of whether an existing state constitutional provision prohibiting direct **public funding for religious or other private educational institutions** should be repealed. Historically known as *Blaine Amendments*, these state constitutional provisions were adopted across the United States in the late 19th and early 20th centuries to prohibit public funding from finding its way to religious or other private educational institutions. Senate Judiciary (3/1/2023).

Antisemitism (H. 4042, in the Senate)

H. 4042 (in the Senate) would codify **antisemitism as a listed discriminatory act**. As proposed, this bill would incorporate the International Holocaust Remembrance Alliance definition and examples of *antisemitism* into the South Carolina Code of Laws. After that is finalized, incidents of this type of discrimination could be included in efforts to protect South Carolinians' civil rights, as well as for reviewing policies, laws, and regulations prohibiting discriminatory acts to include acts of antisemitism. However, anyone criticizing the country of Israel in the same manner as they criticize other countries, or otherwise exercising their constitutionally guaranteed First Amendment rights, would not run afoul of this proposed legislation. Senate Judiciary (5/4/2023).

Clementa C. Pickney Hate Crimes Act (H. 3014, on Senate calendar)

H. 3014 (on Senate calendar) is the "**Clementa C. Pickney Hate Crimes Act.**" It was proposed in memory of deceased State Senator and Reverend, Clementa C. Pickney, who, along with his fellow Charleston Emanuel African Methodist Episcopal Church congregation members, were shot and killed during a religious gathering in 2015. This bill would create an opportunity for criminal courts to impose additional penalties of not more than \$10,000 and additional jail time of up to five years on defendants who targeted their victims based on the perpetrator's perception—whether correct or not—of the victim's race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability. This additional sentence would be contingent upon these defendants first being convicted of the underlying crime they committed when they targeted these victims. On Senate calendar 3/29/23.

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ELECTIONS

Extending Election Protest Deadlines (S. 92, Act 18)

S. 92 (Act 18) extends election protest deadlines past interceding legal holidays.

Certifying Electoral College Electors (S. 405, Act 27)

S. 405 (Act 27) revises **certification of electoral college electors**, requiring the Governor to transmit to the Archivist of the United States a certificate of ascertainment of appointment of electors at least six days before the meeting of the electors. It also changes the timing for electors to meet from the first Monday to the first Tuesday (after the second Wednesday in December) following their appointment. It further revises the manner of disposition of certificates of ascertainment of appointment of electors. Currently, two certificates of ascertainment must be delivered to the South Carolina Secretary of State. This requirement would be deleted. Instead, two sets of certificates would be sent to the State Election Commission Executive Director. One of these certificates would be preserved by the Executive Director for one year and would remain open to the public for inspection during normal business hours.

State Executive Committee Election Protests (H. 4066, in the Senate)

H. 4066, State Executive Committee Election Protests, would limit state conventions to a maximum of 943 delegates. The state executive committee would hear all election protests and could require protest bonds to be posted by anyone contesting an election. Before doing so, however, they would have to pass an appropriate resolution prior to that election being held. Bonds are proposed to be capped at \$750. Successful protests would mean any bond posted would be returned to its poster. Sent to the Senate (3/30/2023).

Municipal Election Reforms (H. 3734, in the Senate)

H. 3734 (in the Senate), Municipal Election Reforms. This legislative effort would require municipal elections to be conducted only in odd-numbered years on the third Tuesday in March, the first Tuesday of July, or the first Tuesday after the first Monday in November using voting systems adopted by the State Election Commission. Municipal elections authority could be transferred to county boards of voter registration and elections. The terms for municipal mayors and council members would commence at the next regular city council meeting in the month after the election results were certified. This proposal to standardize municipal elections in our state also prohibits the extension of terms for any mayor or council member elected in an even-numbered year when existing election dates are changed. As amended, if they were elected in an odd-numbered year, that term would be extended. Officers would continue to serve until their successors are elected and qualified. Sent to the Senate, in Senate Judiciary (4/27/23).

EDUCATION

Education Scholarship Trust Fund (S. 39, Act 8)

S. 39 (Act 8) establishes the "Education Scholarship Trust Fund (ESTF)." **Education Scholarship Trust Fund**, ("ESTF," or "fund" means the individual account that is administered by the Department to which funds are allocated to the parent of an eligible student to pay for qualifying expenses). Eligible elementary and secondary students may be awarded scholarships in the amount of six thousand dollars to pay for education expenses. The scholarship amount may not be altered unless directed by the appropriations act. Expenses may include, among other items, tuition and fees, instructional materials, tutoring, computer hardware, assessments, and transportation (not to exceed \$750 per year). The department shall create an individual online ESTF account for each scholarship student.

Public and independent schools may accept scholarship funds, but charter schools and home-schooled students are excluded. Eligible students must reside in the state and have attended a public school in the state during the previous school year or received a scholarship the previous school year. Families must meet a specified percentage of the federal poverty guidelines to qualify:

- 200 percent of the federal poverty guidelines for the 2024-25 school year;
- 300 percent of the federal poverty guidelines for the 2025-26 school year;
- 400 percent of the federal poverty guidelines for the 2026-27 school year and for all subsequent school years.

The bill establishes a cap on the number of students who may participate in the ESTF:

- A maximum of 5,000 students may participate in the 2024-25 school year;
- A maximum of 10,000 students may participate in 2025-26 school year; and,
- A maximum of 15,000 students may participate in the 2026-27 school year and for all subsequent school years.

The State Department of Education (SDE) must create an application process for the Fund, determine student eligibility, and inform students and parents about eligibility and providers. Before receiving funds, parents or guardians must agree to provide instruction in at least English/language arts, mathematics, social studies, and science.

SDE may deduct no more than two percent of the ESTF to administer the program and may contract with vendors to manage accounts and provide services. Providers may be banned if they do not comply with accountability standards or provide educational services. Participating independent schools must meet curricula, diploma, and attendance requirements, comply with health and safety codes, and not unlawfully discriminate based on race, color, or national origin.

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Scholarship recipients attending an online Education Service Provider must visit their resident public school at least once per semester for a wellness check and SDE is to keep data about the visit. If a student's academic program is ended before the end of a school year or semester, the parent must notify SDE, and remaining funds revert to the ESTF.

Education Service Providers providing full-time instruction must provide the following assessments:

- Grades three through eight must take the SC Ready or SC Ready alternative assessment.
- Grades four and six must take the SC Pass or SC Pass alternative assessment.
- Alternatively, grades three through eight may take a nationally normed formative assessment at the beginning, middle and end of the school year. SDE must approve the assessment and it must have a linking study.
- Grades nine through twelve must take a nationally norm referenced, or formative assessment approved by SDE.

The Education Oversight Committee must report on learning gains and graduation rates of scholarship recipients to include delineated, aggregated data. An ESTF Review Panel is established to provide advice to the Department.

Center for School Safety and Targeted Violence (H. 3360, Act 79)

H. 3360 (Act 79), the **Center for School Safety**, outlines the establishment of the **Center for School Safety and Targeted Violence** within the South Carolina Law Enforcement Division (SLED). The purpose of the center is to provide training, education, and expertise in the areas of school safety and targeted violence. SLED is responsible for adopting guidelines and procedures for training and educating law enforcement, school personnel, parents, and the public on school safety and targeted violence. SLED may also incorporate personnel from various departments within the organization as assigned by the Chief of SLED. This Act takes effect upon approval by the Governor and is contingent upon funding in the General Appropriations Act.

First Steps to School Readiness Act (H. 4023, Act 81)

H. 4023 (Act 81) amends the **First Steps To School Readiness Act**. The primary significance of this Act is that **First Steps is now permanently enacted** (future reauthorization is not necessary). Another significant change is that the legislative delegation may by resolution delegate some or all of its appointments to the county council.

The legislation asserts that the First Steps Board will continue to hire the Executive Director, while much of this amending legislation focuses on local partnership boards. On the local boards, appointed members shall comprise a voting majority of the board. Local partnership boards will consist of elected and appointed members, with no more than 4 elected members; members to be elected by the local partnership board; 6 members appointed by the legislative delegation (the legislative delegation may by resolution delegate all or some of its appointments to county council);

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3 members appointed by the legislative delegation upon recommendation by the local DSS, DHEC, and Head Start offices; 1 member appointed by the county council with a recommendation from the county library system; and 1 person appointed from each school district located within the partnership region (this number could vary from 1 to 7 (e.g., Spartanburg has 7 districts)).

The Office of First Steps, in consultation with the Office of State Procurement, must adopt and develop procurement policies and procedures. Local partnerships must adopt these policies and procedures for the purchase of goods and services. First Steps is to still participate in data-sharing initiatives supported by the advisory council and act as the governing body for a unified and integrated data collection system, implement sound data governance policies that protect privacy, and maintain a comprehensive infrastructure for integrated, and also, if possible, longitudinal data for public early childhood education and development programs; develop and maintain parent knowledge-building activities, including web-based portals to inform parents of all publicly funded early childhood programs and services which include, but are not limited to, an eligibility screener and common application.

Child Food and Nutrition Services Study Committee (H. 3312, Act 89)

H. 3312 (Act 89) is an Act creating the **Child Food and Nutrition Services Study Committee**. This 17-member study committee is to examine the advisability of transferring the administration of certain national food and nutrition programs and initiatives currently administered by the State Department of Education to the State Department of Agriculture. These programs include but are not limited to, the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs.

In addition, the legislation provides for the membership that includes appointees from governmental and legislative agencies along with two members who have a child that is a recipient of free and reduced lunch and two members from a local school district's food services department. The legislation outlines that the committee shall make a report of its findings and recommendations to the General Assembly by January 1, 2024, at which time the study committee terminates.

Military Temporary Remote School Enrollment Act (H. 3797, Act 40)

H. 3797 (Act 40) enacts the "**Military Temporary Remote School Enrollment Act.**" This Act requires a school district to accept electronic school enrollment for children of military personnel who are transferred to a military installation within the state of South Carolina while on active military duty (a pupil would be considered a resident of the school district). The parent or legal guardian must provide proof of residence to the school district, after arrival, on official documentation. Any ambiguity in construing the provisions of this Act must be resolved in favor of the enrolling pupil.

Athletic Trainers (S. 397, Act 77)

S. 397 (Act 77) transfers regulatory authority of **athletic trainers** from the Department of Health and Environmental Control (DHEC) to the Board of Medical Examin-

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ers, which is under the Department of Labor, Licensing and Regulation (LLR). The Act outlines requirements and certifications that an applicant must possess in order to obtain an initial athletic trainer license and for license renewal. "Athletic trainer" means an allied health professional with specific qualifications who provide services under the direction of or in collaboration with a licensed physician. Services provided by athletic trainers may include the prevention, identification, assessment, treatment, or rehabilitation of injuries and illnesses under the direction of a licensed physician. A person who holds himself out as an athletic trainer without being licensed is guilty of a misdemeanor and, upon conviction, must be fined not more than \$300 or imprisoned for not more than ninety days, or both. The Act also creates an Athletic Trainers Advisory Committee consisting of nine members appointed by the Board of Medical Examiners.

Professional Doctorates (H. 3857, Act 41)

H. 3857 (Act 41) allows a state college or university under the Doctoral/Professional University classification to offer college-level baccalaureate, master's, and no more than five **professional doctorate or Doctor of Philosophy degrees**. The Act further provides that the mission of these degrees or programs include continued education or employment, limited and specialized research, and public service to the state and local community. This codifies Proviso 11.20 of the FY 2022-23 Appropriations Act.

Sunscreen in Schools (S. 256, Act 21)

S. 256 (Act 21) regards **sunscreen in schools**. Public schools can now permit students to possess and use certain types of sunscreens on school property and at school-sponsored events, provided they have written parental consent.

South Carolina Transparency and Integrity in Education Act (H. 3728, in conference committee)

H. 3728 (in conference committee) would enact the comprehensive "**South Carolina Transparency and Integrity in Education Act**." The House version of H. 3728, states that ideological and viewpoint biases should not be presented as fact to students who receive instruction in public school, that all students should learn in a positive learning environment where they are made to feel welcomed, supported, respected, and free from discrimination; that schools are to establish and foster a positive learning environment, teach critical thinking skills, and prepare students to be college and career ready. The bill asserts that all stakeholders have a shared responsibility for student learning; that parents and students can raise awareness and have their concerns about objectionable material heard and addressed whenever such a topic is discussed; that all entities involved are to work to remove ideological biases from the pre-Kindergarten to grade twelve schools; and, that schools are to be a model for comprehensive, fair, and factual instruction.

The bill enumerates a list of prohibited concepts that may not be included or promoted in a course of instruction. Instructional material and professional development should not promote that one race, sex, ethnicity, religion, color, or national origin is superior, inherently privileged, or determines moral character. Moreover,

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these traits should not cause the assignment of fault or bias to an individual or group. A student, administrator, teacher, staff member, other school or district employee, or volunteer shall not be required to attend any instruction, training, or presentation that has the goal or purpose of studying, exploring, or informing attendees about gender roles or stereotypes, gender identity, gender expression, sexual orientation, or romantic or sexual relationships. No student shall attend any instruction, training, or presentation including these topics unless the school has received written permission from the student's parent.

Library and media center material, both printed and electronically accessible, must be age-appropriate and grade-appropriate. Determination of the appropriateness of materials should be guided by criteria established by the State Board of Education.

Districts are clearly allowed to teach state academic standards -- including concepts such as the history of an ethnic group, the fact-based discussion of controversial aspects of history, and the instruction of the historical oppression of a group of people based on race, sex, ethnicity, class, nationality, religion, or geographic region, including the fact-based and historically accurate discussion of the history of slavery. "Current events" is added to the list of topics that must be taught in a fact-based manner. The state Department of Education must develop model lesson plans accessible to the districts.

The bill provides procedures for public review of public school curricula and instructional materials. The State Board shall hold a public hearing before adopting any textbook or instructional material for use in the schools. A school may not accept teaching materials or technology which contains an application, link, or other access to pornographic (defined) or other prohibited materials. A school district that receives such materials must receive disciplinary action as stated in the complaint process.

Beginning with the 2024-2025 school year, each LEA shall prominently post information regarding curriculum and instructional materials on the school district website at least seven days prior to the start of classes. Information must indicate the materials used by school, grade or course, and subject matter, and must include: a listing of the approved textbook for every course offered in the district, a link to statewide academic standards, relevant district policies concerning curriculum development and academic transparency, a process for which parents may review and contest instructional materials and library and media center materials being used, and a process by which parents may withdraw their student from any specific instruction or presentation that that the parent, in the parent's sole discretion, objects to their student receiving. If curriculum or instructional material are added after the start of classes, they must be posted within three days. For any child who does not attend any instruction or presentation pursuant to this law, the school shall provide to the student alternative educational instruction that furthers the completion of any grade level or graduation requirements and does not include any of the objectionable content (and shall not impose an academic or other penalty upon the student).

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A latter section of the bill is intended foster parental involvement and shall not be construed as a mandate on parents that could subject them to retaliation or sanctions from teachers, schools, LEAs, or the State Board of Education. The bill asserts parental expectations and parental involvement in their children's education - that parents are expected to be the primary source for the education of their children - the "primary source of their student's education regarding learning morals, ethics, and civic responsibility."

Provisions are made for complaints and feedback (with means provided for addressing violations. Complaints must be confidential from the time they are filed and remain so until a decision is rendered and may not be shared with a third party. Schools are to adopt a policy for procedures used to report and investigate an alleged violation and the resolution of violations. The legislation provides a comprehensive and extensive system of notices, investigations, due process, appeals, and reports, including a statement by the complainant verifying that he has made a good faith effort to communicate with the individual alleged to have included or promoted the prohibited concept and resolve the matter. The bill requires that a complaint must have a statement verifying that the complainant "has made a good faith effort to communicate with the individual alleged to have included or promoted the prohibited concept."

If a complaint cannot be resolved locally, an appeal can be made to the State Board for a final determination. The department may withhold funds from the district if it fails to adhere to a corrective action plan. In addition to district losing funds, the committee amendment also calls for the educator to have their certification suspended or revoked if they fail to abide by the plan. A further amendment allows for parents to bring a suit for violations. Declaratory and injunctive relief, along with attorney's fees and costs, are recoverable. The House non-concurred in Senate amendments. This Act takes effect upon approval of the Governor and is applicable beginning with the 2024-2025 school year.

Middle Level Education Month (H. 4352, in the Senate)

H. 4352, Middle Level Education Month, would designate the month of March of each year as "Middle Level Education Month." "Middle Level" refers to middle school, also known as intermediate school or junior high school. Sent to the Senate (4/28/23). Senate recalled from Committee on Family and Veterans' Services (5/9/23).

Educator Assistance Act (H. 4280, in the Senate)

H. 4280 (in the Senate) is the "**Educator Assistance Act.**" Professional certificates issued by the State Board of Education would be permanent (unless revoked or suspended) and not subject to renewal. The bill specifies that no teacher may be required to renew a professional certificate issued by the board. The bill proposes authorizing the use of data collected under current procedures to report on certain postsecondary matters concerning graduates of South Carolina public schools. This section also requires the streamlining of data collection timelines and processes. The

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bill allows contract acceptances submitted before the statutory notification deadline to be withdrawn by submission of written notice to the school district within ten days after publication of the school district salary schedule for the upcoming school year. It also prohibits school districts from reporting such withdrawals as a breach of contract. It also revises the penalties for breach of contract resulting from the unauthorized execution of an employment contract with another district, revises the period for educator certificate suspension due to breach of contract, and to make such revocations discretionary. Last, the bill proposes the repeal of certain reporting requirements to the Superintendent of Education and the tabulation of reports. Sent to the Senate (5/4/2023).

Education and Workforce Readiness (H. 4060, in the Senate)

H. 4060 (in the Senate) is a product of the House's State Economic Development and Utility Modernization Ad Hoc Committee. The bill addresses **comprehensive improvements in the delivery of workforce education in K-12 and higher education.**

The following provisions are included in the bill:

The bill codifies the state's **workforce readiness** goal of at least 60 percent of all working-age South Carolinians having a postsecondary degree or recognized industry credential before 2030.

The State Department of Education (SDE) must ensure that all public high schools provide remedial courses in language and math for students in their senior year of high school who desire to pursue postsecondary education but are not ready for college-level coursework. The courses will be counted as elective credits. The State Board for Technical and Comprehensive Education (SBTCE) must approve the courses adopted by SDE.

Each high school senior must complete and submit a Free Application for Federal Student Aid (FASFA) before graduation. Students are exempt from this requirement if their parent or guardian declines to complete the form, the school counselor exempts them for good cause, or a student who is 18 years of age exempts themselves.

Development and housing of the Educator Preparation Report Card is transferred from the Commission on Higher Education (CHE) to the State Department of Education.

CHE's Advisory Committee on Academic Programs must develop a statewide postsecondary articulation agreement for dual enrollment courses between all school districts and higher education institutions. The agreement must ensure that dual enrollment courses are equivalent to collegiate courses and supersede all previous local dual enrollment agreements. Dual enrollment may be offered to students in the tenth through twelfth grades. The section also provides that CHE and SBTCE must implement policies guaranteeing students who have earned an associate of arts (AA) degree or an associate of science (AS) degree from a public two-year college will receive a minimum of 60 transfer credit hours at a public college or university and be

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considered part of the junior class. Additionally, public four-year colleges and universities must create a reverse transfer option for public two-year college students who enroll without completing an AA or AS degree. Once coursework is completed at the four-year college, credits earned may be transferred back to the originating public two-year college.

The Department of Employment and Workforce (DEW) must provide online access to information regarding the economic value of college majors. In addition to showing the economic value of each major offered in South Carolina, DEW must also compare the bachelor's degrees earned to job availability. DEW may expand its report to include master's and doctoral degrees.

SBCTE and the State Board of Education must provide a report to the General Assembly before July 1, 2024, determining how to best transfer adult basic education and adult secondary education from the State Board of Education to the SBCTE. Sent to the Senate (3/29/23).

Reading (S. 418, returned to the Senate with amendments)

S. 418 (in the Senate):

- Would define **“Science of Reading,” “Foundational Literacy Skills,” “Structured Literacy,” and “Literacy.”**
- Would require SDE to ensure that the requirements of Read to Succeed are followed instead of statutorily naming an office within the Department to perform the duties.
- Removes references to “evidence-based” instruction in favor of “scientifically based.”
- Focuses Read to Succeed efforts to grades pre-K to five instead of pre-K through twelve. Efforts are also placed in middle schools where 50 percent or more of students score at the lowest achievement level on the state assessment.
- Prohibits curriculum or instructional materials that use the three-cueing system model of reading and visual memory as the basis for teaching word recognition.
- Teachers certified in early childhood, elementary, or special education must complete coursework in foundational literacy skills, structured literacy, and the science of reading or successfully complete the scientifically research-based reading instruction assessment approved by the board. Classroom teachers must receive pre-service and in-service coursework in foundational literacy skills, structured literacy, and the science of reading.
- Beginning **September 1, 2024**, early childhood, elementary, and special education teacher candidates seeking initial certification must pass a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles. Colleges must report the success rate of teacher candidates who take the assessment.

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- Teachers, administrators, and other certified staff must earn a literacy endorsement to maintain certification unless they are not educating or serving students in a school or other educational setting. Districts must offer professional development, coursework, certification, and endorsements at no charge. Teachers may exempt having to take the literacy endorsement courses if they pass the same literacy assessment given to pre-service educators.
- Districts must show how reading and writing assessments and instruction for all PK-5 students align to the science of reading, structured literacy, and foundational literacy skills and document how interventions are provided to readers who fail to show reading proficiency. Supplemental instruction shall be provided by teachers who have a literacy endorsement and offered during the school day and, as appropriate, before or after school.
- Universal screeners for students that measure early language and literacy development, mathematical thinking, physical well-being, and social-emotional development are to be replaced with screeners that measure only language and literacy. The screener must be aligned with first and second-grade standards for English/language arts.
- "Substantially Fails to Demonstrate Third-Grade Reading Proficiency" means a student who does not demonstrate reading proficiency at the end of the third grade as indicated by scoring Does Not Meet Expectations. Current law sets that at a level equivalent to "Not Met 1" on the Palmetto Assessment of State Standards. Districts must report the number of first and second-grade students who are projected to score "Does Not Meet" on the statewide assessment.

Students scoring "Substantially Fails" could no longer be promoted based solely on a reading portfolio; however, district superintendents may allow advancement if the teacher submits documentation showing reading proficiency.

- Students in kindergarten through grade two who do not demonstrate reading proficiency must be given additional support in foundational literacy skills. Interventions must be at least thirty minutes daily in duration and be in addition to the minimum of ninety minutes of daily reading and writing instruction.
- Summer reading camps must be open to all students in kindergarten through third grade who do not exhibit grade-level reading proficiency. Students at any grade who do not exhibit reading proficiency and do not meet the good cause exemption may be included in the camps. Returned to Senate with amendments (5/04/23).

Competency-Based Education (CBE) (H. 3295, in the Senate)

H. 3295 (in the Senate) would allow the State Board of Education to waive applicable laws and regulations if a district is successful in its application to start a competency-based school. When applying, districts must ensure **Competency-Based Education (CBE)** for all students in a selected school and show parental consultation regarding implementation. The bill states the following Competency-Based Education

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core principles: learning outcomes must emphasize competencies identified in the Profile of the Graduate, students must master competencies along a personalized and flexible pathway before advancing, assessments must be meaningful and used to personalize learning experiences; and, students must receive timely and personalized support based on their learning needs. Competencies must be explicit, measurable, and transferrable.

Competency-Based schools cannot be exempted from anti-discrimination laws, or health, safety, civil rights, and disability rights requirements, and state and federal assessment requirements may not be waived. All eligible students must be allowed to attend, and schools may not limit, deny, or show preference in admission. The State Department of Education (SDE) shall create evaluation criteria, and schools must submit data for a biennial review. The State Department of Education shall establish a definition for competency-based education that must be published on the website of each school district that implements this system of education. If a school does not perform as expected, SDE may request revocation of the waiver if concerns are not alleviated. State and federal assessments are still required. CHE and the State Tech Board must establish policies providing fair and equitable access to admission, scholarships, and financial aid for students with Competency-Based credit or diplomas.

Students may earn credits for the successful completion of courses through traditional means or a competency assessment that shows mastery of standards. This may include methods and documentation such as tests, interviews, peer evaluations, writing samples, reports, or portfolios. When awarding credit "a greater emphasis shall be placed on a student's mastery of course material rather than completion of predetermined time allotments for courses." Unless waived, schools must still ensure that at least 1,080 instructional hours are completed during the year. Sent to the Senate (3/30/23).

Open Enrollment (H. 3843, in the Senate)

H. 3843 (in the Senate) would amend statutes regarding **students attending public schools outside their attendance zone and school district**. The bill would direct school boards to adopt an **open enrollment** policy by the 2023-24.

That **open enrollment** policy by the 2023-24 school year is based on the requirements set forth in the legislation, and the State Department of Education (SDE) must develop a template to assist districts. SDE is also required to include all district open enrollment policies on its School Choice website portal, and annually report to the State Board and chairs of the House Education and Public Works Committee and Senate Education Committee.

A district open enrollment policy shall adhere to federal desegregation and other education requirements and be posted prominently on its website. Among the items to be posted are the following: a description of the application requirements and timeline, a method for allowing parents to declare school preferences, lottery and

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waitlist policies, whether a nonresident fee will be charged to cover costs of enrollment; and, whether there is a fee waiver or mitigation process.

Districts are not required to transfer local funds for students enrolling elsewhere. Districts may, but are not mandated to, alter the structure of the school to create more space. Programs may be established, changed, or expanded and eligibility criteria may be waived. Also, transportation may be provided to students outside of their attendance zones. Existing students may not be displaced due to transfers. Enrollment policies for students transferring from outside the attendance zone or district must be established using the following hierarchy:

1. Students who meet the program or school's requirements and seek to attend the designated school in the district's feeder pattern.
2. Siblings of students who reside in the same household and are already enrolled in the school.
3. Students whose parents or guardians are assigned to the school as their primary place of employment.
4. Students selected by lottery.

District policies may not have the purpose or effect of causing racial discrimination.

Districts that deny enrollment must do so in writing and include specific reasons for the decision. Denial may occur only in the following situations: the school does not offer the program, the student does not meet established eligibility requirements for the program, there is a desegregation plan in effect for the district and denial is necessary for compliance or there is a documented lack of capacity in the school, level, or program. Finally, a state law that defines eligibility for public school attendance is amended to conform with the changes made in the bill. Included in the changes is the termination of the provision that allows students to gain residence by owning real property in a school district. The property will have to have been owned on or before June 30, 2024. Sent to the Senate (3/30/23).

Certified Athlete Agents (H. 3501, in the Senate)

H. 3501 (in the Senate) would establish "certified athlete agents." This bill relates to acts of athlete agents, so as to provide that certified athlete agents may pay certain expenses incurred before the signing of agency contracts by student-athletes and other certified athlete agent and establishes the conditions under which such agents can pay expenses for student athletes before entering into a formal agency contract. This bill relates to athlete agents and their interactions with student athletes. A "certified athlete agent" is defined as an athlete agent who is registered under the provisions of the relevant chapter (presumably a law or regulation) and is also certified by a national association that oversees intercollegiate athletics and sets eligibility standards for student athletes in a particular sport. A certified athlete agent is allowed to pay for expenses incurred by a student athlete, their family member, or individuals authorized by the national association that certified the agent, even before a formal agency contract is signed. The expenses must be for the benefit of an athlete who belongs to a specific class or group of athletes authorized by the national

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association that certified the agent (the expenses should be related to the athlete's participation in the sport and must meet the association's criteria). Sent to the Senate (5/3/23).

HEALTH

Pharmacy Benefits and Services (S. 520, Act 30)

S. 520 (Act 30) addresses **pharmacy benefits and services**. The legislation expands the rights and duties of pharmacies during audits and revises duties of pharmacy benefits managers. The legislation makes provisions for pharmacy services administrative organizations who contract with pharmacy clients in the state to conduct business on their behalf with third-party payers or pharmacy benefits managers. PSAOs provide administrative services to pharmacies and negotiate and enter into contracts with third-party payers or pharmacy benefits managers on behalf of pharmacies. The legislation includes regulatory oversight and management provisions for pharmacy benefits managers and pharmacy services administrative organizations. A three-tiered prescription drug classification system is established as a means of encouraging competition to drive down costs of prescription drugs. This Act takes effect **January 1, 2024**, but the recurring examinations by the Department of Insurance provided herein must not begin before **January 1, 2025**.

Opioid Antidotes (Narcan) (S. 407, Act 78)

S. 407 (Act 78) outlines that prescribers must offer **opioid antidotes** (e.g., **Narcan**), in a manner that is consistent with the existing standard of care and the FDA. In addition, the Act further outlines that a prescriber is not subject to professional disciplinary actions including, but not limited to, disciplinary actions initiated by any board or licensing agency arising from the prescriber's compliance with the provisions. This provision does not apply to patients who are receiving care for cancer or who are in palliative care.

Narcotic Treatment Programs (H. 3870, Act 43)

H. 3870 (Act 43) authorizes the permitting and operation of **Narcotic Treatment Programs** for associated pharmacists and practitioners. Narcotic Treatment Program (NTP) means a program licensed by the Department of Health and Environmental Control that dispenses and administers methadone or other narcotic treatment medications. This Act requires the Board of Pharmacy to issue a narcotic treatment program (NTP) permit to a NTP before methadone or other narcotic treatment medications may be administered, dispensed, or delivered to the NTP. The permit must be inspected annually by the Board of Pharmacy. In addition, the Act outlines that inventory must be secured against access and alteration when the pharmacist is not on site but allows for the secure distribution of medication.

Epinephrine Auto-Injectors (H. 4122, Act 47)

H. 4122 (Act 47) expands the authorized use of **epinephrine auto-injectors** in schools to include the provision of other lifesaving medications in addition to epi-

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nephrine. The modified law provides certain related responsibilities for the Department of Health and Environmental Control and the Department of Education: determining which medications will be appropriate and safe for use in schools and requiring the Departments to work together to develop and implement policies and procedures for the storage, maintenance, and administration of these lifesaving medications in schools (including training for school personnel on the proper administration of these medications).

Endangered Person Notification System (H. 3340, Act 63)

H. 3340 (Act 63) adds anyone with an **autism spectrum disorder or other developmental disability diagnoses** to the list of people eligible for inclusion in the State Law Enforcement Division's **Endangered Person Notification System**.

State Health Facility Licensure Act (Certificate of Need) (S. 164, Act 20)

S. 164 (Act 20) eliminates the requirement of obtaining a **Certificate of Need (CON)** from the Department of Health and Environmental Control (DHEC), with the exception of new hospitals, expansion of beds, and nursing homes. The State Health Facility Licensure Act includes the sunset date of **January 1, 2027** for new hospitals and expansion of hospital beds, at which time, the certificate of need requirement will be for home health facilities and nursing homes only. Until the sunset date, the Act requires a certificate of need for new hospital construction or if there is a change in the existing bed complement of a hospital through the addition or classification of one or more beds. The Act states that in order to be licensed by DHEC, a hospital is prohibited from using economic criteria unrelated to quality of care or professional competency in determining an individual's qualifications for initial or continuing hospital medical staff membership or privileges. The Act provides for exemptions which are the relocation of a hospital in the same county, the acquisition of a hospital, Crisis Stabilization Unit Facilities, and the construction of a new hospital in a county currently without a hospital. The Act also states that the Medical University of South Carolina (MUSC) must go before the Joint Bond Review Committee prior to receiving licensure, significantly reducing the timing of the appeals process and allows appeals directly to the SC Supreme Court from the Administrative Law Court.

The Act creates a Certificate of Need Study Committee to examine the effect of repealing the Certificate of Need on the quality and quantity of access to healthcare in rural areas. The study committee shall be composed of six members to include three members of the Senate, as appointed by the President of the Senate, and three members of the House of Representatives, as appointed by the Speaker of the House. The study committee shall consult with a non-voting advisory board as needed. The non-voting advisory board shall include one representative from the South Carolina Hospital Association, the South Carolina Medical Association, the Department of Health and Environmental Control, and the Department of Health and Human Services. The study committee shall provide a report to the General Assembly of its findings and recommendations by January 1, 2024, at which time, the study committee shall dissolve.

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Neonatal Testing (S. 394, Act 26)

S. 394 (Act 26) provides for additional testing as well as the notification of a child's primary provider and a qualified pediatric specialist when dealing with the results of **abnormal neonatal testing**.

Crisis Stabilization Unit Facility (S. 343, Act 59)

S. 343 (Act 59) amends the definition of a **crisis stabilization unit facility** to include all short-term residential stabilization and intensive crisis services - removing the requirement that they be operated by or in partnership with the Department of Mental Health. Currently, the facility serves ages 18 and older, the Act expands the services to serve ages five and older.

Statewide Plan Addressing Alzheimer's Disease (S. 569, Act 62)

S. 569 (Act 62) convenes an advisory council to the Alzheimer's Disease and Related Disorders Resource Coordination Center to update the **statewide plan addressing Alzheimer's disease and related dementias**. The advisory council must solicit input from the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Social Services to ensure the formulation of a comprehensive statewide plan. An annual report must be submitted to the Governor and General Assembly by September 30, 2023, about the progress made toward fulfilling the statewide plan. The statewide plan must be updated in 2028 and every five years thereafter.

Psychology Interjurisdictional Compact [PSYPACT] Dispute Resolution (H. 3204, Act 35)

H. 3204 (Act 35) specifies **Psychology Interjurisdictional Compact [PSYPACT] Dispute Resolution** jurisdiction. For South Carolina to participate in this compact, the United States District Court for Georgia is the required entity for handling any PSYPACT dispute resolutions. This Commission is charged with oversight of the professional work performed by therapists licensed in other states who counsel, or otherwise treat, patients who do not live in those licensing states - providing oversight so that participating nonresident telepsychology therapists would not have to become licensed here before treating South Carolina patients.

Anesthesiologist's Assistants (H. 3877, in the Senate)

H. 3877 (in the Senate) would revise an anesthesiologist's supervisory requirements for **anesthesiologist's assistants**. The bill outlines that an anesthesiologist may not supervise more than four anesthesiologist's assistants at any one time. Sent to the Senate (4/6/23)

Compounding Pharmacies (H. 3592, in the Senate)

H. 3592 (in the Senate) would update 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

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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. Sent to the Senate (5/5/23).

Telehealth and Telemedicine Modernization Act (H. 4159, in the Senate)

H. 4159 (in the Senate) would expand telehealth to all licensed practitioners by enacting the "**South Carolina Telehealth and Telemedicine Modernization Act.**" Among many things, the bill provides requirements for regulated health care professionals who provide healthcare by means of telehealth. The bill updates the Act to remove the in-person requirement. It states health care professionals shall adhere to the same standard of care as required for in-person care and must be evaluated according to the standard of care applicable to the licensee's area of specialty. The bill introduces a revised definition of "telehealth" which means the use of electronic communications, information technology, or other means to deliver clinical health care, patient and professional health-related education, public health, or health administration between a licensee in one location and a patient in another location. The bill outlines that licensees need not reside or maintain a physical office to practice telehealth. The bill also makes changes for prescribing medications based on physician-patient relationships established solely by telemedicine. Sent to the Senate (5/5/2023)

Living Donor Protection Act (H. 3255, in the Senate)

H. 3255 (in the Senate) would enact the "**Living Donor Protection Act.**" This bill prohibits issuers of individual life insurance policies, group life insurance policies, disability income insurance policies, and long-term care insurance policies from discriminating against living organ donors. These insurers may not: decline or limit coverage based solely upon someone's status as a living organ donor, preclude an insured from donating all or part of an organ as a condition of continuing to receive insurance coverage or discriminate in the offering, issuance, cancellation, amount of coverage, price, or any other condition of an insurance policy for a person, based solely and without any "additional actuarial risks" upon the individual's status as a living organ donor. Sent to the Senate (04/19/23).

CHILDREN AND FAMILY ISSUES

The General Assembly and the House passed a significant package of legislation this year regarding protections and reforms for children. Among those: adoption, guardianship, permanent placement changes, infant safe havens, adoption reports, termination of parental rights, and reforms governing the Department of Social Services.

Adoption Waiting Periods (H. 3553, Act 80)

H. 3553 (Act 80) is an Act to remove **Adoption Waiting Periods** in South Carolina Department of Social Services [SCDSS] cases. This Act eliminates the existing statutory 90-day waiting period after adoption petitions have been filed before adoptions

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may be finalized with an adoption decree. Adoptions would still have to be completed within six months of the adoption petition being filed. However, adoptions of special needs children are allowed to take up to twelve months for completion. This Act allows the petitioning, or amending any pending paperwork, to terminate the parental rights of the birth parents at any time, even if a permanency placement petition has not yet been granted in a SC DSS removal case. In the event a child is left at a statutorily defined 'safe haven' location, this legislation deems that action to be grounds for terminating parental rights at that moment. Also, the definition of a 'special needs child' will include any child with a marginalized ethnic background.

Child Development Services (H. 3231, Act 36)

H. 3231 (Act 36) repeals the provision relating to the responsibility of the Department of Health and Human Services to establish and expand **Child Development Services**. Upon the recommendation of the Legislative Oversight Committee, the legislation eliminates the outdated requirement of the establishment of this program. The program is no longer operated within the Department of Health and Human Services and was transferred to the Department of Social Services.

Parental Leave for Teachers and Other School District Employees (H. 3908, Act 17)

H. 3908 (Act 17) provides **paid parental leave for teachers and other school district employees** upon the birth of a child or initial legal placement of a foster child or a child by adoption. Under the legislation, public school teachers and other school district employees are entitled to the paid parental leave afforded state employees. The State Board of Education is charged with promulgating regulations, guidance, and procedures to implement these provisions.

Abuse and Neglect Case Investigations and Reporting (S. 612, Act 33)

S. 612 (Act 33) establishes a **tiered system and statutory guidelines for SC DSS abuse and neglect case investigations (and reporting)**. As passed, DSS will have to prepare annual reports showing all cases not resolved within statutory timeframes, and explain why they were not timely resolved, along with providing other specified information about them.

Homeless Children and Youth Definitions (S. 342, Act 23)

S. 342 (Act 23) adds definitions of 'unaccompanied **homeless youth**,' '**homeless child or youth**,' and 'youth at risk of homelessness' to the South Carolina Children's Code. Significantly, all of these definitions include anyone from their birth to 24 years of age who lacks a fixed, regular, and adequate nighttime residence.

Child Food and Nutrition Services Study Committee (H. 3312, Act 89) (See summary under "EDUCATION")

Legal Guardianships with Supplemental Benefits (S. 380, Act 25)

S. 380 (Act 25) pertains to **legal guardianships with supplemental benefits**. In cases where adoption or other permanent placement of a minor with another family

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simply will not work, it allows, among other things, permanent legal guardianships to be established. Procedures for obtaining an appropriate court order in these cases are set out. Also in the legislation are the responsibilities these legal guardians -- that can include fictive kin-- assume upon being so appointed. A monetary fund will be established and administered by **SC Department of Social Services (SCDSS)** to pay benefits to these legal guardians. This legislation puts South Carolina in tandem with similar federal legislation and programs, entitling SCDSS to qualify for federal funding for these placements, where appropriate.

Guardianship Advance Appointment Revisions (S. 341, Act 10)

S. 341 sets out **guardianship appointment revisions**. Probate Court authority has been expanded to allow guardianship petitions to be filed as much as 180 days prior to a youth turning 18 years old. Courts will have to determine a basis for appointing a guardian for these youths and make findings about how they will benefit from having a guardian appointed even though they will be reaching their age of majority.

Joint Citizens and Legislative Committee on Children (S. 299, Act 9)

S. 299 pertains to the **Joint Citizens and Legislative Committee on Children**. The new law provides for the inclusion of the State Child Advocate on this Committee.

Prerequisite Child Safety, Placement and Removal Cases (H. 3558, in the Senate)

H. 3558 (in the Senate) is proposed legislation for **prerequisite child safety, placement plans and removal cases** in Department of Social Services. Before any child could be placed outside of their home, and in lieu of placement in an SC Department of Social Services [SCDSS]-approved facility, all interested parties, including relatives and fictive kin, who could qualify for placement of the child with them instead, would have to sign off on safety, placement, and—where appropriate—treatment plans for the child under this proposal. These plans would have to be developed within three days of the child being removed by SCDSS. As part of this proposed approach, DSS would have to continually assess the appropriateness of its safety plan and monitor the child's placement experience for compliance with these signed plans. Courts would retain authority to place children in these situations on an expedited basis. Records of probable cause hearings could be held open for up to 72 hours. In addition, emergency placements of children in these expedited matters could last up to 10 days as well. Sent to the Senate (4/6/23).

Waiver of Pre- and Post-Placement Adoption Reports (H. 3554, in the Senate)

H. 3554 (in the Senate) is a bill to establish **Family Court Judicial Discretion to Waive Pre- and Post-Placement Adoption Reports**. If enacted, family court judges would be given the ability to waive pre- and post-adoption report requirements in these proceedings, upon a proper petition being made to them, and the waiting period has exceeded one year. Sent to the Senate (04/5/23).

Adoption and Permanent Placement Reforms (H. 3555, in the Senate)

H. 3555 (in the Senate) would enact **Adoption and Permanent Placement Reforms for Children in Department of Social Services Custody**. This bill represents an effort to speed up adoption, permanent placement, or another planned permanent living arrangement [APPA] for children in Department of Social Services [SCDSS] custody. As amended, relatives and fictive kin would be added into the mix of potential adopters of minors in SCDSS placements. In addition, termination of parental rights hearings involving pending SCDSS cases, could include permanent placement planning matters and be heard at the same time. SCDSS also could pursue adoption final hearings to be held within 30 days after filing adoption petitions. Minors aged 16 or older would have to be asked their preferences for their placements, if this bill is enacted. Sent to the Senate (4/5/23).

Infant Safe Havens Law (H. 3556, in the Senate)

H. 3556 (in the Senate) proposes to modify existing state **Infant Safe Havens Law**. This bill would modify existing law to allow permanency planning hearings to include termination of parental rights determinations at the same time, when an infant was left at a designated safe haven location. Parents would be given notice they have a right to appear at these hearings and assert their parental rights. Parents leaving infants at these safe havens would be giving the family court conclusive evidence that all requirements for terminating their parental rights have been met if this bill becomes law. Sent to the Senate (4/5/23).

Uniform Child Abduction Prevention Act (H. 3220, in the Senate)

The “**Uniform Child Abduction Prevention Act,**” **H. 3220 (in the Senate)**, is proposed legislation developed by the national Uniform Law Commission. It sets out comprehensive criteria for determining a credible threat to a child’s safety or likelihood of abduction in either child custody or visitation situations. It also sets out countermeasures to these attempts in great detail. These criteria would be available to judges and parties in these cases to evaluate the seriousness of children’s situations and take proactive steps to prevent these incidents from occurring. Sent to the Senate (5/4/2023).

Uniform Unregulated Child Custody Transfer Act (H. 3217, in the Senate)

H. 3217 (in the Senate) would be the **Uniform Unregulated Child Custody Transfer Act.** This proposed legislation arises from work performed by the national Uniform Law Commission. It sets out criteria for adoption and transfer of custody of children by a custodial parent, or parents, to the other parent, stepparents, blood kin, or fictive kin without state agency involvement or the issuance of a court order. It would prohibit the transfer of their children to anyone else not on this list, with an intent to abandon their parental rights. It also has a specific prohibition against soliciting or advertising services to facilitate permitted transfers. Additional proposed provisions incorporate these placements into existing preplacement state laws for the adoption of these children by their custodians. It exempts transfers of custody of Native

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American children in violation of any applicable tribal law provisions. Sent to the Senate (4/26/23).

TRANSPORTATION AND VEHICLES

Fender Height Differential (“Carolina Squat”) (S. 363, Act 24)

S. 363 (Act 24) prohibits **motor vehicle modifications** that result in the motor vehicle's front fender being raised four or more inches above the height of the rear fender. For a period of 180 days after the effective date of this act, only warning tickets may be issued for a violation of the provisions of this Act.

Vehicle Dealers/DMV Update (S. 549, Act 51)

S. 549 (Act 51) is an omnibus Act relating to a comprehensive **Vehicle Dealers/DMV update**. **S. 549** makes numerous changes related to driver's license reinstatement fees and vehicle insurance requirements. The Act extends the validity of driver's licenses issued under the reinstatement fee payment program by an additional six months. It also aims to revise the amount of reinstatement fees owed by persons to become eligible for these licenses, as well as the distribution of administrative fees collected.

Additionally, the Department of Motor Vehicles is authorized to provide fee schedules and online payment options for persons participating in the program. The types of driver's license suspensions covered by this section would be revised, as well as the frequency and conditions for future participation. The Act also proposes changes to the requirements for vehicle insurance: revising the period of time for surrendering motor vehicle license plates and registration certificates for certain uninsured motor vehicles. The provision giving the Department of Motor Vehicles discretion to authorize insurers to utilize alternate methods of providing certain notices to the department is deleted. Certain persons are allowed to provide certain documents to show the suspension was issued in error rather than appealing certain suspensions to the Department of Insurance. Regarding fines for lapses in required motor vehicle insurance coverage, the proposed amendment limits the fines to a maximum of \$200 per vehicle for a first offense.

Regarding Title 56, Chapter 10, Article 5: this article had established the uninsured motorist fund and provides for the collection of fees from uninsured drivers. The amendment deletes these provisions and instead regulates the operation of uninsured motor vehicles. It also makes technical changes and revises the amount of the motor vehicle reinstatement fee, which will increase annually. Additionally, it allows for suspended licenses, registration certificates, license plates, and decals to be returned to the Department of Motor Vehicles by electronic means or in person. Finally, it eliminates the requirement for the Department of Motor Vehicles to collect statistics regarding various motor vehicle registration, insurance, and uninsured motorist fund issues.

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Amendment to Section 56-9-20: this section provides definitions for the Motor Vehicle Financial Responsibility Act. The amendment revises a reference in the definition of "uninsured motor vehicle."

Amendment to Section 56-3-210: this section establishes the time period for procuring motor vehicle registration and license, temporary license plates, and transfer of license plates. The amendment revises the requirement for a temporary license plate and specifies who may distribute temporary license plates.

There are other changes relate to motor vehicles and dealers. These changes address issues such as temporary license plates, special permits for certain vehicles, the issuance of dealer licenses, bond amounts required, penalties for unauthorized sales, and grounds for denial, suspension, or revocation of licenses. Additionally, the text changes the motor vehicle performance evaluation system and a quality assurance program to ensure the integrity of the electronic registration and titling program. The changes also include provisions for vendor fees, convenience fees, and transaction fees when receiving payment by credit card. Other changes seek to provide a cure period for certain complaints from consumers and to allow business operations on property adjacent to or within sight of the licensee's bona fide established place of business.

The changes include changes to bond requirements, the recovery of back taxes and fees, and the continuation of business in the event of a licensee's death. Additionally, other changes to the requirements for a dealer's maintenance of a bona fide established place of business, allowing for adjacent property use.

Further, revisions to the reasons the Department of Motor Vehicles may deny, suspend, or revoke a license. Finally, there are more changes to the procedure for titling and registering a vehicle in relation to voluntary transfer and dealer purchasing vehicles for resale.

Driver training schools are currently required to pay an annual licensing fee of fifty dollars to DMV. The Act changes this to a licensing period of four years with a corresponding fee of \$200. The Committee added that the term "defensive driving course" is changed to "driver training course." The classroom portion of driver training may be done in-person, virtually, or by remote online methods. There is to be a final examination at the completion of the program. A passing score of at least 80 percent is required and students have three attempts at passing. Existing law provides that no one can receive a driver's license unless and until all other operator's licenses are surrendered to the Department of Motor Vehicles. The Act adds a deadline of forty-five days upon a person becoming a resident of South Carolina unless specifically exempted by law.

The vision screening required to obtain a driver's license can be waived if a driver has a certificate of vision examination dated within the previous twelve months. The Act changes this time period to thirty-six months. Additionally, active-duty members of the Armed Services are exempt from the requirements of this section as long as they provide DMV with a Leave and Earning Statement dated within thirty-one days

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of applying for, or renewing, their driver's license and a non-expired military identification card.

See the Act for *numerous* different effective dates.

Department of Consumer Affairs Relating to Motor Vehicle Dealers (H. 3952, Act 45)

H. 3952 (Act 45) revises the **administrative authority of the Department of Consumer Affairs relating to motor vehicle dealers** under the state's Consumer Protection Code. The legislation revises Consumer Protection Code provisions addressing motor vehicle sales contracts and the closing fees charged by dealers to recover their actual costs for all administrative and financial work needed to transfer and deliver the motor vehicle to the consumer. The legislation revises the criteria that the Department of Consumer Affairs utilizes to determine if a dealer's closing fee is considered reasonable. In administering and enforcing these provisions, the Department is charged with promoting education for consumers and best practices for dealers and mediating complaints between a consumer and a dealer, whenever possible. The Department may review or investigate a dealer upon receipt of a complaint or other credible evidence that the dealer has violated a Consumer Protection Code provision related to closing fees. The legislation establishes a protocol for the Department in the conduct of its administrative and enforcement responsibilities that includes notification requirements, limitations on the documents that the department may request from the dealer relating to alleged violations, and requirements for issuing timely decisions. A dealer may not be held liable in any action for a Consumer Protection Code violation if the dealer shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid the error and the dealer refunds any excess charge paid by the consumer. For an intentional violation, a dealer must refund any excess charge paid by the customer in closing fees and the dealer is subject to tiered administrative penalties that increase for repeat violations.

DOT Construction Contracts (S. 361, Act 2)

S. 361 (Act 2) DOT Construction Contracts removes the requirement for **preapproval of construction contract extensions** by the DOT Commission. Instead, it requires that the Commission ratify any extensions to construction contracts at their next scheduled meeting.

DMV's Driver's License Reinstatement Fee Payment Program (H. 3518, in the Senate)

H. 3518 (in the Senate) would amend the **DMV's driver's license reinstatement fee payment program**. Currently, a person who has had his driver's license suspended may apply for a temporary license valid for no more than six months to allow time for payment of reinstatement fees. The bill increases the temporary license period to twelve months and allows DMV to provide the person with a fee schedule. The

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bill lowers the threshold to participate. It also allows the driver to make payments online, except for the first and final payments. Other adjustments are made regarding how often a person participates and restricts the types of driver's license suspensions that qualify for a reinstatement fee payment program. Regarding violations of operating an uninsured motor vehicle, the bill was amended setting the reinstatement fee at be \$600 until adjusted in accordance with the Code. This reinstatement fee may be adjusted annually, at the beginning of the calendar year, based upon and in relation to the average rate level for private passenger automobile insurance coverages by insurers. The Department of Insurance, by annual order, will set this exact fee. Sent to the Senate (2/8/23).

DOT Projects (H. 3750, in the Senate)

H. 3750 (in the Senate) (DOT projects) is a bill that adds "planning for repairs to bridges, highways, roads, and other improvements on the state's rights of way" to the list of **exemptions from the state procurement code**. This would allow the Department of Transportation greater flexibility. Sent to the Senate (3/8/23).

Night Use of Antique Vehicles (H. 3168, in the Senate)

H. 3168 (in the Senate) would clarify that antique motor vehicles and motorcycles may be used at night for particular purposes if equipped with working headlights and rear lights. Sent to the Senate (4/28/23).

Classic and Antique Motor Vehicles (H. 3732, in the Senate)

H. 3732 (in the Senate) would designate the restoration, exhibition, showing, and enjoyment of **classic and antique motor vehicles** as the official family-friendly pastime of **South Carolina**. Sent to the Senate (4/28/23).

Utility Terrain Vehicles (UTV) (H. 3359, in the Senate)

H. 3359 (in the Senate) would address the subject of **utility terrain vehicles (UTV)**. This bill defines the term utility terrain vehicle and provides for the registration and operation on highways and streets (to include side-by-side, four-wheel drive, off-road vehicle, transporting individuals and cargo or both, tires, width, steering, and seating). The prospective bill also addresses speed and engine power parameters to ensure they are over the size of UTVs designed for young people.

UTVs must be registered like passenger vehicles. They would be exempt from county property tax and subject to registration renewal biennially. They are subject to user fees for electric, hydrogen, and fuels other than motor fuel. Other requirements would be an unobscured license plate, registration, proof of ownership, liability insurance, and a ten-dollar biennial fee. UTVs may only travel on roads with a fifty-five-mph speed limit or less, but UTVs may cross at an intersection where the road has a posted speed limit of more than fifty-five miles an hour. It may be operated on an island road not accessible by a bridge designed for use by an automobile. An operator would have to be at least sixteen years old and hold a valid driver's license. The operator would have to have in his possession while operating on a street or highway: a license plate and registration certificate, proof of liability insurance, and

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driver's license. The vehicle would only be driven during daylight hours if the operator is sixteen and holds a conditional driver's license. Registered UTVs would not be operated by anyone who holds a beginner's permit holder, even if accompanied by a licensed driver, a moped operator's permit, a temporary alcohol license, a route restricted license, a provisional driver's license, or solely a motorcycle license. No child under eight years old would be a passenger in a registered UTV while operating on a road. Drivers and passengers are required to have helmets and goggles. Registered UTVs would be equipped with Type 2 seat belt assembly (pelvic and upper torso restraints), operable headlights, brake lights, taillights, and turn signals. Drivers and passengers of a registered UTV, while being operated on a roadway, must wear a fastened safety belt.

SC DMV must not register or renew the registration of a UTV unless a certificate of title has been issued to the owner or an application delivered by the owner to SC DMV. The SC DMV may require a bill of sale, invoice, or other sales document to properly title. Certificates of titles issued under this subsection must be branded "off-road use" only. This act takes effect one year after approval by the Governor. Sent to the Senate (3/30/23).

Fifth-Wheel Assembly (H. 3355, in the Senate)

H. 3355 (in the Senate) is a bill that 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 devices. Sent to the Senate (5/3/2023).

Abandoned Aircraft (H. 3138, in the Senate)

(See summary under "GENERAL GOVERNMENT")

VETERANS

Veterans' Trust Fund of South Carolina Board of Trustees (S. 317, Act 58)

S. 317 (Act 58) reduces the number of board members on the Board of Trustees for the **Veterans' Trust Fund of South Carolina** from 19 to 11 voting members total. The Governor, with the advice and consent of the Senate, appoints the board. The board includes seven members selected at large, two members who are currently serving as county Veterans' Affairs officers, and two members representing veterans' service organizations. Of the seven members appointed at large, three must come from a rural county so designated by the U.S. Census Bureau. At least six of the eleven appointed members must be United States Armed Forces veterans. Any veteran who serves on the board must have been honorably discharged from the armed services. No more than one appointed member may reside in the same county. The Secretary of the Department of Veterans' Affairs serves as the Executive Director of the Trust Fund and is an ex officio non-voting member of the board. The Executive Director's role is to provide guidance and support but does not have voting rights. Members

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appointed at large by the Governor serve four-year terms, while the initial appointees serve two-year terms. After the initial terms, all members serve four-year terms until their successors are appointed and qualified. Members may serve consecutive terms but are limited to a maximum of two consecutive terms or eight continuous years, whichever is greater. A member cannot serve on the board in a hold-over capacity (after their term expires) for more than 180 days. This provision ensures a timely turnover and potential for new appointments.

Timing of the Property Tax Exemption for Disabled Veterans (H. 3116, in the Senate)

H. 3116 (in the Senate) is a bill addressing the **timing of the property tax exemption for disabled veterans**. The legislation would provide 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. Additionally, a veteran who is permanently and totally disabled for any part of the year is entitled to the exemption for the entire year. In a year in which a disabled veteran 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. Sent to the Senate (5/11/23).

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ENDNOTES

- ⁱ Quantum mechanics computing. <https://scquantum.org/>
- ⁱⁱ Limnology is the study of inland waters - lakes (freshwater and saline), reservoirs, rivers, streams, wetlands, and groundwater - as ecological systems interact with their drainage basins and the atmosphere. <https://www.aslo.org/what-is-aquatic-science/what-is-limnology/>
- ⁱⁱⁱ Miller, Gullah Statesman, 1-18.
- ^{iv} Pecuniary – of or relating to money, banking, or investments.
- ^v "Mobile electronic device" means a cellular telephone, portable computer, GPS receiver, electronic game, or any substantially similar stand-alone electronic device used to communicate, display, or record digital content.
- "Pari-mutuel wagering" means the system of wagering on horse races in which those who wager on horses that finish in the position or positions for which wagers are taken share in the total amounts wagered, plus any amounts provided by a li-

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censee, less deductions required or permitted by law, and includes pari-mutuel wagering on races conducted at any licensed pari-mutuel facility.

"Advance deposit account wagering" means a method of pari-mutuel wagering in which an individual may establish an account with an entity licensed by the commission to place pari-mutuel wagers electronically through an application.

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Senate Journal, April, 6, 2023, H. 3514.

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