

South Carolina Firefighters' Association

January 24-28, 2022

(underlined items are links to source documents)

The South Carolina General Assembly opened the 2nd regular session of the 124th South Carolina General Assembly which convened on Tuesday, January 11, 2022.

The FY 2022-23 Executive Budget highlights:

Governor's Executive Budget recommendations - [Governor's Executive Budget](#)

- \$1,000,000 in recurring dollars for the State Fire Marshal at LLR to maintain the team or its cache of equipment.
- \$5,000,000 in non-recurring dollars for the Urban Search and Rescue (USAR) funding at LLR. The (USAR) Task Force 1 has more than 15,000 pieces of equipment, with an estimated value of over \$5 million. This investment will support proper maintenance of current equipment and support the replacement of aged, worn, damaged and obsolete equipment in the future. *This request is in lieu of a recurring operating request above for the same program. If the recurring request (Agency's first preference) is funded, this nonrecurring request shall be removed and need not be funded.*
- \$280,000 was funded for local fire department grants. The Executive Budget recommends adding a proviso (81.16) creating a grants committee at the Department of Labor, Licensing and Regulation, setting criteria for grant awards, and requiring external evaluation of grantees.
- \$2,800,000 in nonrecurring funds are recommended for technology upgrades in LLR Board meeting spaces along with IT security and physical infrastructure upgrades.
- \$850,000 in non-recurring dollars for Emergency Medical Technicians (EMT) tuition assistance at LLR. This targeted investment will allow the South Carolina Fire Academy to offer tuition-free basic EMT courses for the next two years. The South Carolina Fire Academy is the only training entity in South Carolina that is certified by DHEC to teach Basic EMT in all 46 counties. The academy teaches courses on campus and through its regional delivery system and currently has the least expensive tuition for EMT training and the highest pass rate on the National Registry of EMTs exam. This targeted investment will support the training of 850 EMTs over the next two years.
- \$17 million in non-recurring for the Emergency Response Task Force at LLR to aid local fire departments in the event of a fire, technical rescue situation, flood or other weather event that overwhelms the capacity of the local response. This investment will support the task force's five regional collapse search and rescue teams located in Myrtle Beach, Charleston, Beaufort, Columbia and Greenville. These regional teams are hosted by local fire departments and do not currently receive dedicated funding from the state to maintain their response teams or equipment, most of which was purchased with initial funding from U.S. Department of Homeland Security grants following the events of September 11, 2001. These regional teams are critical to the state's ability to respond to large scale emergencies and updating and responsibly replacing equipment will ensure the effectiveness of the state's ability to respond to regional and statewide emergencies. The USAR Task Force at LLR to assist serving as a statewide leader in minimizing fire loss and death, providing comprehensive and safe training for South Carolina's fire and emergency services, and responding to state emergencies and disaster-related events.
- \$2,750,000 is provided to convert two apparatus bays into additional classroom and bunk space, a kitchen and bathrooms which will house another recruit school to meet the demand for both firefighter and EMT training classes.

- \$10,717,000 is recommended to eliminate all state income taxes on the retirement pay of career law enforcement officers, firefighters and peace officers;
- \$177,000,000 is recommended to reduce the 7% income tax rate 1% over five years for all personal income tax brackets.
- Return to Work Proviso - The Executive Budget recommends adding this proviso (108.16) to retain experienced Law Enforcement Officers and First Responders by exempting the earnings limitation imposed pursuant Section 9-11-90 of the 1976 Code for retired members of the Police Officers Retirement System who retired before December 31, 2020 and returns to covered employment to enhance the state's efforts to provide quality public safety. The Executive Budget recommends adding
- Return to Work Proviso - COVID-19 - The Executive Budget recommends that the earnings limitation does not apply to retired SCRS or PORS members who return to covered employment to participate in the state's public health preparedness and response to COVID-19.
- The Executive Budget enacts a date-certain transition away from defined benefit pension plans to defined contribution retirement plans for new state employees. This budget includes proviso language which will close enrollment in the South Carolina Retirement System (SCRS) to new members. A person who otherwise would have been required or eligible to become a member of SCRS and employed by the state after December 31, 2022, instead shall join the State Optional Retirement Program (State ORP) administered by the South Carolina Public Employee Benefit Authority (PEBA). This proviso does not impact PORS.

[House of Representatives](#)

*The House of Representatives Ways and Means Committee is currently working on its recommendations for the Appropriations Bill. [House Ways and Means Budget Calendar](#)
[Ways and Means Committee Budget Assignments](#)*

Labor, Licensing and Regulatory (LLR) presented its budget request to the [Transportation and Regulatory subcommittee](#) (video of meeting - LLR at minute 42.50). The subcommittee will continue its budget work over the next few weeks. The subcommittee will be reviewing the all proviso requests on Tuesday, January 25, 2022, 1.5 hours after the House of Representatives adjourns.

[H.3126](#) — Unlawful Federal Mask or Vaccine Mandate. Under the provisions of this bill, it is unlawful for this State, or any political subdivision thereof, to accept any federal funds to enforce an unlawful federal vaccine mandate. This legislation was referred to the House Ways and Means Committee and taken up for discussion on December 9 and passed out of the committee with amendment and sent onto the floor of the House. The House agreed on a compromise amendment which now imposes the following conditions: Provides that any political subdivision, including a school district, may not enact a COVID-19 vaccine mandate for any employee, independent contractor, non-employee vendor, first responder, or student, as a condition of employment or attendance; If a private employer terminates or suspends an individual because they do not receive a COVID-19 vaccination, that individual is eligible for unemployment benefits. The General Assembly holds that a federal vaccine mandate is unconstitutional and shall not be enforced by this State; however, if a private employer believes it is subject to the forfeiture of federal funds due to a failure to require employees to receive a COVID-19 vaccination, the private employer may require an unvaccinated employee to undergo weekly COVID-19 testing. DHEC (\$10 million) and MUSC (\$10 million) will fund COVID-19 testing from the Contingency Reserve for private employers and shall partner with private employers to provide COVID-19 testing; and A religious exemption or medical exemption must be honored in regard to any COVID-19 vaccine requirement. The Act would take effect upon approval

by the Governor and the provisions of the Act are repealed on December 31, 2022, unless reauthorized. *The bill was passed by the House of Representatives with a vote of 60 Yeas to 25 Nays and sent to the Senate and referred to the Senate Finance Committee.*

H. 3134 — Return to Work. Removes the \$10,000 earnings limitation cap for a retired employee under the State Retirement System and the Police Officers Retirement System that returns to work at an agency covered under PEBA. They must first be separated from employment in either system for a period of 12 consecutive months. *H.3134 passed out of a House Subcommittee. The bill is awaiting a Ways and Means Committee hearing.*

H. 3106 — Optional Payment of Employee Contributions by Employer. Provides that an employer, up to certain limits, may elect to pay all or a portion of required employee contributions during a fiscal year under the South Carolina Retirement System and the Police Officers Retirement System, respectively. *H.3106 passed out of a House Subcommittee. The bill is awaiting a Ways and Means Committee hearing.*

H.3193 — South Lynches Fire District. Creation and Boundaries of the South Lynches Fire District - Revises the boundaries of the South Lynches Fire District to include the area within the municipal limits of the Town of Scranton in Florence County. *The bill was passed by the House and sent to the Senate where the bill was referred to the Senate Committee on Judiciary.*

H.3466 — Reimbursement of Training Costs. Provides procedures through which a fire department that assumes the cost of training a firefighter may be reimbursed for these costs by other fire departments that subsequently hire the firefighter within a certain period of time. *The bill passed the House and was sent to the Senate where it was amended by a subcommittee of the Senate LCI Committee. The amendment defines an employer, expands the program to emergency medical technicians, identifies specific training as reimbursable, and stipulates the timeframe in which training costs can be reimbursed (first two years of employment). The full committee further amended the bill by capping the amount (\$1,000) volunteer fire departments are required to reimburse. H.3466 was reported out favorably with amendments by Senate LCI and sent to the Senate floor where it is up for second reading. Senator Senn has her name on the bill.*

H. 3939 similar (S.94) — Workers Compensation - H.3939, as originally introduced, would exempt law enforcement officers from having to establish by a preponderance of the evidence that stress, mental injury, or mental illness arising out of or in the course of employment when the officer is directly involved in, or subject to, the use of deadly force in the line of duty stems from conditions that are extraordinary or unusual relative to the normal conditions of employment for purposes of collecting workers' compensation. An SCSFA legislative agent testified during the Judiciary subcommittee hearing on H.3939. He stressed that the Senate workers compensation bill included both fire and law enforcement. The House Judiciary Committee amended the bill. The new bill language would do the following: Exempt first responders from having to establish by a preponderance of the evidence that stress, mental injury, or mental illness diagnosed **as an anxiety disorder, conduct disorder, depression, obsessive-compulsive disorder, sleep-wake disorder,** or post-traumatic stress disorder as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association and arises from the first responder's involvement in a significant traumatic experience or situation in the course and scope of his employment stems from conditions that are extraordinary or unusual relative to the normal conditions of employment for purposes of collecting workers' compensation. Define "first responders" as law enforcement officers and firefighters, including volunteers. Define "significant traumatic experience" to mean one of 11 defined events such as witnessing a deceased minor or the death of a minor; witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department; participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department; manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department; seeing for oneself a decedent whose death involved

grievous bodily harm; witnessing a death, including suicide, that involved grievous bodily harm; witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing (killing three or more individuals in a single incident), voluntary manslaughter, involuntary manslaughter, and self-defense; witnessing an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured with grievous bodily harm; participating in the physical treatment of an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured with grievous bodily harm; manually transporting a person who was injured, including by attempted suicide, and subsequently died before or upon arrival at a hospital emergency department if the person was injured with grievous bodily harm; or using deadly force or being subjected to deadly force in the course of the employment. Define “grievous bodily harm” as serious bodily injury including fractured or dislocated bones, deep cuts, torn members of the body, serious damages to internal organs, and other severe bodily injuries. *H.3939 was passed out of the House and sent to the Senate and referred to Senate Judiciary.*

H.4060 — Building Code Adoption Procedures. This bill makes revisions to the building code adoption procedures to provide that the South Carolina Building Codes Council also is authorized to deny the residential building codes within a certain time frame; the council also may deny the study committee's report of recommendations under certain circumstances; and, the council must provide a preliminary fiscal impact statement. *H.4060 was reported out favorably with an amendment from the House Labor, Commerce and Industry Committee. The amendment states: “For the residential building codes, the effective date shall be no earlier than five years but no later than six years from the date of the previously adopted South Carolina Building Codes, and for Commercial Building Codes referenced in section 6-9-50, the effective date shall be no earlier than two years but no later than three years of the previously adopted South Carolina Building Codes; however, the process may begin sooner”. The bill passed the House and was sent to the Senate where it was referred to the Senate Committee on Labor, Commerce and Industry (LCI).*

Senate Weekly Meetings

S.94 — Workers Compensation. Eliminates the requirement that emergency responders establish that “extraordinary and unusual” conditions occurred in order for PTSD to be covered as a compensable workers’ compensation injury for emergency responders. Under South Carolina workers’ compensation insurance program, a worker who has suffered job-related injuries is supposed to be able to obtain payments to cover all medical expenses and long-term benefits for a permanent disability, as well as a portion of lost earnings. However, South Carolina’s current workers’ compensation law says that for stress, mental injuries and mental illness suffered due to job conditions “unaccompanied by physical injury” to warrant medical benefits, the conditions that caused the injury must be shown to have been “extraordinary and unusual in comparison to the normal conditions of the particular employment.”

S.94 exempts first responders from having to establish by a preponderance of the evidence that stress, mental injury, or mental illness diagnosed as post traumatic stress disorder (PTSD) arising from a “significant traumatic experience” in the course of employment stems from conditions that are extraordinary or unusual relative to the normal conditions of employment for purposes of collecting workers’ compensation. Defines “first responders” as law enforcement officers and firefighters, including volunteers. Defines “significant traumatic experience” which is outlined in the bill as eleven defined events such as Witnessing a deceased minor or the death of a minor; witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department; participating

in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department; manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department; seeing for oneself a decedent whose death involved grievous bodily harm; witnessing a death, including suicide, that involved grievous bodily harm; witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing (killing 3 or more individuals in a single incident), voluntary manslaughter, involuntary manslaughter, and self-defense; witnessing an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured with grievous bodily harm; participating in the physical treatment of an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured with grievous bodily harm; manually transporting a person who was injured, including by attempted suicide, and subsequently died before or upon arrival at a hospital emergency department if the person was injured with grievous bodily harm; or using deadly force or being subjected to deadly force in the course of the employment. Defines “grievous bodily harm” as serious bodily injury including fractured or dislocated bones, deep cuts, torn members of the body, serious damages to internal organs, and other severe bodily injuries. *The bill is on the Senate floor for debate. The bill is objected to by Senator Turner.*

S. 176 — **Establishes the "South Carolina Shared-Risk Defined Benefit Plan"**. Closes the SC Retirement System and establishes the SC Shared-Risk Defined Benefit Plan to provide employees with a defined benefit retirement plan. *Members of the Senate Finance Retirement Systems Standing Subcommittee have received testimony from the Public Employee Benefit Authority (PEBA) and others over the course of the 2021 session and have currently recessed at the call of the Chairman.*

S. 248 — Enacts the “**South Carolina Hands-Free Act**” which prohibits holding a device while driving to compose, read, or send any text-based communication, including text, email, instant message, internet data, or video. *The Senate Transportation Committee gave the bill a favorable report, as amended, and the bill is pending second reading on the Senate calendar.*

S. 401 — **Millage Exemption**. Allows the governing body of a county to suspend the limitation for millage increases for the purpose of supporting a fire protection district. *The bill was heard during the full Senate Finance Committee on March 16 where it was reported out favorably with an amendment. As originally drafted, the bill allows counties to adopt an ordinance or resolution to suspend the millage rate limitation for the purposes of supporting a fire protection district created by Chapter 19 of Title 4. The bill was amended to include fire districts created by Title 6 as well as limiting the suspension of the cap to two years after the effective date of the legislation. The bill received second reading with a 22-20 vote. This bill is up for third reading in the Senate. Senator Rice objects to the bill.*

S. 460 — **Fire Marshal**. Revises the duties of resident fire marshals, and who may exercise these duties. Deletes antiquated language and provides for technical changes. *The bill was referred to the Senate Labor, Commerce and Industry Committee.*

S. 958 — **Firefighter Cancer Awareness Month** Recognizes January 2022 as "Firefighter Cancer Awareness Month" in South Carolina. *This Senate resolution was authored by Senator Alexander and referred to Senate Medical Affairs on January 11, 2022.*