



South Carolina House of Representatives

Legislative Update

James H. “Jay” Lucas, Speaker of the House

Vol. 38

August 21, 2021

No. 18

Major Legislative Issues 2021

With an Overview

124th Session, 2021-2022, South Carolina General Assembly

Contents

LEGISLATIVE OVERVIEW OF 2021	2
MAJOR ISSUES 2021.....	11
COVID-19 RESPONSE.....	11
CRIMINAL JUSTICE AND THE COURTS.....	13
EDUCATION (K-12)	15
HIGHER EDUCATION	19
VETERANS	20
APPROPRIATIONS.....	20
CHILDREN AND SENIORS.....	27
MOTOR VEHICLES/TRANSPORTATION.....	28
HEALTH.....	33
AGRICULTURE	34
HUNTING AND FISHING	35
ENVIRONMENT	36
BUSINESS AND LICENSURE.....	38
TAXES AND CREDITS.....	39
STATE GOVERNMENT.....	41
INDEX	45

LEGISLATIVE OVERVIEW OF 2021

H. 3707 (Act 2) makes appropriations for the state's public health response to the **COVID-19** virus, including vaccinations. Under the legislation, a total of \$208 million was appropriated from the Contingency Reserve Fund.

S. 421 (Act 47) relates to the authorization for the payment of federally-funded **extended unemployment security benefits**. In a related action, **S. 468 (Act 103)** is a joint resolution that temporarily waives a state waiting period provision in order to allow for an **extended unemployment security benefit** period, if needed.

The "**South Carolina COVID-19 Liability Immunity Act**," **S. 147 (Act 99)**, provides liability protections for a limited time to governmental entities, health care providers, and nonprofit businesses that follow public health guidance in response to the coronavirus public health emergency. In a like manner, **S. 455 (Act 51)** codifies the current practice of the **temporary licensure for graduate nurses** authorized last year under the public health emergency statute as a result of the COVID 19 pandemic. The authorization allowed qualified nurse graduates to receive a temporary license, with certain conditions, to work under supervision of a licensed registered nurse while awaiting the nursing exam for permanent license. In addition, **503 (Act 55)**, allows **advanced practice registered nurses and physician assistants** to issue orders for certain home health services. Currently home health services can only be ordered by a physician.

In another response to COVID, **H. 3770 (Act 17)** authorizes the expenditure of federal funds disbursed to the state to assist those who are unable to pay rent and utilities due to the COVID-19 pandemic. The legislation creates the South Carolina **Emergency Rental Assistance Program** administered by the South Carolina State Housing Financing and Development Authority.

Significant criminal justice legislation was enacted with changes to **death sentence methods**. **S. 200 (Act 43)** specifies that anyone sentenced to death must die by electrocution; however, they may elect to die by firing squad, electrocution, or lethal injection. Regarding the perennial subject of guns, the "**Open Carry with Training Act**," **H. 3094 (Act 66)** allows concealed weapon permit (CWP) holders to carry concealable weapons openly on them, so long as new permit applicants receive instruction on properly securing a firearm, firearms carrying, methods for responding to anyone who attempts to take CWP holders' firearms from their holsters, and hostile situation de-escalation techniques.

The "**South Carolina Fetal Heartbeat and Protection from Abortion Act**," **S. 1 (Act 01)**, delays a pregnant woman from having an abortion until a doctor uses ultrasound equipment to check for a fetal heartbeat employing a method that both the pregnant woman and the doctor agree is best under the circumstances. No pregnant women can be criminally prosecuted for violations of this Act.

Major Issues 2021

H. 3991 (Act 80) establishes provisions for deterring **catalytic converter** theft operations in which these automobile parts are cut from underneath vehicles and sold for the valuable metals they contain.

The “**South Carolina Child Abuse Response Protocol Act,**” **S. 229 (Act 28)**, requires multidisciplinary teams to be involved in all child abuse investigations. **Qualified Residential Treatment Programs** for children, **H. 3567 (Act 24)**, requires assessment, case planning, and judicial review of children placed in these treatment programs. **S. 425 (Act 84)** establishes provisions for the **protection of vulnerable adults from financial exploitation**. The legislation establishes a protocol for agents, broker-dealers, and investment advisers to delay transactions and disbursements from accounts and conduct a review when there is reason to believe that there is a wrongful or unauthorized taking, withholding, appropriation, or use of the money, assets, or property of a vulnerable adult or other attempt to defraud the vulnerable adult.

The budget includes a provision specifying the rights of the South Carolina Senate and House of Representatives to intervene in court actions challenging the validity of an **election law, an election policy, or the manner in which an election is conducted**. Under the provision, the State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the House of Representatives within twenty-four hours of the receipt of service of a complaint that challenges the validity of an election law, an election policy, or the manner in which an election is conducted. No county election commission may accept or expend any funds other than public funds to prepare for or to conduct elections. The State Election Commission is directed to submit a report to the General Assembly by August 1, 2021 on the number of election fraud investigations conducted regarding the November 2020 election. The report must also be posted on the commission’s website.

The legislature acted on several education fronts this year. A major initiative addressed **underperforming schools and districts (S. 201, Act 44)**. The act creates a tiered system for assistance and monitoring, with the State Superintendent to annually report to the General Assembly about each school’s progress. Once a school or district is found to be underperforming, SDE must immediately place the school or district into a tiered status and provide assistance. Also, with various requirements, the legislature has allowed school districts to create **schools of innovation (H. 3589, Act 20)**. **S. 704 (102)** requires that, for the remainder of the 2020-21 school year, every school district must offer five-day, **in-person classroom instruction** no later than late April. *This applies to the 2021-22 school year as well.* Retired educators may return to work and earn up to \$50,000 before their retirement benefit can be affected. **H. 3609 (Act 3)** makes provisions for restoring **teacher step salary increases** that were suspended by Act 135 of 2020 (enacted by the General Assembly due to financial uncertainties caused by the COVID-19 virus). The legislation appropriates \$50 million dollars from the 2018-2019 Contingency Reserve Fund to provide for teacher step increases for the 2020-2021 School Year. **H. 3608 (Act 8)** makes provisions for addressing a **funding shortfall for the Public Charter School District** as a result of the General Assembly enacting Act 135 of 2020 (due to financial uncertainties caused by the COVID-19 virus). Other actions that are related to schools or students in South Carolina: **S.**

Major Issues 2021

607 (Act 32) revises the law regarding the replacement of **charter school boards of directors**, while **H. 3925 (Act 101)** grants a waiver of the one-year waiting period required for **homeschool students** who wish to participate in **interscholastic activities**.

Pertaining to higher education, **H. 3017 (Act 36)** allows students to use the **Palmetto Fellows Scholarship** at in-state technical colleges and two-year branch institutions and carry the remaining award to a four-year college or university for completion of a Bachelor's Degree. **S. 38 (Act 26)** creates the "**Reinforcing College Education on America's Constitutional Heritage Act**" (the **REACH Act**). The Act requires public institutions of higher learning to instruct students regarding the founding documents and ideals of the United States, *adding* studies of the Emancipation Proclamation and other documents foundational to the African American freedom struggle to the list of items to be included in the coursework. In addition, suicide prevention is addressed by **S. 231 (Act 45)**, the "**Student Identification Card Suicide Prevention Act**." If a school or college issues a **student identification card** it must print the phone number for the National Suicide Prevention Lifeline on the card.

S. 241 (Act 29) covers **veterans** for the purpose of receiving in-state tuition, removing the requirement that veterans or their dependents must use their education benefits (commonly known as the "GI Bill") within three years of the veteran's discharge, debilitating injury, or, in the case of the Frye Scholarship, the veteran's death in the line of duty. Anticipating changes by regional and national colleges/universities and the consequences of an expected loss in the U. S. Supreme Court in *Alston v. NCAA*, **S. 685 (Act 35)** allows third parties to compensate collegiate athletes for use of their "**Name, Image, and Likeness**."

H. 4100 (Act 94), the **General Appropriation Bill**, and **H. 4101 (Act 95)**, the joint resolution making appropriations from the **Capital Reserve Fund**, together comprise the Fiscal Year 2021-2022 State Government Budget. The budget totals \$31.3 billion (\$9.2 billion Federal funds, \$12.2 billion Other funds and \$9.9 billion in recurring state general fund revenue). The budget's nonrecurring funds total \$1.26 billion (and include \$176 million in Capital Reserve Funds, \$397 million in Fiscal Year 2019-2020 undesignated/unreserved funds, \$44 million in Fiscal Year 2018-2019 Contingency Reserve Funds, and \$647 million in general surplus funds estimated for Fiscal Year 2020-2021).

The budget funds the **constitutional reserve accounts** that the state uses to cope with revenue shortfalls. Additional funding of \$18.7 million for the General Reserve Fund and \$7.5 million for the Capital Reserve Fund brings South Carolina's total reserves to \$643 million.

The budget includes \$17.6 million 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. The rural stabilization fund receives \$10 million to aid those local governments that will be negatively impacted, due to the 2020 Census, under the funding formula for the Local Government Fund. South Carolina's **FEMA match** is \$18 million for various natural disasters across the state over the last two years.

Major Issues 2021

Recurring revenue of \$59 million is used to provide a 2.5 percent **pay raise for state employees**. Recurring funds of \$5.9 million are included to cover the increased costs of operating the state's **health and dental insurance** plans so that employees will have no premium cost increases and over \$32 million is devoted to the 1 percent increase in the employer contribution rates for the SC Retirement System addressing the unfunded liability facing the state's pensions.

In **public education**, the base student cost is increased to \$2,516 per pupil, utilizing an additional \$65 million in recurring general funds. The \$1,000 increase to all **teacher salaries** requires \$72 million in recurring funds. Over \$125 million is provided for instructional materials, full-day 4-K programs and First Steps.

An allocation of \$100 million to the Department of Education is made for capital improvements in school districts. Charter schools are afforded \$2.7 million in recurring and \$33 million in nonrecurring funds to address growth.

A public school **facemask mandate prohibition** (Dept. of Education: 1.108) is included which provides that no school district, or any of its schools, may use any funds appropriated or authorized through the appropriations act to require that its students and/or employees wear a facemask at any of its education facilities. This prohibition extends to the announcement or enforcement of any such policy. The proviso has engendered legal controversy: On August 19, 2021, South Carolina Attorney General Alan Wilson filed suit with the South Carolina Supreme Court asking it to declare the City of Columbia's school mask mandate void because it violates state law. Besides the City of Columbia, the lawsuit mentions and would also apply to all cities, towns, counties, and school boards that have passed or are seeking to pass mask mandates. [<https://www.scag.gov/media/htkhncht/petition-for-original-jurisdiction-02682523xd2c78.pdf>]

The budget includes a provision that a public institution of **higher learning** (General Provisos: 117.190), including a technical college, may not use any funds appropriated or authorized under the legislation to require that its students have received the COVID-19 vaccination in order to be present at the institution's facilities without being required to wear a **facemask**. This prohibition extends to the announcement or enforcement of any such policy. The South Carolina Supreme Court has ruled on this subject: Richard J. Crestwick v. The University of South Carolina and Alan Wilson (see Opinions of the Supreme Court and Court of Appeals of South Carolina, Advance Sheet No. 28, August 18, 2021). [<https://www.sccourts.org/opinions/advSheets/no282021.pdf>].

The budget again includes a higher education **tuition mitigation** initiative in which a total of \$48.2 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 2021-2022 academic year.

Full funding is provided for the **LIFE, HOPE, and Palmetto Fellows** higher **education scholarship programs** through \$318 million in Education Lottery funds. Other lottery assistance of \$130 million is provided. Nonrecurring funds of \$350 million are devoted to capital needs at the state's colleges and universities for repairs, renovations, and maintenance of various facilities.

Major Issues 2021

About \$32 million is provided to the State Treasurer to address the Tuition Prepayment Program unfunded liability.

The **Board of Technical and Comprehensive Education** is afforded \$51 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, high demand job skill training equipment and workforce scholarships. A \$170 million allocation of nonrecurring funds is allocated for capital needs at the state's technical colleges.

The budget emphasizes assistance for the state's **tourism** sector which has been hard hit by the shutdowns and disruptions of the COVID-19 pandemic. The Department of Parks, Recreation and Tourism receives a total of over \$40 million in funds. Nonrecurring funds of \$50 million are appropriated for the new Disaster Relief and Resilience Reserve Fund that is to be used for disaster relief assistance, hazard mitigation and infrastructure improvements, and statewide resilience planning. Two million dollars in recurring funds is provided to establish the South Carolina Office of Resilience.

Economic development and commercial concerns garnered \$3.7 million in nonrecurring funds for the Deal Closing Fund that the Department of Commerce uses to recruit new business to the state. Four million dollars is provided for Locate SC which allows the state to be proactive in preparing sites so that there will be sufficient inventory available for potential investment prospects. The State Ports Authority is provided \$200 million for an intermodal container transfer facility and waterborne cargo infrastructure.

Nonrecurring funds of \$10 million is devoted to expanding **broadband access** statewide. Three million dollars is used to establish an Office of Broadband Coordinator within the Office of Regulatory Staff to serve as the central planning body to coordinate with all levels of government and the private sector to expand access to the high-speed Internet connections. The Rural Infrastructure Authority is afforded \$3.5 million for the Water and Sewer Regionalization Fund to address challenges faced by small and rural systems and encourage regionalization of these systems in order to improve service delivery and increase efficiency.

In **health care**, MUSC Hospital Authority receives \$10 million to create the Children's Hospital Infrastructure Fund, which will assist the state's not-for-profit hospitals with technology and infrastructure needs. The budget includes a provision for DHHS to transfer one million dollars to MUSC to develop a comprehensive approach to sickle cell disease and trait within South Carolina. The Department of Mental Health is afforded \$50 million for three additional veterans' nursing homes and also appropriated nearly ten million dollars for numerous community mental health needs.

The Forestry Commission received two million dollars in nonrecurring funds provided for firefighting equipment to purchase closed-cab dozers that enhance safety for **firefighters** battling wildfires. Also in support of firefighters: \$3.7 million in recurring funding is allocated to implement the new firefighter cancer health insurance benefit plan. For other first responders, \$250,000 in recurring funding is appropriated for the treatment of post-traumatic stress

Major Issues 2021

disorder for firefighters and others. Another \$250,000 in recurring funding is appropriated for PTSD treatment for law enforcement officers.

The budget emphasizes funding for step salary increases and retention programs for **law enforcement and correctional officers** across the seven agencies that employ officers. Federal CARES Act funding of \$90 million is used for upgrades at Department of Corrections institutions to enhance the safety of the public, officers, and inmates. The Department of **Juvenile Justice** receives \$1.5 million for marine and wilderness programs and \$4.1 million for security enhancements and other facility upgrades. The **State Law Enforcement Division** is appropriated \$2.4 million for new forensic personnel and equipment; \$1.4 million for operating and equipment costs for the new forensic lab; and, four million dollars to replace revenue that SLED loses due to the passage of the Open Carry Law Act 66 of 2021. The **Department of Public Safety** receives \$1.8 million for agency vehicle rotation and two million dollars for additional officer body camera funding. The Law Enforcement Training Council is provided three million dollars for facility and equipment upgrades.

The **Department of Natural Resources** is afforded eight million dollars for thirty new law enforcement officers, the relocation of the DNR agency headquarters, the State Water Plan, wildlife management areas. Also, \$23.5 million is allocated for the Ft. Johnson property acquisition.

The **Judicial Department** is afforded \$10 million in nonrecurring funds to complete case management modernization and \$7.6 million in nonrecurring funds for virtual courtroom expansion. The Attorney General is provided \$3.2 million for crime victim compensation. The Prosecution Coordination Commission is afforded \$2.1 million to address docket backlog and \$1.6 million for drug court expansion. Indigent Defense is appropriated \$3.6 million for criminal justice workload parity and docket backlog and \$4.8 million for contract counsel.

The **Department of Transportation** is allocated \$50 million for County Transportation Committee funds; \$40 million for rest area renovations; and, eight million dollars to expand litter pickup.

The **Department of Veterans Affairs** is afforded eight million dollars to create a Base Protection Fund that is to be used by counties and municipalities for quality of life improvements at and around our state's military bases.

In other legislation: **H. 3689 (Act 37)** treats intrastate and interstate **commercial vehicles** the same and clarifies that SC DMV is the one-stop-shop for commercial vehicle customers. SC DMV must assume all registration and fee administration, and frees county governments from these responsibilities. **H. 3101 (Act 27)** deals with a longstanding issue -- the disposition of **salvage vehicles**. The act establishes a process for the disposition of motor vehicles by a "salvage pool operator" subject to an insurance claim. It also covers vehicle title "brands." They indicate the vehicle's condition on the title. This deters the practice of "title washing." Title washers move vehicles to other states that do not recognize branded titles. **H. 3505 (Act 70)** expands the application of **Infrastructure Maintenance Fees** to include vehicle titling. **S. 304 (Act 46)**

Major Issues 2021

addresses **electric vehicles**. The legislation establishes conditions under which a person or corporation who uses electric vehicle charging stations to resell electricity to the public for compensation is not considered an electric utility.

Traffic laws in South Carolina were updated in **H. 3011 (Act 64)**, the “**Slower Traffic Move Right Bill**.” It provides that a vehicle may not be driven in the farthest left-hand lane on a controlled access highway except when overtaking or passing another vehicle. **S. 40 (Act 89)** addresses **beach access and public parking** by creating a new section of law governing parking facilities on state highways in beach communities that are eligible for beach re-nourishment funds.

Numerous special license plate items were enacted: **S. 242 (Act 5)** creates the “**Drivers for a Cure**” special license plate to help draw attention to cancer research. **H. 3501 (Act 11)** creates a special license plate to commemorate the **250th Anniversary of the American Revolution**. **H. 3805 (Act 38)** creates a *comprehensive* organizational framework for the issuance of **military-related special license plates**.

S. 619 (Act 60) allows for **Brewery, Winery, and Micro-Distillery On-Premises Alcohol Sales** at certain wineries, breweries, and micro-distilleries. These companies must have primary American sources of supply and other restrictions apply.

Opioid drugs have been a concern in the General Assembly for some time. **S. 571 (Act 22)** requires an authorized practitioner who prescribes opioids to offer a prescription for **Naloxone** or other adverse opioid reaction reversal drugs. **S. 427 (Act 48)** allows a **renal drug manufacturer** to deliver dialysate drugs or devices directly to a patient with end-stage renal disease for the patient’s approved self-administration of dialysis therapy; or deliver to a health care provider or institution for administration of dialysis therapy to a patient with end-stage renal disease. In a similar way, **H. 3179 (Act 23)** creates an exception for **surgically implanted drug delivery systems** (such as pain pumps) from the thirty-one day supply limitation for Schedule II control drugs. Removing the thirty-one day supply limitation will improve patient’s safety by reducing how often the patient must have pain pumps refilled.

Horses and hogs dominated two major agricultural bills this session. **H. 3539 (Act 71)** deals with the transportation of **feral hogs (swine)**. **H. 3071 (Act 116)** is a joint resolution that creates the **Equine Industry Support Measures Study Committee**. This resolution examines the potential for further growth of the horse industry and the resulting economic impact.

Fur, fins, and feathers are always of great interest in the Palmetto State. Several enactments regarding hunting and fishing stand out: **H. 3694 (Act 75)** allows the use or aid of bait during **bear hunting** season in an effort to address the growing ursine population; **S. 36 (Act 40)** makes it unlawful to possess more than two **blue catfish** (*Ictalurus furcatus*) longer than thirty-two inches in length in any one day in all state waterways; due to the decline in the **flounder** population, the General Assembly passed **H. 3957 (Act 91)**, legislation that supports rebuilding the fishery. The legislation **decreases the catch limit**.

Major Issues 2021

The act provides for an increase in recreational statewide saltwater fishing to provide for the development and implementation of a flounder-stocking program. Also, **H. 3684 (Act 15)** adopts the federal regulations for the management of **cobia** into state law. **H. 3548 (Act 16)** eliminates the prohibition on possessing **game fish devices** while possessing or using nongame devices. The change allows someone to have an authorized game fish device, such as a rod and reel, while using authorized nongame devices, such as set hooks, trotlines, eel pots and traps. Also, **S. 545 (Act 57)**, regarding **nongame fishing devices**, allows for the use specific hooks and nets on the Santee, Wateree and Congaree Rivers. And, **H. 3549 (Act 12)** authorizes the Department of Natural Resources to offer a hunting or fishing license in the form of a **durable hard card**.

Tires are a major segment of the industrial story in South Carolina. **H. 3222 (Act 67)** enables the Department of Health and Environmental Control to suspend a **waste tire processing facility** from accepting waste tires when it is determined that the capacity at the facility is exceeded. The bill also requires DHEC to maintain a list of facilities to be known as the *Waste Tire Rebate Facility List*.

S. 107 (Act 41) makes changes to the **beach preservation policy** regarding the standard erosion zone baseline and removes the shoreline study requirement. **H. 3865 (Act 77)** addresses **abandoned water vessels**. The legislation outlines that local governments may adopt an ordinance that requires a permit for a watercraft or floating structure to dock on public waters for more than fourteen consecutive days. **H. 3541 (Act 72)** **regulates fire** on certain lands exempts fires used for the preparation of food, or fires burned in portable outdoor fireplaces, chimineas, or permanent fire pits.

H. 3024 (Act 65) authorizes the issuance of **mobile barbershop permits**. This act authorizes the Board of Barber Examiners to issue mobile barbershop permits, establish permit requirements, and provide for regulations of mobile barbershops.

S. 631 (Act 85), the "**South Carolina Electronic Notary Public Act**," sets out procedures and training requirements for the electronic notarization of legal documents by qualified, licensed electronic notaries.

The state passed a variety of laws pertaining to state government concerns. To better protect state assets, **S. 131 (Act 42)** redefines our **State Capitol Grounds Boundaries** and expands the authority of the **Sergeant at Arms** for the House and Senate. Under the Act, the definition of "capitol grounds" will now be considered to be the area inward from the vehicular traveled surfaces of Gervais, Sumter, Pendleton, and Assembly Streets in Columbia. **S. 658 (Act 62)** relates to designating **contingent beneficiaries** in state retirement systems. **H. 3786 (Act 76)** provides for the **salaries of the state constitutional officers**, with the exception of the Governor and the Lieutenant Governor, to be based on recommendations of the Agency Head Salary Commission. **S. 675 (Act 86)** relates to the **State Aviation Fund**. The legislation revises the distribution of revenue from aircraft property taxes so that all of this revenue is credited to the State Aviation Fund. **S. 461 (Act 52)**, the "**South Carolina Pay-for-Success Performance Accountability Act**," establishes a

Major Issues 2021

performance accountability trust fund that is to be used for pay-for-success contracts under which the state contracts with a private sector organization to achieve specifically defined measureable outcomes in which the state pays only to the extent that the desired outcomes are achieved. **S. 609 (Act 59)** authorizes state agencies and political subdivisions that have **access to federal tax information** to conduct criminal background checks on their employees and contractors to comply with federal Internal Revenue Service requirements. **H. 3605 (Act 74)** eliminates provisions for the standing committees of the House of Representatives and of the Senate that are in charge of appropriation measures to sit **jointly in open sessions while considering the state government budget**. **H. 3664 (Act 25)** authorizes more extensive criminal background check requirements for **initial licensure by the Real Estate Commission**.

H. 3194 (Act 90) provides **Santee Cooper** reform measures. The legislation provides for revised governance of the South Carolina Public Service Authority and imposes new requirements for the operation and oversight of this state-owned electric utility.

The General Assembly passed several measures related to business and taxes. **S. 436 (Act 83)** relates to **Community Development Tax Credits**. The legislation revises provisions governing Community Development Tax Credits to provide that an aggregate limit for all taxpayers in all tax years is increased by three million dollars. **Revitalization incentives** are the subject of **S. 271 (Act 21)**. The legislation extends the provisions of the South Carolina Abandoned Buildings Revitalization Act until December 31, 2025. **S. 463 (Act 53)** provides for an extension of the tax credits for the purchase of **geothermal machinery** and equipment so that these tax credits are set to expire at the beginning of 2032 instead of 2022. **H. 3354 (Act 68)** makes provisions for a property tax exemption for residential rooftop **solar energy panels**. The legislation provides a property tax exemption for a renewable energy resource property having a nameplate capacity of, and operating at, no greater than twenty kilowatts.

S. 627 (Act 61) addresses income taxes for **pass-through trade and business entities**. **S. 677 (Act 63)** addresses the allocation of **tax credits earned by partnerships**. The legislation makes provisions for the allocation of tax credits for affordable housing, the rehabilitation of historic structures, and textiles communities **revitalization** or unused credit amounts carried forward. **S. 527 (Act 56)** addresses the application of property taxes when **homeowners are legally separated**. The legislation revises property tax provisions to establish a protocol for the application for the special 4 percent assessment ratio for owner-occupied residential property in situations where spouses are legally separated. **H. 3726 (Act 18)** addresses **buy-down arrangements** under the sales and use tax so as to exclude amounts received from a buy-down. **H. 3482 (Act 69)** relates to an **alternative payment schedule for property taxes**, revising provisions relating to installment payments of property tax to authorize a county to establish an alternative payment schedule. Revisions to the **Exceptional Needs Child Education Tax Credit** occurred in **H. 3899 (Act 79)** -- the legislation increases from 2 percent to 5 percent the amount of the Educational Credit for Exceptional Needs Children's Fund that the public charity may expend for administration costs.

MAJOR ISSUES 2021

COVID-19 RESPONSE

Appropriations for the State's Public Health Response to the COVID-19 Virus

H. 3707 (Act 2) is a joint resolution making appropriations for the state's public health response to the COVID-19 virus, including vaccinations.

Under the legislation, a total of \$208 million is appropriated from the Contingency Reserve Fund. \$63 million is allocated to the Department of Health and Environmental Control and \$45 million is allocated to the Medical University of South Carolina to allow DHEC and MUSC, in consultation, cooperation, and collaboration with the South Carolina Hospital Association, the South Carolina Primary Care Association and any other Federally Qualified Health Centers, and other appropriate entities and associations, to: (1) expand statewide vaccination capacity; and (2) continue to administer the statewide COVID-19 testing plan. The use of these funds includes costs related to COVID-19 such as vaccination, continued testing and contact tracing, personal protective equipment and medical supplies, personnel costs, education and marketing campaigns, quarantine, transportation and storage, and mobile health units. Participation in contact-tracing programs shall be solely on a voluntary basis, and data collection must comply with confidentiality requirements and be limited to public health information. DHEC, in coordination with MUSC, the South Carolina Hospital Association, the South Carolina Center for Rural and Primary Healthcare, and other relevant stakeholders, shall implement a plan to reach rural and underserved populations who are eligible to be vaccinated. \$100 million of the Contingency Reserve Fund appropriation is deposited in a COVID-19 Vaccine Reserve account that is created to pay for administering COVID-19 vaccines, addressing costs associated with such issues as staffing, facility rental, security, traffic control, storage, transportation, and mobile health units. Of these reserve account funds, up to \$75 million is allocated to hospitals, or political subdivisions partnering with them, and up to \$25 million is allocated to other COVID-19 vaccination providers that are enrolled and activated by DHEC, or political subdivisions partnering with them. In approving expenses, DHEC must give priority to hospitals and other providers with a high demand for the vaccine and the ability to administer the vaccine in high quantities. No reserve account funds may be released to any vaccine provider that is not offering vaccine appointments to the general public. On the first day of each month, the Executive Budget Office must provide a detailed accounting of vaccine reserve account funds in a report that is to be transmitted to the Governor and the General Assembly and made available on the Executive Budget Office website. Additionally, any recipient must provide an accounting of the expenditures to DHEC and the agency must post the accounting on its website.

The legislation provides that all vaccines received by the state must be allocated to the four DHEC public health regions in a per capita manner with considerations taken into account for such factors as poverty level, infection rates, age, and high risk populations. MUSC shall coordinate with DHEC and partner with local healthcare providers to ensure that gaps in

Major Issues 2021

statewide vaccination delivery are covered, with priority given to rural and underserved areas. Under the planning process, available vaccines must be administered to South Carolinians as rapidly as possible, to ensure that no doses are permitted to expire, and to position South Carolina favorably in the event that any future federal allocations to states may be based in part upon a state's ability to administer the vaccine expeditiously. DHEC is charged with record-keeping responsibilities and daily reporting requirements to keep the public informed of vaccine availability, doses administered, and progress towards attaining the state's vaccination goals.

The legislation includes temporary authority for a wide array of health care professionals to administer COVID-19 vaccines that includes retired physicians and nurses, students at medical schools and nursing schools, as well as licensed dentists and optometrists who have completed COVID-19 vaccine training. These temporary exemptions from professional scope of practice provisions are set to terminate when South Carolina is no longer under a declared public health emergency concerning COVID-19.

STATUS: Having passed the House of Representatives and the Senate, H. 3707 was ratified by the General Assembly on February 18, 2021 (R. 4) and was signed into law by the Governor on February 19 (Act 2).

COVID-19 Liability Immunity Act

The "**South Carolina COVID-19 Liability Immunity Act**," **S. 147 (Act 99)**, provides liability protections for a limited time to governmental entities, health care providers, and nonprofit businesses that follow public health guidance in response to the coronavirus public health emergency. It also sets out liability protections for covered entities and individuals for coronavirus claims. All defenses to these types of claims will be cumulative under the provisions of this enactment.

STATUS: Having passed the General Assembly, S. 147 was ratified on April 28, 2021 (R. 39) and was signed into law by the Governor on April 28, 2021 (Act 99), and is retroactively effective to March 13, 2020.

Extended Unemployment Security Benefits

S. 421 (Act 47) relates to the authorization for the payment of federally-funded extended unemployment security benefits. The legislation reduces a lookback period from three years to two years in order to align state law with federal provisions.

STATUS: Having passed the Senate and the House of Representatives, S. 421 was ratified by the General Assembly on May 13, 2021 (R. 60) and was signed into law by the Governor on May 17 (Act 47).

Extended Unemployment Security Benefit Period

S. 468 (Act 103) is a joint resolution that temporarily waives a state waiting period provision in order to allow for an extended unemployment security benefit period, if needed. The waiver is put in place through the end of 2021 to allow South Carolinians to make use of extended

Major Issues 2021

federal benefits should the state experience sufficiently high unemployment rates during the remainder of the year.

STATUS: Having passed the Senate and the House of Representatives, S. 468 was ratified by the General Assembly on May 13, 2021 (R. 67) and was signed into law by the Governor on May 17 (Act 103).

South Carolina Emergency Rental Assistance Program

H. 3770 (Act 17) authorizes the expenditure of federal funds disbursed to the state to assist those who are unable to pay rent and utilities due to the COVID-19 pandemic. The legislation creates the South Carolina **Emergency Rental Assistance Program** administered by the South Carolina State Housing Financing and Development Authority (SC Housing). Under the direction of its board of commissioners it establishes an advisory panel to review and monitor the implementation and evaluation of the program and funding. Program assistance addresses renter households in which at least one individual: (a) qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19; (b) demonstrates a risk of experiencing homelessness or housing instability; and (c) has a household income at or below 80 percent of the area median. Priority is given to eligible households where someone has been unemployed for at least ninety days and households with income at or below 50 percent of the area median. The South Carolina Emergency Rental Assistance Program does not administer the share of federal funds that seven South Carolina counties claimed directly by completing the application process to run their own rental assistance programs. Program funds may not be awarded for residents of Anderson, Berkeley, Charleston, Greenville, Horry, Richland, or Spartanburg counties unless there are additional funds remaining after obligating funds to all other eligible residents in the state.

STATUS: Having passed the House of Representatives and the Senate, H. 3770 was ratified by the General Assembly on April 15, 2021 (R. 26) and was signed into law by the Governor on April 16 (Act 17).

CRIMINAL JUSTICE AND THE COURTS

Death Sentence Methodology

S. 200 (Act 43), Death Sentence Methodology, specifies that anyone sentenced to death will die by electrocution; however, they may elect to die by firing squad, electrocution, or lethal injection. Any written election that expires must be renewed in writing. Death must be administered by electrocution for those waiving their right of election. A death sentence must be by electrocution, regardless of the method elected by the person, if executions by lethal injection or firing squad are unavailable, or are held to be unconstitutional by an appellate court.

STATUS: Having passed the General Assembly, S. 200 was ratified on May 13, 2021 (R. 56) and was signed into law by the Governor on May 14, 2021 (Act 43).

Major Issues 2021

Guns

The "**Open Carry with Training Act**," **H. 3094 (Act 66)**, allows concealed weapon permit (CWP) holders to carry concealable weapons openly on them, or in their motor vehicles. Property owners could post conforming signage to allow --or to prohibit-- either concealed, or open, weapons, or both, to be carried on their property. A 'NO CONCEALABLE WEAPONS ALLOWED' sign meeting specified requirements in this Act as to sign size, font size, illustrations, and other contents will be considered adequate notice to all CWP holders.

The training for CWP licensure retains minimum standards, but adds instruction on properly securing a firearm in a holster, 'cocked and locked' firearms carrying, methods for responding to anyone who attempts to take CWP holders' firearms from their holsters, and hostile situation de-escalation techniques.

While SLED can no longer charge a CWP permit application fee, any entity providing fingerprint sets for CWP applications can charge up to five dollars for doing so. Any governing body exercising authority granted to them under this Act to allow a public protest, rally, fair, parade, festival, or other organized event to restrict carrying weapons at these events, must specify the area, duration, and manner of any restrictions that have been imposed, and give prior notice of these restrictions, when feasible.

STATUS: Having passed the General Assembly, H. 3094 was ratified on May 13, 2021 (R. 82) and was signed into law by the Governor on May 17, 2021 and will become effective on August 15, 2021 (Act 66).

Fetal Heartbeat and Protection from Abortion Act

The "**South Carolina Fetal Heartbeat and Protection from Abortion Act**" **S. 1 (Act 1)** delays a pregnant woman from having an abortion until a doctor uses ultrasound equipment to check for a fetal heartbeat employing a method that both the pregnant woman and the doctor agree is best under the circumstances. She may view this ultrasound while it is being performed. This Act also amends the Woman's Right to Know Act to require any doctor or allied health professional on a case to inform the pregnant woman of the gestational age of the embryo.

Any doctor violating this requirement commits a felony punishable by a \$10,000 fine or imprisonment for up to two years, or both. These penalties do not apply in medical emergencies, or when no fetal heartbeat is detected.

Once a fetal heartbeat is detected, no abortion can be conducted unless the pregnancy is the result of rape or incest, the pregnant woman's life is at risk, or a fetal anomaly exists, and the fetus has gestated for less than 20 weeks. Doctors are required to report rape or incest incidents to their county sheriff within 24 hours of performing those abortions. Doctors also have to tell pregnant women that they are making the report. Doctors have to document these conversations, as well as any abortions performed that came under one of these statutory exceptions. This reporting requirement is also added to the previously enacted Pain Capable Unborn Child Protection Act.

Major Issues 2021

Nothing in this Act prohibits the sale, use, prescription, or administration of any drug, device, or chemical for contraceptive purposes.

No pregnant women can be criminally prosecuted for violations of this Act. They are able to file a civil action for any Act violations, and are entitled to recover their damages, attorney fees, and costs when their legal actions are successful.

STATUS: Having passed the General Assembly, S. 1 was ratified on February 18, 2021 (R. 2) and was signed into law by the Governor on February 18, 2021 (Act 1).

EDUCATION (K-12)

Restoring Teacher Step Salary Increases

H. 3609 (Act 3) makes provisions for restoring teacher **step salary increases** that were suspended by Act 135 of 2020 (enacted by the General Assembly due to financial uncertainties caused by the COVID-19 virus). The legislation appropriates \$50 million dollars from the 2018-2019 Contingency Reserve Fund to provide for teacher step increases for the 2020-2021 School Year.

STATUS: Having passed the House of Representatives and the Senate, H. 3609 was ratified by the General Assembly on March 11, 2021 (R. 10) and was signed into law by the Governor on March 11 (Act 3).

Schools of Innovation

H. 3589 (Act 20) allows school districts to create multiple **schools of innovation**. To do so, there must be approval of two-thirds of a local board and two-thirds of the State Board of Education. The same approval process is required for changes to the waiver application. Districts must specify the statutes and regulations they desire to have waived and name the financial model the school will use. Districts may not ask for the removal of all statutes and regulations. Additionally, districts must provide full financial statements detailing how a school receives and expends funds, and report student scores on the same assessments as taken by other schools. Districts may not relinquish control or oversight of schools of innovation and must ensure proper reporting.

STATUS: Having passed the House of Representatives and the Senate, H. 3589 was ratified by the General Assembly on April 22, 2021 (R. 36) and was signed into law by the Governor on April 23, 2021 (Act 20).

Charter School Boards of Directors

S. 607 (Act 32) revises Section 59-40-75(B) regarding the replacement of **charter school boards of directors**. If the Governor is satisfied that a board member has committed or engaged “in an act of malfeasance, misfeasance, absenteeism, conflicts of interest, misconduct... persistent neglect of duty in office, or...[is] deemed incompetent or incapacitated...” the member may be removed. Prior to removal, the Governor must inform the trustee in writing of the specific charges being brought and provide an opportunity to

Major Issues 2021

be heard. Vacancies to a board resulting from removal pursuant to this section must be filled in the manner provided for in the school's bylaws.

STATUS: Having passed the House of Representatives and the Senate, S. 607 was ratified by the General Assembly on May 4, 2021 (R. 45) and was signed into law by the Governor on May 6, 2021 (Act 32).

Addressing Funding Shortfall for the Public Charter School District

H. 3608 (Act 8) addresses a funding shortfall for the Public Charter School District as a result of the General Assembly passing Act 135 of 2020 (due to financial uncertainties caused by the COVID-19 virus). The legislation appropriates \$9 million dollars from the 2018-2019 Contingency Reserve Fund to the Department of Education for distribution to the Public Charter School District, including the Charter Institute at Erskine, for per pupil funding for the 2020-2021 School Year. This funding shall not be used for administrative salary increases. The legislation also provides that, in the current fiscal year, a charter school sponsor may, but is not required to, approve charter applications that meet statutory requirements.

STATUS: Having passed the House of Representatives and the Senate, H. 3608 was ratified by the General Assembly on March 11, 2021 (R. 9) and was signed into law by the Governor on March 16 (Act 8).

Homeschool Students and Interscholastic Activities

H. 3925 (Act 101) grants a waiver of the one-year waiting period required for **homeschool students** who wish to participate in **interscholastic activities**. The bill applies to students who were enrolled in public school but opted for homeschool instruction during the 2020-21 and 2021-22 school years. After the 2022-23 school year, the waiver expires and the waiting period is reinstated. For this school year only, the requirement of passing four academic courses in a semester in order to be eligible to participate in high school athletics is also waived. Instead, students must have an overall passing average in at least three academic courses and be on track for graduation.

STATUS: Having passed the House of Representatives and the Senate, H. 3925 was ratified by the General Assembly on April 15, 2021 (R. 28) and was signed into law by the Governor on April 16, 2021 (Act 101).

Takeover of Underperforming Schools and Districts

S. 201 (Act 44) [companion bill to **H. 3610**]. Among the definitions in the bill are the following:

- **Underperforming school** -- receives an overall rating of unsatisfactory or below average on its school report card.
- **Chronically underperforming school** -- receives an overall rating of unsatisfactory on its school report card for three consecutive years.

Major Issues 2021

- **Underperforming district** -- 65 percent or more of schools in the district have an overall rating of unsatisfactory or below average on the school report card.

If report cards are unavailable, the metrics used to determine report card ratings are to be employed in making the designation.

A tiered system for assistance, professional development, and monitoring is created, and the State Superintendent must annually report to the General Assembly about each school's progress. Once a school or district is found to be underperforming, SDE must immediately place the school or district into a tiered status and provide assistance. The legislative delegation, parents, and students must be informed of the rating, and a public meeting must be held. The district must create a turnaround plan containing specific and measurable goals, and broad-based community input is required. After the local school board adopts the plan, SDE must also give approval.

The State Superintendent may seek a state-of-education emergency declaration for a school or district, and the State Board must approve. After a school has been in a state of emergency for three consecutive years, the State Superintendent may extend the state of emergency for an additional three-year period with State Board approval.

Listed below are the steps for the respective measures:

SCHOOL TAKEOVER	DISTRICT TAKEOVER
<p>Chronically underperforming, denied accreditation, or insufficient turnaround plan.</p> <p>Notification to Governor, General Assembly, local board and superintendent.</p> <p>Assume management of the school.</p> <p>May appeal to Administrative Law Court.</p> <p>State Board may end the emergency if the school sustains improvement for at least three years.</p>	<p>Underperforming for three consecutive years, denied accreditation, turnaround plan is insufficient, or fiscal emergency.</p> <p>Notification to Governor, General Assembly, local board and superintendent.</p> <p>Assume management of the district and all district schools.</p> <p>May appeal to the Administrative Law Court.</p> <p>Local board dissolution. State Superintendent assumes authority and responsibility.</p> <p>If sustained improvement for at least three years, an interim board is</p>

Major Issues 2021

	<p>appointed and must serve for at least three years.</p> <p>After the emergency, SDE shall develop a plan for returning management to a local board.</p> <p>Fiscal authority (taxing and millage) is transferred to the county council until the emergency is over.</p>
--	--

Interim boards consist of one member appointed by the Governor, one appointed by the local legislative delegation and three by the Superintendent with consultation of the local delegation.

STATUS: Having passed the House of Representatives and the Senate, S. 201 was ratified by the General Assembly on May 13, 2021 (R. 57) and was signed into law by the Governor on May 17, 2021 (Act 44).

Student Identification Card Suicide Prevention Act

S. 231 (Act 45) is also known as the “**Student Identification Card Suicide Prevention Act.**” The Act applies to public schools that serve students in grades seven through twelve, and public and private colleges and universities. If a school or college issues a **student identification card** it must print the phone number for the National Suicide Prevention Lifeline on the card along with contact information for at least one other crisis resource. This could be a dating abuse helpline, a crisis text line, or a local suicide prevention hotline. Colleges can print the phone number for the campus police. At the start of each school year, schools must certify that the information on the card is correct. The bill applies to cards issued for the first time or replacement cards. If a school already has cards printed, they may exhaust their supply before printing new cards.

STATUS: Having passed the House of Representatives and the Senate, S. 231 was ratified by the General Assembly on May 13, 2021 (R. 58) and was signed into law by the Governor on May 17, 2021 (Act 45).

In-Person Classroom Instruction

S. 704 (Act 102) requires that, for the remainder of the 2020-21 school year, every school district must offer five-day, **in-person classroom instruction** no later than April 26. *This applies to the 2021-22 school year as well.* The \$10,000 earnings limitation for retired state employees is raised to \$50,000 if the employee retired on or before April 1, 2019 and

Major Issues 2021

returns to work in the K-12 education system. A retired educator may return to work and earn up to \$50,000 before their retirement benefit is suspended. This provision is good for 36 consecutive months. Districts may not require teachers to deliver instruction to students simultaneously in-person and virtually unless it is reasonable and necessary due to extreme and unavoidable circumstances. Districts must provide additional compensation if a teacher is required to deliver dual instruction.

STATUS: Having passed the House of Representatives and the Senate, S. 704 was ratified by the General Assembly on April 22, 2021 (R. 33) and was signed into law by the Governor on April 23, 2021 (Act 102).

HIGHER EDUCATION

Reinforcing College Education on America’s Constitutional Heritage Act (REACH Act)

S. 38 (Act 26) creates the **Reinforcing College Education on America’s Constitutional Heritage Act**. The **REACH Act** modernizes and clarifies provisions of state law--some of which have been in place since 1924--that require public institutions of higher learning to instruct students regarding the founding documents and ideals of the United States. Instead of requiring a “one year” class on the Constitution, Declaration of Independence, and Federalist Papers, students must take a three-credit hour class. For colleges offering general education or liberal arts requirements, the equivalent to the three-credit hour class is sufficient. Exemptions for students who took the appropriate Advanced Placement, International Baccalaureate, or dual-credit classes in high school are allowed. The bill strikes the loyalty oath provision, and adds studies of the Emancipation Proclamation and other documents foundational to the African American freedom struggle to the list of items to be included in the coursework. Additionally, Boards of Trustees must add the course to all undergraduate degree requirements without interfering with the schools’ accreditation, and without adding additional credit hours required to obtain a degree. The bill applies to all public colleges offering Baccalaureate degrees. Language is added to require CHE to confirm that the public institutions comply with the law, and report annually to the Chairmen of the House Ways and Means Committee, House Education and Public Works Committee, Senate Finance Committee, and Senate Education Committee.

STATUS: Having passed the House of Representatives and the Senate, S. 38 was ratified by the General Assembly on April 28, 2021 (R. 38) and was signed into law by the Governor on April 28, 2021 (Act 26).

Palmetto Fellows Scholarships

H. 3017 (Act 36) allows students to use the **Palmetto Fellows Scholarship** at in-state technical colleges and two-year branch institutions and carry the remaining award to a four-year college or university for completion of a Bachelor’s Degree. The scholarship’s grade point average requirement must be maintained all four years. LIFE Scholarship recipients may use their award for up to up to six semesters if they are pursuing a degree that takes three years to complete.

Major Issues 2021

STATUS: Having passed the House of Representatives and the Senate, H. 3017 was ratified by the General Assembly on May 4, 2021 (R. 49) and was signed into law by the Governor on May 6, 2021 (Act 36).

Name, Image, and Likeness

S. 685 (Act 35) allows third parties to compensate collegiate athletes for use of their “**Name, Image, and Likeness**” (NIL) and hire regulated agents registered in South Carolina. The act provides guidelines and safeguards to protect both athletes and institutions from misuse or abuse of NIL contracts. In *Alston v. NCAA*, the United States Supreme Court decided that the NCAA’s eligibility rules concerning athlete compensation violated federal antitrust laws.

STATUS: Having passed the House of Representatives and the Senate, S. 685 was ratified by the General Assembly on May 4, 2021 (R. 48) and was signed into law by the Governor on May 6, 2021 and became effective July 1, 2021 (Act 35).

VETERANS

Modification of Veterans Education Benefits

S. 241 (Act 29) defines veterans as “covered individuals” for the purpose of receiving in-state tuition. The bill removes the requirement that veterans or their dependents must use their education benefits (commonly known as the “GI Bill”) within three years of the veteran’s discharge, debilitating injury, or, in the case of the Frye Scholarship, the veteran’s death in the line of duty.

STATUS: Having passed the House of Representatives and the Senate, S. 241 was ratified by the General Assembly on May 4, 2021 (R. 42) and was signed into law by the Governor on May 6, 2021 (Act 29).

(From the budget): The Department of Mental Health is afforded \$50 million for three additional veterans’ nursing homes. The Department of Veterans Affairs is afforded eight million dollars to create a Base Protection Fund that is to be used by counties and municipalities for quality of life improvements at and around our state’s military bases.

APPROPRIATIONS

Fiscal Year 2021-2022 State Government Budget

H. 4100 (Act 94), the **General Appropriation Bill**, and **H. 4101 (Act 95)**, the joint resolution making appropriations from the **Capital Reserve Fund**, together comprise the Fiscal Year 2021-2022 State Government Budget. The budget totals \$31.3 billion (\$9.2 billion Federal funds, \$12.2 billion Other funds and \$9.9 billion in recurring state general fund revenue). The budget’s nonrecurring funds total \$1.26 billion (and include \$176 million in Capital Reserve Funds, \$397 million in Fiscal Year 2019-2020 undesignated/unreserved funds, \$44 million in Fiscal Year

Major Issues 2021

2018-2019 Contingency Reserve Funds, and \$647 million in general surplus funds estimated for Fiscal Year 2020-2021).

The budget funds the constitutional reserve accounts that the state uses to cope with revenue shortfalls. Additional funding of \$18.7 million for the General Reserve Fund and \$7.5 million for the Capital Reserve Fund brings South Carolina's total reserves to \$643 million.

\$50 million in nonrecurring funds is appropriated for the new Disaster Relief and Resilience Reserve Fund that is to be used for disaster relief assistance, hazard mitigation and infrastructure improvements, and statewide resilience planning.

\$59 million in recurring revenue is used to provide a 2.5 percent pay raise for state employees.

\$5.9 million in recurring funds is included to cover the increased costs of operating the state's health and dental insurance plans so that employees will have no premium cost increases.

A total of \$32 million from the General Fund and \$4 million in Education Improvement Act funds is devoted to the 1 percent increase in the employer contribution rates for the South Carolina Retirement System and the Police Officers Retirement System that is in keeping with the schedule for addressing the unfunded liability facing the state's pensions established in Act 13 of 2017.

In public education, the base student cost is increased to \$2,516 per pupil, utilizing an additional \$65 million in recurring general funds.

\$72 million in recurring funds is used for a \$1,000 increase to all teacher salaries. This pay raise increases the starting teacher salary from \$35,000 to \$36,000.

\$100 million is allocated to the Department of Education for capital improvements in school districts. Up to \$15 million will be prioritized for smaller school districts with less than 5,000 daily membership counts should they choose to consolidate with another school district in their county.

\$93 million is provided for instructional materials.

\$34 million is used to provide full-day 4-K programs through the First Steps to School Readiness Program and the Department of Education.

\$5.5 million in Education Improvement Act funding provides for a school nurse in every South Carolina school.

A public school mask mandate prohibition (Dept. of Education: 1.108) is included which provides that no school district, or any of its schools, may use any funds appropriated or authorized through the appropriations act to require that its students and/or employees wear a facemask at any of its education facilities. This prohibition extends to the announcement or enforcement of any such policy. The proviso has engendered legal controversy: On August 19, 2021, South Carolina Attorney General Alan Wilson filed suit with the South Carolina Supreme Court asking it to declare the City of Columbia's school mask mandate void because it violates

Major Issues 2021

state law. Besides the City of Columbia, the lawsuit mentions and would also apply to all cities, towns, counties, and school boards that have passed or are seeking to pass mask mandates. [<https://www.scag.gov/media/htkhncht/petition-for-original-jurisdiction-02682523xd2c78.pdf>]

\$7 million is used to provide full funding for a school resource officer in every school. Districts with the lowest index of taxpaying ability are to receive priority consideration.

Charter schools are afforded \$2.7 million in recurring and \$33 million in nonrecurring funds to address growth.

\$1.5 million in Education Improvement Act funding is devoted to a GED Incentive Program which allows someone receiving unemployment benefits to receive a \$500 one-time payment for earning a GED.

Full funding is provided for the LIFE, HOPE, and Palmetto Fellows higher education scholarship programs through \$318 million in Education Lottery funds.

The Lottery Tuition Assistance Program is afforded \$51 million.

\$60 million in lottery funds is devoted to need-based grants for college students who are most in need of financial assistance. This represents an increase of \$40 million from the previous year.

\$20 million in lottery funds is provided for tuition grants, representing a \$10 million increase from last year.

\$750,000 in lottery funds is provided for college transition program scholarships for individuals with disabilities.

The budget again includes a higher education tuition mitigation initiative in which a total of \$48.2 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 2021-2022 academic year.

\$350 million in nonrecurring funds is devoted to capital needs at the state's colleges and universities for repairs, renovations, and maintenance of various facilities.

\$170 million in nonrecurring funds is allocated for capital needs at the state's technical colleges.

The budget includes a provision (General Provisos: 117.190), that a public institution of higher learning, including a technical college, may not use any funds appropriated or authorized under the legislation to require that its students have received the COVID-19 vaccination in order to be present at the institution's facilities without being required to wear a facemask. This prohibition extends to the announcement or enforcement of any such policy. The South Carolina Supreme Court has ruled on this subject: *Richard J. Crestwick v. The University of South Carolina and Alan Wilson* (see Opinions of the Supreme Court and Court of Appeals of South Carolina, Advance Sheet No. 28, August 18, 2021).

[<https://www.sccourts.org/opinions/advSheets/no282021.pdf>].

Major Issues 2021

\$2.5 million in capital reserve 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.

The Board of Technical and Comprehensive Education is afforded \$17 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.

\$18 million in lottery funds is provided for high demand job skill training equipment.

\$16 million is provided for workforce scholarships that provide grants for tuition, fees, and textbooks expenses to SC residents enrolled in a career education program at a technical school or professional certification program.

Clemson University PSA is afforded \$1.4 million for critical fruit and vegetable crop research.

SC State PSA receives \$1.2 million for the development and implementation of a targeted research and extension program.

The budget emphasizes assistance for the state's tourism sector which has been hard hit by the shutdowns and disruptions of the COVID-19 pandemic. The Department of Parks, Recreation and Tourism receives: \$15 million in nonrecurring funds for destination-specific tourism marketing; \$5 million in nonrecurring funds for tourism advertising grants to attract and retain out-of-state dollars; \$1.1 million in nonrecurring funds for SC Association of Tourism Regions; and, \$21.5 million for remodeling the state's Welcome Centers.

The SC Film Commission is afforded \$15 million for film industry recruitment and infrastructure development.

\$3.5 million in nonrecurring funds is provided for statewide community arts grants through the Arts Commission.

\$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.

\$4 million is provided for Locate SC which allows the state to be proactive in preparing sites so that there will be sufficient inventory available for potential investment prospects.

\$200 million is provided to the State Ports Authority for an intermodal container transfer facility and waterborne cargo infrastructure.

\$10 million in nonrecurring funds is devoted to expanding broadband access statewide. Priority is given to completing projects begun through the use of CARES Act federal funds.

\$3 million is used to establish an Office of Broadband Coordinator within the Office of Regulatory Staff to serve as the central planning body to coordinate with all levels of government and the private sector to expand access to the high-speed Internet connections that can further distance learning, telework, and telehealth and enhance economic development opportunities. The Coordinator is charged with producing a broadband map of

Major Issues 2021

South Carolina that can be used to determine where connections exist and which underserved areas are in need of infrastructure improvements.

The Rural Infrastructure Authority is afforded \$3.5 million for the Water and Sewer Regionalization Fund to address challenges faced by small and rural systems and encourage regionalization of these systems in order to improve service delivery and increase efficiency.

The Department of Health and Human Services receives \$1.9 million to develop, with the help of the SC Center for Rural and Primary Healthcare, a Community Health Worker Pilot Program to help remedy the rural healthcare provider shortage.

\$10 million is appropriated to the Medical University of South Carolina Hospital Authority to create the Children's Hospital Infrastructure Fund, which will assist the state's not-for-profit hospitals with technology and infrastructure needs.

Provisions are made for a Statewide Mobile Health Units Coordination Project that charges the South Carolina Center for Rural and Primary Healthcare with providing technical assistance and coordination to make the most of the state's mobile health units in delivering services that increase access to preventative and diagnostic health care, and reduce health inequities for rural, vulnerable, underserved, and displaced populations in South Carolina.

The budget includes a provision for the Department of Health and Human Services to transfer \$1 million to the Medical University of South Carolina Hospital Authority to develop a comprehensive approach to advancing the awareness, detection, treatment, and scientific knowledge of sickle cell disease and trait within South Carolina. The MUSC Hospital Authority is authorized to partner with independent research entities to advance curative therapies for sickle cell disease and trait and is authorized to endow one or more nationally leading academic research centers with a research chair named the "Rena N. Grant Endowed Chair for Hematology" in furtherance of this goal. Additionally, to improve the quality of care provided to sickle cell patients, the authority is charged with performing statewide cultural competency training in all hospitals, including urgent care centers, in this state in order to educate and increase the awareness of health care professionals that are most likely to treat sickle cell patients on the symptoms and stigma associated with sickle cell disease and trait, especially pain relief.

The Department of Mental Health is afforded \$50 million for three additional veterans' nursing homes.

The Department of Mental Health is appropriated: \$4.4 million for salary increases to sustain an adequate workforce; \$2 million for in-patient services, which will increase psychiatric bed capacity; \$1.2 million for a Crisis Stabilization Unit pilot program in the Midlands to test the effectiveness of providing a location where non-violent psychiatric are transported when detained by law enforcement that is an alternative to hospital emergency departments or detention centers; \$1 million to create a Detention Center Medication Fund to pay for long-term medication that improves management of mental disorders and decreases the occurrence of mental health episodes for detained individuals; and, \$843,000 to create a Detention Center

Major Issues 2021

Telepsychiatry Team that allows detention centers to use the department's existing telepsychiatry platform to provide virtual screening, diagnostic, and treatment options for individuals upon booking and during their time in the center.

\$2 million in nonrecurring funds is provided to the Forestry Commission for firefighting equipment to purchase closed-cab dozers that enhance safety for firefighters battling wildfires.

\$3.7 million in recurring funding is allocated to implement the new firefighter cancer health insurance benefit plan.

\$250,000 in recurring funding is appropriated for the treatment of post-traumatic stress disorder for firefighters and other first responders. \$250,000 in recurring funding is appropriated for PTSD treatment for law enforcement officers.

The budget emphasizes funding for step salary increases and retention programs for law enforcement and correctional officers across the seven agencies that employ officers.

\$90 million in flexibility from federal CARES Act funding is used for upgrades at Department of Corrections institutions to enhance the safety of the public, officers, and inmates. The department is afforded \$8.5 million for new health care positions and contract nurses and \$1.5 million for preventative health screenings.

The Department of Juvenile Justice receives \$1.5 million for marine and wilderness programs and \$4.1 million for security enhancements and other facility upgrades.

The State Law Enforcement Division is appropriated: \$2.4 million for new forensic personnel and equipment; \$1.4 million for operating and equipment costs for the new forensic lab; and, \$4 million to replace revenue that SLED loses due to the passage of the Open Carry Law Act 66 of 2021.

The Department of Public Safety receives \$1.8 million for agency vehicle rotation and \$2 million for additional officer body camera funding.

The Department of Natural Resources is afforded: \$1.9 million for thirty new law enforcement officers, \$2 million for the relocation of the DNR agency headquarters; \$2.9 million for the State Water Plan; \$1.5 million for wildlife management areas; and, \$23.5 million for the Ft. Johnson property acquisition.

\$3 million is provided to the Law Enforcement Training Council for facility and equipment upgrades.

The Judicial Department is afforded \$10 million in nonrecurring funds to complete case management modernization and \$7.6 million in nonrecurring funds for virtual courtroom expansion.

The Attorney General is provided \$3.2 million for crime victim compensation.

The Prosecution Coordination Commission is afforded \$2.1 million to address docket backlog and \$1.6 million for drug court expansion.

Major Issues 2021

Indigent Defense is appropriated \$3.6 million for criminal justice workload parity and docket backlog and \$4.8 million for contract counsel.

The budget legislation includes a provision specifying the rights of the South Carolina Senate and House of Representatives to intervene in court actions challenging the validity of an election law, an election policy, or the manner in which an election is conducted. Under the provision, the State Election Commission and the Attorney General must notify the President of the Senate and the Speaker of the House of Representatives within twenty-four hours of the receipt of service of a complaint that challenges the validity of an election law, an election policy, or the manner in which an election is conducted. No county election commission may accept or expend any funds other than public funds to prepare for or to conduct elections.

The State Election Commission is directed to submit a report to the General Assembly by August 1, 2021 on the number of election fraud investigations conducted regarding the November 2020 election. The report must also be posted on the commission's website.

The State Election Commission is allocated \$1.4 million for state matching funds for 2020 Help America Vote Act grants and \$930,000 for completion of the new voting system.

The Department of Transportation is afforded: \$50 million for County Transportation Committee funds; \$40 million for rest area renovations; and, \$8 million to expand litter pickup along key primary and higher-volume secondary roads throughout the state.

The Department of Administration is allocated \$800,000 for the Division of State Human Resources classification and compensation reform and \$6 million for state-owned building capital needs.

The budget funds the constitutional reserve accounts that the state uses to cope with revenue shortfalls. Additional funding of \$18.7 million for the General Reserve Fund and \$7.5 million for the Capital Reserve Fund brings South Carolina's total reserves to \$643 million.

The budget includes \$17.6 million 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. \$10 million is provided for a rural stabilization fund to aid those local governments that will be negatively impacted, due to the 2020 Census, under the funding formula for the Local Government Fund.

The Department of Veterans Affairs is afforded \$8 million to create a Base Protection Fund that is to be used by counties and municipalities for quality of life improvements at and around our state's military bases.

\$1 million in Education Lottery funds is devoted to increasing aid to county libraries.

\$31.9 million is provided to the State Treasurer to address the Tuition Prepayment Program unfunded liability.

The Conservation Bank is afforded \$9 million in additional funds for conservation grants.

Major Issues 2021

\$2 million in recurring funds is provided to establish the South Carolina Office of Resilience.

\$18 million is devoted to South Carolina's FEMA match for various natural disasters across the state over the last two years.

The budget legislation includes a provision that any funds received from the Federal Government that are not allocated directly to a state agency must be expended through the legislative budgeting process.

STATUS: Having been approved by the House of Representatives and the Senate, H. 4100, the General Appropriation Bill, was ratified by the General Assembly on June 21, 2021 (R. 116). Certain items were vetoed by the Governor on June 25. The General Assembly subsequently voted to sustain some of the vetoes, but overrode others, allowing the overridden vetoes, along with provisions not vetoed by the Governor, to become law (Act 94). Having been approved by the House of Representatives and the Senate, H. 4101, the joint resolution making appropriations from the Capital Reserve Fund, was ratified on June 21, 2021 (R. 117) and was signed into law by the Governor on June 25 (Act 95).

CHILDREN AND SENIORS

Qualified Residential Treatment Program

After adding an extensive amount of definitions that includes a comprehensive list of what constitutes a **Qualified Residential Treatment Program**, as well as clarifying other terms, **H. 3567 (Act 24)** requires assessment, case planning, and judicial review of children placed in these treatment programs.

STATUS: Having passed the General Assembly, H. 3567 was ratified on April 22, 2021 (R. 35) and was signed into law by the Governor on April 26, 2021 (Act 24), and became effective on April 28, 2021.

Child Abuse Response Protocol Act

The "**South Carolina Child Abuse Response Protocol Act**," **S. 229 (Act 28)**, requires multidisciplinary teams to be involved in child abuse investigations. They must follow a Child Abuse Response Protocol developed by the Children's Justice Act Task Force and Network of Child Advocacy Centers. These protocols cannot be used by a criminal defense team for any purpose in any criminal prosecutions. An advisory committee will work to review and update these protocols. Finally, it makes children's advocacy centers hold accreditation status, or to be actively pursuing this status from the National Children's Alliance.

STATUS: Having passed the General Assembly, S. 229 was ratified on May 4, 2021 (R. 41) and was signed into law by the Governor on May 6, 2021 (Act 28).

Major Issues 2021

Protection of Vulnerable Adults from Financial Exploitation

S. 425 (Act 84) establishes provisions for the **protection of vulnerable adults from financial exploitation**. The legislation authorizes banking institutions to decline or place a hold on certain financial transaction requests when the financial exploitation of a vulnerable adult is suspected. A financial institution may provide access to or copies of records relevant to the suspected financial exploitation of a vulnerable adult to law enforcement agencies or other authorized investigators. Financial institutions making use of these provisions in good faith are afforded legal immunity from criminal, civil, or administrative liability. The legislation establishes a protocol for agents, broker-dealers, and investment advisers to delay transactions and disbursements from accounts and conduct a review when there is reason to believe that there is a wrongful or unauthorized taking, withholding, appropriation, or use of the money, assets, or property of a vulnerable adult or other attempt to defraud the vulnerable adult through deception, intimidation, or undue influence. Provisions are made for disclosing information related to suspected financial abuse to law enforcement, other investigating agencies, and those representing the interests of the victim of the suspected abuse. Those making use of these provisions while acting in good faith and exercising reasonable care are afforded legal immunity from administrative or civil liability.

STATUS: Having passed the Senate and the House of Representatives, S. 425 was ratified by the General Assembly on May 18, 2021 (R. 103) and was signed into law by the Governor on May 18 (Act 84).

MOTOR VEHICLES/TRANSPORTATION

Electric Vehicles

S. 304 (Act 46) addresses electric vehicles. The legislation establishes conditions under which a person or corporation who uses electric vehicle charging stations to resell electricity to the public for compensation is not considered an electric utility. The legislation provides that any increase in customer demand or energy consumption associated with transportation electrification shall not constitute found revenues for an electrical utility.

A Joint Committee on the Electrification of Transportation, composed of appointees from the Senate and House of Representatives, is established to study the challenges and opportunities associated with the electrification of the transportation sector and make recommendations to the General Assembly to enable a fair, efficient, and cost-effective transition to electric transportation. The committee is comprised of four members of the Senate, two of whom are appointed by the Chairman of Senate Finance and two of whom are appointed by the Chairman of Senate Judiciary, and four members of the House of Representatives, two of whom are appointed by the Chairman of the Ways and Means Committee and two of whom are appointed by the Chairman of the Labor, Commerce and Industry Committee. At a minimum, the committee shall study the following issues: (a) environmental, economic, and customer challenges and benefits associated with the advancement of electric vehicles; (b) the potential value of advancing the development and deployment of electric vehicles and associated infrastructure and address issues that impede development and deployment; (c) explore and

Major Issues 2021

evaluate the impacts of electric vehicles on roads, bridges, and other infrastructure, including the potential loss of revenue due to the current and projected future use of electric vehicles in this State; (d) explore and evaluate the impacts of electric vehicles on customers, utilities, and the grid; and (e) any other issues associated with the electrification of the transportation sector. The committee shall receive reports from: (a) the Office of Regulatory Staff's stakeholder initiative to advance the electrification of transportation sector; (b) the South Carolina Public Service Commission; and (c) annual reports from the South Carolina Department of Revenue detailing the prior fiscal year's revenue collections, from whatever source derived, designated for the repair, maintenance, or improvements to the South Carolina transportation system.

STATUS: Having passed the Senate and the House of Representatives, S. 304 was ratified by the General Assembly on May 13, 2021 (R. 59) and was signed into law by the Governor on May 17 (Act 46).

Intrastate and Interstate Commercial Vehicles Treated the Same

H. 3689 (Act 37) addresses matters pertaining to **Commercial Motor Vehicles**. Primarily, the Act resolves issues remaining from Act 40 of 2017, referred to as the "Road Funding Bill," which renamed the property tax on large commercial vehicles to a Road Use Fee (RUF), and was applied to out-of-state commercial motor vehicles. Act 37 treats intrastate and interstate commercial vehicles the same and clarifies that SC DMV is the one-stop-shop for commercial vehicle customers. SC DMV assumes all registration and fee administration, freeing counties from these responsibilities. The Act reestablishes a quarterly payment option that was lost due to Act 40. County property tax add-on fees on South Carolina based interstate truckers are also exempted in lieu of the RUF. DMV's complete administration is tied to effective dates necessary to secure needed appropriations. The Act also conforms the State's federal safety program by placing South Carolina in the top tier. SCDMV may continue to allow commercial motor vehicle fleets to administer registration and tax services to customers and independent contractors regardless of ownership when following DMV's protocols.

STATUS: Having passed the House of Representatives and the Senate, H. 3689 was ratified by the General Assembly on May 4, 2021 (R. 50) and was signed into law by the Governor on May 6, 2021 (Act 37).

Vehicle Titling

H. 3505 (Act 70) expands the application of the **Infrastructure Maintenance Fee** to include **vehicle titling**. When the General Assembly passed the Roads Funding Bill (Act 40 of 2017), the fee was tied to a vehicle's first registration, but failed to mention titling. Many people complete a "title only transaction" and arguably do not owe an Infrastructure Maintenance Fee. H. 3505 recovers the Infrastructure Maintenance Fee from first titling or registration by the owner or lessor. The bill also provides that if an owner purchases a vehicle that he originally leased, he does not owe an additional Infrastructure Maintenance Fee. This is

Major Issues 2021

especially important to prevent recurring charges to commercial vehicles. The application of the fee to “an insurer for the purpose of applying for a salvage title” is excluded.

STATUS: Having passed the House of Representatives and the Senate, H. 3505 was ratified by the General Assembly on May 13 2021 (R. 86) and was signed into law by the Governor on May 17, 2021 (Act 70).

Salvage Vehicles and Title Washing Prevention

H. 3101 (Act 27) deals with the longstanding issue of **salvage vehicles**. Section 1 establishes a process for the disposition of motor vehicles by a “salvage pool operator” subject to an insurance claim. The Act defines a “salvage pool operator” as a person who engages in the business of selling salvage motor vehicles at auction, including wholesale auction. A process by which a salvage pool operator can dispose of a salvage vehicle after the motor vehicle has been transferred to a salvage lot by an insurance company is established.

The current process involving Magistrate’s court is amended to provide a statutory procedure that a salvage pool operator must follow if, subsequent to the transfer, the insurance company denies coverage or does not otherwise take ownership of the salvage vehicle. The Act protects vehicle owners and lienholders to a greater extent than other jurisdictions that have enacted similar laws by stating that if the vehicle is removed within a 30-day period after notice, the owner and lienholder are not responsible for any charges except those incident to the cost of providing notice (no towing charges and no storage fees). Subsequent to the 30-day period to obtain title, the salvage pool operator must submit documentation to the SC DMV indicating that the notice was sent.

Upon receipt of title, the salvage pool operator must sell the motor vehicle and may retain the proceeds of the sale minus certain permitted costs. The salvage pool operator must first pay excess proceeds from the sale to lienholders in order of priority to satisfy the liens. Any remainder must be sent to the owner.

Section 2 deals with vehicle title “brands” which indicate the vehicle’s condition on the title. Consumers in South Carolina are protected from the practice of “**title washing**” which is the act of moving the vehicle to another state that does not recognize its branded title. The Act expands the title brands recognized in South Carolina thereby preventing dealers and individuals from removing salvage branding from car titles. The brands created by the Act include the following: "salvage," "salvage rebuilt," "salvage flood," "salvage flood rebuilt," "salvage fire," "salvage fire rebuilt," "junk," and "off-road use only."

STATUS: Having passed the House of Representatives and the Senate, H. 3101 was ratified by the General Assembly on April 28, 2021 (R. 40) and was signed into law by the Governor on April 28, 2021 (Act 27).

Catalytic Converter Theft

H. 3991 (Act 80) establishes provisions for deterring **catalytic converter theft** operations in which these automobile parts are cut from underneath vehicles and sold for the valuable

Major Issues 2021

metals they contain. The legislation provides that it is illegal for anyone other than a licensed and permitted secondary metals recycler to purchase or otherwise acquire a used, detached catalytic converter or any nonferrous part of a catalytic converter. Secondary metals recyclers are subject to a protocol for verifying the legality of transactions involving these catalytic converters and retaining records of this documentation. Unauthorized individuals in possession of used, detached catalytic converters are presumed to be in possession of contraband subject to forfeiture. Each illegally obtained, possessed, used, or detached catalytic converter subjects the violator to a separate criminal charge. Violators may also be ordered by the court to pay restitution for the repair and replacement of the catalytic converter.

STATUS: Having passed the House of Representatives and the Senate, H. 3991 was ratified by the General Assembly on May 13, 2021 (R. 96) and was signed into law by the Governor on May 18 (Act 80).

Slower Traffic Move Right Bill

H. 3011 (Act 64) is the “**Slower Traffic Move Right Bill.**” It creates a new section of law providing that a vehicle may not be driven in the farthest left-hand lane on a controlled access highway except when overtaking or passing another vehicle. This rule is subject to a number of exceptions, including that a vehicle may proceed in the farthest left lane if no other vehicle is directly behind it.

The penalty for violation is a civil fine of \$25. The violation does not constitute a criminal offense, and the violator is not subject to custodial arrest, except for failure to appear when summoned for failure to pay an imposed fine. The violation cannot be included in the offender’s motor vehicle or criminal records. Additionally, it may not be reported to the offender’s motor vehicle insurer and cannot constitute negligence per se, contributory negligence, and is inadmissible as evidence in a civil action. Law enforcement may not search, or request consent to search, a vehicle, driver or passenger solely because of a violation of this section. SC DOT must place signs along interstate highways directing slower traffic to move to the right. The signs must be placed at intervals of no more than thirty-five miles. The bill takes effect ninety days after approval by the Governor. For a period of ninety days after the effective date, only warning tickets may be issued for a violation.

STATUS: Having passed the House of Representatives and the Senate, H. 3011 was ratified by the General Assembly on May 13, 2021 (R. 80) and was signed into law by the Governor on May 17, 2021 (Act 64).

Beach Access and Public Parking

S. 40 (Act 89) addresses **beach access and public parking** by creating a new section of law governing parking facilities on state highways in beach communities that are eligible for beach renourishment funds. The bill requires the following of parking facilities: it must include free beach parking; it may include paid beach parking; and, may only be restricted by SCDOT if it determines that the restrictions are necessary under the circumstances. The bill also expands the uses for which the parking fees may be used. Previously, SCDOT

Major Issues 2021

interpreted common law to restrict the use of parking funds to parking expenses. Under the new language, beach parking fees may be used for the operation, maintenance, preservation, and funding of the following: public beach parking facilities; beach access, maintenance, and renourishment; traffic and parking enforcement; first responders; sanitation; and, litter control for beaches. The bill also broadens the scope of SCDOT control by defining “highway” to incorporate the entire area within a highway right of way, including the shoulders and parking areas.

STATUS: Having passed the House of Representatives and the Senate, S. 40 was ratified by the General Assembly on May 18, 2021 (R. 101) and was signed into law by the Governor on May 24, 2021 (Act 89).

Drivers for a Cure

S. 242 (Act 5) creates the “**Drivers for a Cure**” special license plate to help draw attention to cancer research. After first covering expenses to create and manufacture the plate, proceeds are distributed evenly between the MUSC Hollings Cancer Center and the Duke Cancer Research Institute.

STATUS: Having passed the House of Representatives and the Senate, S. 242 was ratified by the General Assembly on March 11 2021 (R. 6) and was signed into law by the Governor on March 15, 2021 (Act 5).

Commemoration of the American Revolution

H. 3501 (Act 11) creates a special license plate to commemorate the **250th Anniversary of the American Revolution**.

STATUS: Having passed the House of Representatives and the Senate, H. 3501 was ratified by the General Assembly on April 8, 2021 (R. 17) and was signed into law by the Governor on April 12, 2021 (Act 11). The effective date of the Act is January 1, 2022.

Military-Related Special License Plates

H. 3805 (Act 38) creates a comprehensive organizational scheme for the issuance of **military-related special license plates**. Similar existing plates are grouped together for consistent treatment. For example, the highest military honors are under the “valorous” awards. This group includes military awards such as the Medal of Honor. Other categories of awards include the following: Distinguished Service; Exemplary Service; Service-connected Disability; Military Campaigns; Meritorious Service; Military Service; and Military-Related Private Organizations. As new military-related license plates are issued, plates will be added to the appropriate code section and accorded the same privileges.

STATUS: Having passed the House of Representatives and the Senate, H. 3805 was ratified by the General Assembly on May 4, 2021 (R. 51) and was signed into law by the Governor on May 6, 2021 (Act 38).

Major Issues 2021

HEALTH

Naloxone

S. 571 (Act 22) requires an authorized practitioner who prescribes opioids to offer a prescription for **Naloxone** or another opioid reversal drug. This bill outlines that the offer be made to patients when the opioid drug prescription is for 50 or more morphine milligram equivalents per day; or the opioid drug is prescribed concurrently with a benzodiazepine; or the patient has an increased risk for overdose. The bill further states that a prescriber must educate the patient about overdose prevention and the use of the opioid reversal drug. A prescriber who fails to offer the opioid reversal drug prescription or fails to provide the required education may be subject to discipline by the prescriber's licensure board.

STATUS: Having passed the General Assembly, S. 571 was ratified on April 22, 2021 (R. 32) and was signed into law by the Governor on April 26 (Act 22).

Renal Drugs

S. 427 (Act 48) allows a **renal drug manufacturer** (registered with the State Board of Pharmacy) to deliver dialysate drugs or devices directly to a patient with end-stage renal disease for the patient's approved self-administration of dialysis therapy; or deliver to a health care provider or institution for administration of dialysis therapy to a patient with end-stage renal disease. Currently under the Pharmacy Practice Act, pharmacist must take continuing education courses in person, this bill allows a pharmacist and pharmacist technicians to take some continuing education classes online.

STATUS: Having passed the General Assembly, S. 427 was ratified on May 13, 2021 (R. 61) and was signed into law by the Governor on May 17 (Act 48).

Drug Delivery Systems

H. 3179 (Act 23) creates an exception for **surgically implanted drug delivery systems** (such as pain pumps) from the thirty-one day supply limitation for Schedule II control drugs. Removing the thirty-one day supply limitation will improve patient's safety by reducing how often the patient must have pain pumps refilled.

STATUS: Having passed the General Assembly, H. 3179 was ratified on April 22, 2021 (R. 34) and was signed into law by the Governor on April 26 (Act 23).

Temporary Licensure for Graduate Nurses

S. 455 (Act 51) codifies the current practice of the **temporary licensure for graduate nurses** authorized last year under the public health emergency statute as a result of the COVID 19 pandemic. The authorization allowed qualified nurse graduates to receive a temporary license, with certain conditions, to work under supervision of a licensed registered nurse while awaiting the nursing exam for permanent license. The bill also provides for situations in which temporary licensure as a graduate nurse can be immediately revoked.

Major Issues 2021

STATUS: Having passed the General Assembly, S. 455 was ratified on May 13, 2021 (R. 64) and was signed into law by the Governor on May 17 (Act 51).

Advanced Practice Registered Nurses and Physician Assistants

S. 503 (Act 55) allows **advanced practice registered nurses and physician assistants** to issue orders for certain home health services. Currently home health services can only be ordered by a physician.

STATUS: Having passed the General Assembly, H. 503 was ratified on May 13, 2021 (R. 69) and was signed into law by the Governor on May 17 (Act 55).

AGRICULTURE

Feral Hogs

H. 3539 (Act 71) deals with the transportation of **feral hogs (swine)**. In an effort to address a growing concern for farmers, this bill requires transported hogs on public roads or waterways to have an official form of identification approved by the state veterinarian and must be transported in such a way that the swine is visible. Live hogs transported without identification are presumed to have been taken from the wild. Pigs that do not leave the premises of the swine owner are not subject to the identification requirement. The bill clarifies that it is unlawful to import, possess, buy, sell, offer for sale, transfer, or transport a live member of the family *Suidae* (pig) taken from the wild; or release a live member of the family *Suidae* into the wild. A person who violates this provision is guilty of a misdemeanor. The bill also gives the Department of Natural Resources the authority to seize or destroy any swine obtained as it relates to this provision. The bill has a sunset provision of July 1, 2024.

STATUS: Having passed the General Assembly, H. 3539 was ratified on May 13, 2021 (R. 87) and was signed into law by the Governor on May 17 (Act 71).

Equine Industry Support Measures Study Committee

H. 3071 (Act 116) creates the **Equine Industry Support Measures Study Committee**. This resolution examines the potential for further growth of the equine industry and the resulting economic impact. The committee shall study the potential for equine business growth in South Carolina and steps that could be taken to encourage growth such as fostering equine therapy by using 4-H, the Future Farmers of America, and other student programs. In addition, the committee must identify any barriers that exist for equine business growth in South Carolina and how to eliminate or reduce them. The committee is to compare South Carolina's incentives and barriers to other Southeast states as well as nationally. This seven-member study committee will include two members of the House of Representatives appointed by the chairman of the Agriculture, Natural Resources and Environmental Affairs Committee; two members of the Senate appointed by the chairman of the Senate Agriculture and Natural Resources Committee; two members from the equine industry, with one appointed by the Speaker of the House of Representatives and one

Major Issues 2021

appointed by the President of the Senate, upon the recommendation of the South Carolina Thoroughbred Owners and Breeders Association; and the Commissioner of Agriculture, or his designee. The study committee shall provide a report outlining its findings and recommendations to the General Assembly by February 15, 2022. The committee shall not recommend a tax or fee increase in its findings and recommendations. The study committee dissolves upon receipt of its report.

STATUS: Having passed the General Assembly, H. 3071 was ratified on April 4, 2021 (R. 15) and was signed into law by the Governor on April 12 (Act 116).

HUNTING AND FISHING

Bear

H. 3694 (Act 75) allows the use or aid of bait during **bear hunting** season in an effort to address the growing ursine population. The bill allows for baiting bear in Georgetown, Horry, Marion and Williamsburg counties in Game Zone 4.

STATUS: Having passed the General Assembly, H. 3694 was ratified on May 13, 2021 (R. 91) and was signed into law by the Governor on May 17 (Act 75).

Catfish

S. 36 (Act 40) makes it unlawful to possess more than two **blue catfish** (*Ictalurus furcatus*) longer than thirty-two inches in length in any one day in all state waterways, including Lake Marion, Lake Moultrie, or the upper reach of the Santee River, and the Congaree and Wateree Rivers. The bill also outlines a daily catch limit of twenty-five for blue catfish in all state waterways including Lake Marion, Lake Moultrie, the upper reach of the Santee River.

STATUS: Having passed the General Assembly, S. 36 was ratified on May 13, 2021 (R. 53) and was signed into law by the Governor on May 17 (Act 40).

Flounder

Due to the decline in the **flounder** population, the General Assembly passed **H. 3957 (Act 91)**, legislation that supports rebuilding the fishery. The legislation **decreases the catch limit** from ten to five per person and decreases the boat limit from twenty to ten. The catch size increases from fifteen to sixteen inches. The bill provides for an increase in recreational statewide saltwater fishing to provide for the development and implementation of a flounder-stocking program. The increase in fees brings South Carolina residents in line with neighboring states. The Department of Natural Resources must provide a report outlining the results of these new catch and size limit provisions, as well as future projections, to the General Assembly by December 2023.

STATUS: Having passed the General Assembly, H. 3957 was ratified on June 9, 2021 (R. 111) and was signed into law by the Governor on June 15 (Act 91).

Major Issues 2021

Durable Hard Card

H. 3549 (Act 12) authorizes the Department of Natural Resources to offer a hunting or fishing license in the form of a **durable hard card**. This hard card license is made of plastic or similar material in order for it to be more durable than the paper version. This is optional and those persons who select this option are subject to a six-dollar fee of which the issuing vendor may retain one dollar. In addition, the bill allows a person carrying a mobile electronic device, with access to electronic proof of a license, permit, or stamp, deemed to be carrying the license, permit, or stamp.

STATUS: Having passed the General Assembly, H. 3549 was ratified on April 8, 2021 (R. 18) and was signed into law by the Governor on April 12 (Act 12).

Cobia

H. 3684 (Act 15) adopts the federal regulations for the management of **cobia** into state law. For many years, the federal government has managed cobia and now the federal government will allow the state to manage. This transfer does not change anything currently under the law.

STATUS: Having passed the General Assembly, H. 3684 was ratified on April 8, 2021 (R. 21) and was signed into law by the Governor on April 12 (Act 15).

Game Fish Devices

H. 3548 (Act 16) eliminates the prohibition on possessing **game fish devices** while possessing or using nongame devices. The change allows someone to have an authorized game fish device, such as a rod and reel, while using authorized nongame devices, such as set hooks, trotlines, eel pots and traps.

STATUS: Having passed the General Assembly, H. 3548 was ratified on April 15, 2021 (R. 25) and was signed into law by the Governor on April 16 (Act 16).

Nongame Fishing Devices

S. 545 (Act 57) deals with **nongame fishing devices**, allowing the use of set hooks on the Santee River with set limits of 50 and allows commercial use of hoop nets on the Wateree River with a limit of 10. In addition, the bill prohibits the use of hoop nets on the Congaree River.

STATUS: Having passed the General Assembly, S. 545 was ratified on May 13, 2021 (R. 71) and was signed into law by the Governor on May 17 (Act 57).

ENVIRONMENT

Waste Tire Processing Facility

H. 3222 (Act 67) enables the Department of Health and Environmental Control to suspend a **waste tire processing facility** from accepting waste tires when it is determined that the

Major Issues 2021

capacity at the facility is exceeded. In an effort to address concerns dealing with the incompliance of permitted capacity for recycling tire facilities, the bill outlines steps along with timeframes to allow a facility to come into compliance prior to being suspended. The bill also requires DHEC to maintain a list of facilities known as the Waste Tire Rebate Facility List. The Waste Tire Rebate Facility List shall include permitted waste tire processing facilities. In addition, DHEC has the ability to remove any facility whose permit has been revoked or suspended (until the permit has been reinstated).

STATUS: Having passed the General Assembly, H. 3222 was ratified on May 13, 2021 (R. 83) and was signed into law by the Governor on May 17 (Act 67).

Abandoned Vessels

H. 3865 (Act 77) addresses **abandoned vessels**. The legislation outlines that local governments may adopt an ordinance that requires a permit for a watercraft or floating structure to dock on public waters for more than fourteen consecutive days. The bill defines “floating structure” as a man-made object other than a watercraft that is capable of flotation. In addition, the legislation outlines that the cost of a permit may not exceed fifteen dollars.

STATUS: Having passed the General Assembly, H. 3865 was ratified on May 13, 2021 (R. 93) and was signed into law by the Governor on May 17 (Act 77).

Beach Preservation Policy

S. 107 (Act 41) makes changes to the state’s **beach preservation policy**. It outlines that if the primary ocean front sand dune is more than two hundred feet landward of the current line of stable vegetation, then the baseline must be established seaward of the primary oceanfront sand dune at a distance equal to 30 percent of the measured distance from the primary oceanfront sand dune to the current line of stable vegetation. It further outlines that if there is no primary oceanfront sand dune, then the baseline must be established at whichever is further as written in existing law. In addition, the bill removes the study requirement in cases where primary oceanfront sand dunes do not exist.

STATUS: Having passed the General Assembly, S. 107 was ratified on May 13, 2021 (R. 54) and was signed into law by the Governor on May 17 (Act 41).

Fire Regulation

H. 3541 (Act 72) sets exemptions for the **regulation of fire** on certain lands. This bill exempts fires used for the preparation of food, or fires burned in portable outdoor fireplaces, “chimineas,” or permanent fire pits constructed of stone, masonry, metal or other noncombustible material that conforms with all applicable fire codes. The legislation also allows the State Forestry Commission, at its discretion, to issue written warning tickets.

STATUS: Having passed the General Assembly, H. 3541 was ratified on May 13, 2021 (R. 88) and was signed into law by the Governor on May 17 (Act 72).

BUSINESS AND LICENSURE

Brewery, Winery, and Micro-Distillery On-Premises Alcohol Sales

For **Brewery, Winery, and Micro-Distillery On-Premises Alcohol Sales** to be allowed at certain wineries, breweries, and micro distilleries, **S. 619 (Act 60)** was enacted. If a winery has a primary American source of supply for wine with under 16.5 percent alcohol content that it sells; or a brewery has a primary American source of supply of beer with an alcohol content of 12 percent or less -- or sealed beer with an alcohol content of 14 percent or less - that it sells; or a micro-distillery has a primary American source of supply of liquors it produces, then they can now sell their products on their premises, subject to specified quantity and other restrictions. It also allows manufacturer satellite certificates for breweries, wineries, and micro-distilleries to sell their products in certain locations, subject to meeting, among other things, investment, staff employment, production levels to determine the maximum number of tasting rooms allowed, paying all applicable fees, hours of operations, and other related requirements.

STATUS: Having passed the General Assembly, S. 619 was ratified on May 13, 2021 (R. 74) and was signed into law by the Governor on May 17, 2021 (Act 60).

Billboard Mitigation

S. 667 (Act 34) allows the owner of a conforming billboard whose sign is impacted due to a state or local road project to alter the position or relocate the billboard with certain limitations.

STATUS: Having passed the House of Representatives and the Senate, S. 667 was ratified by the General Assembly on May 4, 2021 (R. 47) and was signed into law by the Governor on May 6, 2021 (Act 34).

Mobile Barbershop Permits

H. 3024 (Act 65) authorizes the issuance of **mobile barbershop permits**. This Act authorizes the Board of Barber Examiners to issue mobile barbershop permits, establish permit requirements, and provide for regulations of mobile barbershops. The board shall issue a permit card to be carried by the barber when practicing barbering through a portable barber operation. A licensed barber must be in charge and present, at all times, during the operation of a mobile barbershop and is responsible for all barbering services provided at the mobile barbershop. Inspections must be conducted on mobile barbershops and upon satisfactory inspection, the board shall issue a bi-annual permit to be affixed within the mobile barbershop as prescribed by the board.

STATUS: Having passed the General Assembly, H. 3024 was ratified on May 13, 2021 (R. 81) and was signed into law by the Governor on May 17 (Act 65).

TAXES AND CREDITS

Community Development Tax Credits

S. 436 (Act 83) relates to **Community Development Tax Credits**. The legislation revises provisions governing Community Development Tax Credits to provide that an aggregate limit for all taxpayers in all tax years is increased by three million dollars. Of this additional three million dollars, only one million dollars may be used for credits earned and certificates issued in tax year 2021 and the remaining two million dollars only may be used for credits earned and certificates issued for tax years beginning after 2021.

STATUS: Having been passed by the Senate and the House of Representatives, S. 436 was ratified by the General Assembly on May 18, 2021 (R. 102) and was signed into law by the Governor on May 18 (Act 83).

Revitalization Incentives

S. 271 (Act 21) revises the state's **revitalization incentives**. The legislation extends the provisions of the South Carolina Abandoned Buildings Revitalization Act until December 31, 2025. The legislation also includes railroad rights of way within a provision of the South Carolina Textiles Communities Revitalization Act.

STATUS: Having passed the Senate and the House of Representatives, S. 271 was ratified on April 22, 2021 (R. 30) and was signed into law by the Governor on April 26 (Act 21).

Geothermal Machinery Tax Credit Extension

S. 463 (Act 53) provides for a **geothermal machinery** tax credit extension. The legislation provides for an extension of the tax credits for the purchase of geothermal machinery and equipment so that these tax credits are set to expire at the beginning of 2032 instead of 2022.

STATUS: Having passed the Senate and the House of Representatives, S. 463 was ratified by the General Assembly on May 13, 2021 (R. 66) and was signed into law by the Governor on May 17 (Act 53).

Property Tax Exemption For Residential Rooftop Solar Energy Panels

H. 3354 (Act 68) makes provisions for a property tax exemption for residential **rooftop solar energy panels**. The legislation provides a property tax exemption for a renewable energy resource property having a nameplate capacity of, and operating at, no greater than twenty kilowatts. The legislation also removes references to improvements to property under property tax exemption provisions for low income housing developments.

STATUS: Having been passed by the House of Representatives and the Senate, H. 3354 was ratified by the General Assembly on May 13, 2021 (R. 84) and was signed into law by the Governor on May 17 (Act 68).

Major Issues 2021

Income Taxes For Pass-Through Trade And Business Entities

S. 627 (Act 61) addresses income taxes for **pass-through trade and business entities**. The legislation revises income tax provisions for certain partnerships, 'S' corporations, and limited liability companies to allow these pass-through entities the option paying income tax as an entity rather than being taxed individually as partners or shareholders.

STATUS: Having been passed by the Senate and the House of Representatives, S. 627 was ratified by the General Assembly on May 13, 2021 (R. 75) and was signed into law by the Governor on May 17 (Act 61).

Tax Credits Earned By Partnerships

S. 677 (Act 63) addresses the allocation of tax credits earned by **partnerships**. The legislation makes provisions for the allocation of tax credits for affordable housing, the rehabilitation of historic structures, and textiles communities revitalization or unused credit amounts carried forward that are earned by a partnership or limited liability company taxed as a partnership.

STATUS: Having been passed by the Senate and the House of Representatives, S. 677 was ratified by the General Assembly on May 13, 2021 (R. 77) and was signed into law by the Governor on May 17 (Act 63).

Taxation Of Property When Homeowners Are Legally Separated

S. 527 (Act 56) addresses the application of property taxes **when homeowners are legally separated**. The legislation revises property tax provisions to establish a protocol for the application for the special 4 percent assessment ratio for owner-occupied residential property in situations where spouses are legally separated.

STATUS: Having passed the Senate and the House of Representatives, S. 527 was ratified by the General Assembly on May 13, 2021 (R. 70) and was signed into law by the Governor on May 17 (Act 56).

Buy-Down Arrangements Under The Sales And Use Tax

H. 3726 (Act 18) addresses **buy-down arrangements** under the sales and use tax by codifying established practices. The legislation revises the definition of "gross proceeds of sales" under sales and use tax provisions so as to exclude amounts received from a buy-down, an agreement between a retailer and a manufacturer or wholesaler in which the retailer receives a payment from the manufacturer or wholesaler that requires the retailer to reduce the sales price of the manufacturer's or wholesaler's product to the retail purchaser.

STATUS: Having passed the House of Representatives and the Senate, H. 3726 was ratified by the General Assembly on April 15, 2021 (R. 27) and was signed into law by the Governor on April 16 (Act 18).

Major Issues 2021

Alternative Payment Schedule for Property Taxes.

H. 3482 (Act 69) relates to an **alternative payment schedule for property taxes**. The legislation revises provisions relating to installment payments of property tax to authorize a county to establish an alternative payment schedule.

STATUS: Having passed the House of Representatives and the Senate, H. 3482 was ratified by the General Assembly on May 13, 2021 (R. 85) and was signed into law by the Governor on May 17 (Act 69).

Exceptional Needs Child Education Tax Credit Revisions

H. 3899 (Act 79) increases from 2 percent to 5 percent the amount of the Educational Credit for **Exceptional Needs Children's Fund** that the public charity may expend for administration costs. The legislation allows the fund to carry forward up to five million dollars of donations into the next year and allows unused tax credits to be carried forward for three tax years. If less than the maximum cumulative total of tax credits allowed are authorized, the legislation provides that the maximum cumulative total of tax credits allowed may be increased by up to three million dollars, but the cumulative total of all the authorized tax credits may not be increased as a result.

STATUS: Having passed the House of Representatives and the Senate, H. 3899 was ratified by the General Assembly on May 13, 2021 (R. 95) and was signed into law by the Governor on May 17 (Act 79).

STATE GOVERNMENT

Santee Cooper Reform

H. 3194 (Act 90) provides **Santee Cooper reform** measures. The legislation provides for revised governance of the South Carolina Public Service Authority and imposes new requirements for the operation and oversight of this state-owned electric utility.

The legislation makes provisions for the replacement of the membership of the Board of Directors that governs the Public Service Authority. PSA directors are to serve terms of four, rather than seven, years, and a director is limited to no more than three consecutive full terms. In making appointments to the Board of Directors, the Governor and the Senate, in its advice and consent capacity, must give due consideration to race, gender, and other demographic factors to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this state. The legislation establishes qualifications criteria for board members. Provisions are made for the following to serve as nonvoting ex-officio members of the board of directors: The Chairman of Central Electric Power Cooperative, or his designee, and one member of the Board of Central Electric Power Cooperative chosen by that board who is not the chairman or his designee. The legislation makes revisions for the duties of the PSA Board, adding required consideration of: the interest of the Public Service Authority's residential, commercial and industrial retail customers and those wholesale customers served pursuant to contractual arrangements but excluding joint action agencies and

Major Issues 2021

those entities located outside the State, in reliable, adequate, efficient, and safe service, at just and reasonable rates, regardless of customer class; and, the maintenance, preservation, and keeping of the Public Service Authority's properties in good repair, working order and condition. The legislation provides for the establishment of subcommittees of the board of directors to include Finance and Audit, Public Information, Water Services and Resource Management, Generation and Power Supply Planning, and Executive and Governance. Each of these subcommittees is to make regular reports to the full board of directors at each regular meeting of the full board. The board is to select a chief executive officer for the authority who shall cause the authority to employ all necessary employees with the board, by vote, approving the compensation of any senior management official selected by the chief executive officer. The legislation makes provisions for any compensation package, severance package, payment or other benefit of whatever nature conferred upon the chief executive officer or member of the board of the Public Service Authority or offered on or after May 15, 2021 must first be approved by the Agency Head Salary Commission.

The legislation includes provisions for the Public Service Authority to obtain approval from the Joint Bond Review Committee before issuing any major bonds, notes, or other significant indebtedness. The PSA is required to make an annual report to the JBRC regarding every transaction involving an interest in real property. The Senate Finance Committee and the House Ways and Means Committee are afforded oversight authority regarding PSA finances and operations. Any problems or issues of concern that arise during this oversight process may be forwarded to the State Inspector General for investigation after a vote of either committee. The authority and the Board of Directors and its subcommittees are public bodies for purposes of the Freedom of Information Act.

A revised process is established for approving PSA rate increases, with appeals of board decisions on rate increases made to the South Carolina Supreme Court.

The Public Service Commission Office of Regulatory Staff is authorized to make inspections, audits, and examinations of the Public Service Authority. The Public Service Authority must submit an integrated resource plan for review by the Public Service Commission. The Public Service Authority shall file for commission approval of a program for the competitive procurement of energy, capacity, and environmental attributes from renewable energy facilities to meet needs for new generation resources identified by the Authority in its Integrated Resource Plans or other planning processes. All major new utility facilities that the Public Service Authority proposes to construct must be submitted to the Public Service Commission for approval. The Public Service Authority may not enter into a contract for the acquisition of a major utility facility without approval of the Public Service Commission.

STATUS: Having passed the House of Representatives and the Senate, H. 3194 was ratified by the General Assembly on June 9, 2021 (R. 110) and was signed into law by the Governor on June 15 (Act 90).

Major Issues 2021

“South Carolina Pay-For-Success Performance Accountability Act”

S. 461 (Act 52), the “South Carolina Pay-for-Success **Performance Accountability Act**,” establishes a performance accountability trust fund that is to be used for pay-for-success contracts under which the state contracts with a private sector organization to achieve specifically defined measureable outcomes in which the state pays only to the extent that the desired outcomes are achieved. A state agency may enter into a pay-for-success contract only if the agency head explains in writing how the contract will produce a quantifiable public benefit or financial savings to the State, by achieving meaningful impact outcomes and not simply short term unsustainable outcomes, and outlines any risks associated with the proposed project.

STATUS: Having been passed by the Senate and the House of Representatives, S. 461 was ratified by the General Assembly on May 13, 2021 (R. 65) and was signed into law by the Governor on May 17 (Act 52).

State Capitol Grounds Boundaries

Redefining our **State Capitol Grounds Boundaries** and expanding the authority of the **Sergeant at Arms** for the House and Senate are covered in this enactment, **S. 131 (Act 42)**. Under it, the definition of "capitol grounds" will now be considered to be the area inward from the vehicular traveled surfaces of Gervais, Sumter, Pendleton, and Assembly Streets in Columbia. It also sets out what constitutes unauthorized entry into the Capitol. It declares certain actions, such as obstructing access to the grounds or any building on the complex, to be unlawful in and around any building on the capitol grounds. The State House is considered to be open and available to the public, and closed only under certain circumstances. As a final feature, it expands duties of each Chamber's Sergeants at Arms staff, and allows deputies to be hired.

STATUS: Having passed the General Assembly, S. 131 was ratified on May 13, 2021 (R. 55) and was signed into law by the Governor on May 17, 2021 (Act 42).

Repealing Provisions for Joint Meetings of the Legislative Appropriations Committees

H. 3605 (Act 74) repeals provisions for joint meetings of the legislative appropriations committees in the South Carolina General Assembly. The legislation eliminates provisions for the standing committees of the House of Representatives and of the Senate that are in charge of appropriation measures to sit jointly in open sessions while considering the state government budget.

STATUS: Having passed the House of Representatives and the Senate, H. 3605 was ratified by the General Assembly on May 13, 2021 (R. 90) and was signed into law by the Governor on May 17 (Act 74).

Major Issues 2021

Criminal Background Check Requirements for Real Estate Commission Licensure

H. 3664 (Act 25) provides for more extensive criminal background check requirements for initial licensure by the Real Estate Commission. The legislation requires Social Security Number-based criminal records checks in addition to the existing fingerprint-based screening requirements.

STATUS: Having passed the House of Representatives and the Senate, H. 3664 was ratified by the General Assembly on April 22, 2021 (R. 37) and was signed into law by the Governor on April 26 (Act 25).

Criminal Background Checks Conducted on Those Who Handle Federal Tax Records

S. 609 (Act 59) authorizes state agencies and political subdivisions that have access to federal tax information to conduct criminal background checks on its employees and contractors to comply with federal Internal Revenue Service requirements.

STATUS: Having passed the Senate and the House of Representatives, S. 609 was ratified by the General Assembly on May 13, 2021 (R. 73) and was signed into law by the Governor on May 17 (Act 59).

Contingent Beneficiaries In State Retirement Systems

S. 658 (Act 62) relates to designating contingent beneficiaries in state retirement systems. The legislation provides that a member who is not retired may nominate a contingent beneficiary for receipt of payment on death of the member within all state retirement systems.

STATUS: Having been passed by the Senate and the House of Representatives, S. 658 was ratified by the General Assembly on May 13, 2021 (R. 76) and the Governor signed the bill into law on May 17 (Act 62).

Salaries of State Constitutional Officers

H. 3786 (Act 76) provides for the salaries of the **state constitutional officers**, with the exception of the Governor and the Lieutenant Governor, to be based on recommendations of the Agency Head Salary Commission. In order to make salary recommendations for the Secretary of State, State Treasurer, Attorney General, Comptroller General, State Superintendent of Education, Adjutant General, and Commissioner of Agriculture, the Agency Head Salary Commission is charged with conducting a study every four years to determine a salary range for each of these state constitutional officers based on job duties and responsibilities as well as the pay of state constitutional officers in other states.

STATUS: Having been passed by the House of Representatives and the Senate, H. 3786 was ratified by the General Assembly on May 13, 2021 (R. 92) and was signed into law by the Governor on May 17 (Act 76).

Major Issues 2021

Electronic Notary Public Act

S. 631, the "**South Carolina Electronic Notary Public Act**" sets out procedures and training requirements for the electronic notarization of legal documents by qualified, licensed electronic notaries.

STATUS: Having passed the General Assembly, S. 631 was ratified on May 18, 2021 (R. 104) and was signed into law by the Governor on May 18, 2021 (Act 85).

State Aviation Fund

S. 675 (Act 86) relates to the **State Aviation Fund**. The legislation revises the distribution of revenue from aircraft property taxes so that all of this revenue is credited to the State Aviation Fund. The legislation provides that these revenues credited to the State Aviation Fund shall be used, in part, to aid counties within the State that do not have an airport facility in obtaining or developing an airport facility through the South Carolina Aeronautics Commission.

STATUS: Having passed the Senate and the House of Representatives, S. 675 was ratified by the General Assembly on May 18, 2021 (R. 105) and the Governor signed the bill into law on May 18 (Act 86).

INDEX

(this is a concordance style simple index)

4	Act 22, 33
4k, 5, 21	Act 23, 33
	Act 24, 27
	Act 25, 10, 44
	Act 26, 4, 19
	Act 27, 7, 30
	Act 28, 27
	Act 29, 4, 20
	Act 32, 4, 15
	Act 34, 38
	Act 35, 20
	Act 37, 7, 29
	Act 38, 8, 32
	Act 40, 35
	Act 41, 37
	Act 42, 43
	Act 43, 13
	Act 44, 16
	Act 45, 18
	Act 46, 7, 28
	Act 47, 2, 12
	Act 48, 33
abandoned vessels, 9, 37	
Act 02, 2, 11	
Act 03, 3, 15	
Act 05, 8, 32	
Act 08, 3, 16	
Act 01, 14	
Act 101, 16	
Act 103, 2, 12	
Act 11, 8, 32	
Act 116, 34, 35	
Act 12, 36	
Act 15, 36	
Act 16, 36	
Act 17, 2, 13	
Act 18, 10, 40	
Act 20, 15	

Major Issues 2021

Act 51, 33, 34
Act 52, 9, 43
Act 53, 10, 39
Act 55, 34
Act 56, 10, 40
Act 57, 36
Act 59, 10, 44
Act 60, 38
Act 61, 10, 40
Act 62, 9, 44
Act 63, 10, 40
Act 64, 8, 31
Act 65, 38
Act 66, 14
Act 67, 36, 37
Act 68, 10, 39
Act 69, 10, 41
Act 70, 7, 29
Act 71, 34
Act 72, 37
Act 74, 43
Act 75, 35
Act 76, 9, 44
Act 77, 37
Act 79, 10, 41
Act 80, 3, 30
Act 83, 10, 39
Act 84, 3, 28
Act 85, 45
Act 86, 9, 45
Act 89, 8, 31
Act 90, 10, 41
Act 91, 35
Act 94, 4, 20
Act 95, 4, 20
Act 99, 12

advanced practice registered nurses and physician assistants, 2, 34
African American, 4
appropriation bill, 4, 20
appropriations committees
 repal of joint meetings, 43
arts grants, 23
Attorney General, 7, 25
aviation fund, 45

b

Base Student Cost, 5, 21
beach access and public parking, 8, 31
beach preservation policy, 9, 37
bear, 8, 35
blue catfish (*ictalurus furcatus*), 8, 35

brewery, winery, and micro-distillery on-premises alcohol sales, 8, 38
budget totals, 4, 20

C

capital improvements in school districts, 5, 21
capital needs
 colleges and universities, 5, 22
Capital Reserve Fund, 4, 20
catalytic converter theft, 30
charter school
 addressing funding short falls, 16
charter schools, 4, 5, 15, 22
child abuse response protocol act, 3, 27
children's hospital infrastructure fund, 24
classification and compensation reform, 26
Clemson University PSA, 23
cobia, 9, 36
college transition program scholarships for individuals with disabilities, 22
commercial motor vehicles, 7, 29
conservation bank, 26
constitutional officers
 salary of, 44
constitutional reserve accounts
 CRF and GRF, 4, 21, 26
contingent beneficiaries, 44
county libraries, 26
COVID-19, 11
COVID-19 liability immunity act, 2, 12
COVID-19 vaccination
 viz. facemasks, 5, 22

d

Department Of Commerce, 6, 23
Department Of Corrections, 7, 25
Department Of Juvenile Justice, 7, 25
Department Of Natural Resources, 7, 25
Department Of Public Safety, 7, 25
disaster relief and resilience reserve fund, 6, 21
docket backlog, 7, 25
DOT (department of transportation), 7, 26
drug court expansion, 25
drug court expansion., 7

e

Education Improvement Act, 21
education lottery funds, 5, 22
Election Commission, 3, 26
election law and policy, 3, 26
electric vehicles, 28

Major Issues 2021

electronic notary public act, 9, 45
Equine Industry Support Measures, 8, 34
Exceptional Needs. see tax credits for

f

federal tax records
 background checks, 44
FEMA match, 4, 27
Fetal Heartbeat And Protection From Abortion Act, 2, 14
Film Commission, 23
fire, regulation of
 Forestry Commission, 9, 37
firefighter cancer health insurance benefit plan, 6, 25
firefighting equipment, 6, 25
First Steps, 5, 21
flounder catch limit, 8, 35

g

game fish devices, 9
GED incentive program, 22
General Fund Revenue
 recurring, 4, 20
General Reserve Fund, 4, 21, 26
graduate nurses, 2, 33

h

H. 3011, 8, 31
H. 3017, 4, 19
H. 3024, 9, 38
H. 3071, 8, 34
H. 3094, 2, 14
H. 3101, 7, 30
H. 3179, 33
H. 3194, 10, 41
H. 3222, 9, 36
H. 3354, 10, 39
H. 3482, 10, 41
H. 3501, 8, 32
H. 3505, 7, 29
H. 3539, 8, 34
H. 3541, 9, 37
H. 3548, 9, 36
H. 3549, 36
H. 3567, 27
H. 3589, 15
H. 3605, 43
H. 3608, 3, 16
H. 3609, 3, 15
H. 3610, 16
H. 3664, 10, 44
H. 3684, 9, 36

H. 3689, 7, 29
H. 3694, 8, 35
H. 3707, 2, 11
H. 3726, 10, 40
H. 3770, 2, 13
H. 3786, 9, 44
H. 3805, 8, 32
H. 3865, 9, 37
H. 3899, 10, 41
H. 3925, 4, 16
H. 3957, 8, 35
H. 3991, 3, 30
H. 4100, 4, 20
H. 4101, 4, 20
hard card license
 dnr, 36
health and dental insurance plans, state employees, 5, 21
hogs, feral (swine), 34
horse, 8

i

income taxes
 pass-throughs, 40
indigent defense, 7, 26
infrastructure maintenance fee, 7, 29
in-person classroom instruction, 3, 18
in-state tuition and mandatory fees
 freezing of, 5, 22
intermodal container transfer facility and waterborne
 cargo infrastructure, 6, 23
interscholastic activities, homeschool, 4, 16

j

Judicial Department, 7, 25

l

law enforcement and correctional officers
 salary step increases, 7, 25
law enforcement officers, PTSD treatment, 7
Law Enforcement Training Council, 7, 25
Life, Hope, And Palmetto Fellows, 5, 22
local government fund, 4, 26
locate sc, 6, 23
Lottery Tuition Assistance Program, 22

m

mask mandate prohibition, 5, 21
mobile barbershops, 9, 38
mobile health units coordination project, 24

Major Issues 2021

	n	S. 241, 4, 20
		S. 242, 8, 32
naloxone, 8		S. 304, 7, 28
naloxone, opioid treatment, 33		S. 36, 8
need-based grants, 22		S. 38, 19
nongame fishing devices, 9, 36		S. 40, 31
nonrecurring funds, 4, 20		S. 421, 2, 12
		S. 425, 3, 28
	o	S. 436, 10, 39
Office Of Resilience, 6, 27		S. 455, 2, 33
Open Carry With Training Act, 2, 7, 14, 25		S. 461, 9, 43
		S. 463, 10, 39
		S. 468, 2, 12
	p	S. 503, 2, 34
Performance Accountability Act, 43		S. 527, 10, 40
pigs. see hogs		S. 545, 9, 36
property		S. 571, 8, 33
taxes on regarding marital status, 40		S. 607, 4, 15
prosecution coordination commission, 7, 25		S. 609, 10, 44
PTSD treatment for law enforcement officers., 25		S. 619, 38
		S. 627, 10, 40
		S. 631, 9, 45
	q	S. 658, 9, 44
qualified residential treatment program, 3, 27		S. 667, 38
		S. 675, 9, 45
		S. 677, 10, 40
	r	S. 685, 20
REACH Act, 19		S. 704, 18
Ready Sc Program, 23		sales and use tax
real estate commission licensure, 44		buy-down arrangements under, 40
Reinforcing College Education On America's Constitutional Heritage Act, 4, 19		salvage vehicles, 7, 30
renal drug manufacturer, 8, 33		Santee Cooper reform, 41
rental assistance program		SC State PSA, 23
emergency, 13		Sc Wins, 6, 23
retirement system, 5, 21		Sc Workforce Industry Needs Scholarships, 6, 23
revitalization incentives, 39		school resource officer, 22
rural and primary healthcare, 24		schools of innovation, 15
rural infrastructure authority, 6, 24		sickle cell disease, 6, 24
		SLED (state law enforcement division), 7, 25
		slower traffic move right bill, 8, 31
		solar energy panels
	S	exemption for, 39
S. 01, 2, 14		state capitol grounds boundaries, 9, 43
S. 036, 35		State Ports Authority, 6, 23
S. 038, 4		state water plan, 7, 25
S. 040, 8		Student Identification Card Suicide Prevention Act, 4, 18
S. 107, 9, 37		<i>suidae</i> (pig), 34
S. 131, 9, 43		surgically implanted drug delivery systems, 8, 33
S. 147, 2, 12		swine. see hog
S. 200, 2, 13		
S. 201, 16		t
S. 229, 3, 27		takeover
S. 231, 4, 18		of schools, 16

Major Issues 2021

tax credit
 geothermal machinery, 39
tax credits
 community development, 39
 re. partnerships, 40
teacher salaries, 5, 21
teacher step salary increases, 15
technical colleges, 6, 22
thirty-one day supply limitation, 33
title washing, 7
tourism, 6, 23
tuition mitigation initiative
 higher education, 5, 22
Tuition Prepayment Program unfunded liability, 6, 26

U

underperforming schools and districts, 16

unemployment security
 extended, 12
unemployment security benefit
 wavier, 12

V

vehicle titling, 7, 29
veterans' nursing homes, 24
vulnerable adults
 protection from financial exploitation, 28

W

waste tire processing facility, 9, 36
water and sewer regionalization fund, 6, 24

8/21/2021 4:10:11 PM

This report is a guide to, not a substitute for, the full text of the legislation summarized. Bill summaries in this document are prepared by staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

Sources for this document are the *House Journal* for the 124th Session, 2021-2022, South Carolina General Assembly and committee staff materials. In the interests of accuracy, the editors express appreciation to the staff of various offices including Education and Public Works for the liberal use of their material -- especially for this edition.

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