

South Carolina Firefighters' Association

May 16, 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 Sine Die resolution (S.1325) was adopted by both bodies on 5/11/22 and provides that both bodies will stand adjourned to meet in statewide session on specified matters at 12 noon on June 15 ending June 17 no later than 5pm and at 12noon on June 28 ending June 30 no later than 5pm. After these two sessions each House shall stand in recess subject to the call of the President of the Senate for the Senate and the Speaker of the House of Representatives for the House.

FY 2022-23 BUDGET HIGHLIGHTS - H.5150 - *A conference committee made up of three Senators and three Representatives has been appointed to negotiate a budget proposal to take back to both bodies. Conferees are Representatives Simrill, M. Smith and Rutherford and Senators Peeler, Alexander and Setzler.*

- [Governor's Executive Budget](#)
- [House of Representatives Budget](#) - [\(Amended House Summary Control Document\)](#)
- [Senate Budget](#)

Recurring - \$1,000,000 – Emergency Response Operations - This request is to fund the Emergency Response functions of State Fire. These funds will be used for the general operations of the Emergency Response Task Force, HART and Firefighter Mobilization and to help replace aged equipment over time. *This item was funded in the Governor's Executive Budget. The Senate recommended \$1 million in recurring.*

Non-recurring - \$5,000,000 – Emergency Response Operations - This request is in lieu of the recurring request for the same program. If the recurring request is approved, this request shall be removed and need not be funded. These funds will be used for the general operations of the Emergency Response Task Force, HART and Firefighter Mobilization and to help replace aged equipment over time. *This item was funded in the Governor's Executive Budget as well as the House of Representatives Budget recommendation. The Senate recommended \$2.5 million in non-recurring.*

Non-recurring - \$850,000 – EMT Tuition Assistance - This funding request will allow the SC Fire Academy to offer tuition-free Basic EMT courses for the next two years. *This item was fully funded in the Governor's Executive Budget as well as the House of Representatives Budget recommendation. The Senate recommended \$1 in non-recurring funds.*

Non-recurring - \$5,000,000 – Emergency Response Task Force (Regional CSAR Teams) - This request will provide the 5 regional Collapse Search and Rescue Teams located in Myrtle Beach, Charleston, Beaufort County (Hilton Head and Bluffton), Columbia and Greenville with funds (\$1 million each) to assist with equipment replacement and training costs. *This item was funded in the Governor's Executive Budget as well as the House of Representatives Budget recommendation. The Senate recommended \$1 in non-recurring funds.*

Non-recurring - \$12,000,000 – SC-TF1 Equipment Replacement - This request will allow State Fire to replace the entire cache of USAR equipment and transport vehicles for Task Force 1. *This item was funded in the Governor's Executive Budget as well as the House of Representatives Budget recommendation. The Senate recommended \$1 in non-recurring funds.*

Capital Non-recurring - \$10,000,000 – USAR Headquarters and Emergency Operations Center - This will fund the construction of a new USAR Headquarters and Command Center, which would have space to store the new SC Task Force 1 equipment while maintaining the existing cache for reserve and training. The command center would also have bunkroom bed space and bathrooms to accommodate the entire SC-TF1 team, classroom and meeting spaces and an emergency operations center, which will be used by the SC Incident Support Team for command and control during major disasters and by the Fire Academy for Incident Command training. *The House funded this item with \$1. The Senate recommended \$3 million in non-recurring funds.*

Capital Non-recurring - \$2,750,000 – Renovation of Current USAR Building for SCFA Use - This project would renovate part of the current USAR building to add additional bunk and classroom space to house another firefighter recruit school, increasing the Fire Academy's capacity to meet the demand of Firefighter Recruit classes. This project would also add bed and classroom space for the Fire Academy to launch an EMT Recruit School. *The House funded this item with \$1. The Senate recommended \$2.75 million in non-recurring funds.*

Palmetto 800 Radio - SCSFA is joining other Pal800 statewide radio system users to request funding be re-established to the FY07-08 level of \$5,000,000. In order to reach the FY07-08 level, it will take a \$3,761,753 infusion. This radio system is heavily used by first responders in executing duties, especially when responding to man-made and natural disasters. A statewide system allows state and local agencies to communicate wherever they are deployed throughout the state. *The House funded this item with \$1. The Senate recommended \$2 million non-recurring funds in Proviso 118.19 - Section 64(c)*

81.13. (LLR: First Responder PTSD Treatment) Currently LLR distributes \$250,000 to the South Carolina Firefighter Assistance Support Team (FAST) to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through worker's compensation claims and/or other insurance and can be utilized to provide services through the South Carolina Firefighter Assistance Support Team. **Request is for an additional \$125,000** due to the increased use of the FAST PTSD program. Funds will be used to offset a projected premium increase in the firefighter/EMS program and to fund additional prevention initiatives. Current premium is \$140,000 covering 17,000 firefighters, 4,000 EMS and 1,000 dispatchers. *The House did not fund this item. The Senate recommended \$125,000 recurring.*

Non-recurring - \$3,000,000 - VSAFE - S.460 which has been ratified and awaiting Gubernatorial action has language that *allows the State Fire Marshal to retain funds to administer the VSAFE program; eliminates the current \$30,000 cap for funds received by eligible fire departments; makes the funding an equal amount to each eligible fire department; and, distributes funds annually rather than every three years. The House recommended \$3 million for VSAFE. With the additional funding recommended by the House for FY 22-23, the estimated amount each eligible fire department could receive is approximately \$12,300 annually which is subject to change based on funding and departments participating. If no additional funding is received, each department will receive an estimated \$5,080.*

Non-recurring Items: There are several local fire service related items funded by both bodies in their respective budget recommendations. Most of these items can be found in proviso 118.19 of each version. [Amended House Budget](#) and the [Senate Budget](#)

INCOME TAX

Governor's Executive Budget - Income Tax - (\$10,717,000) is recommended to eliminate all state income taxes on the retirement pay of career law enforcement officers, firefighters and peace officers; Funded in the Governor's Executive Budget. *This item was funded in the Governor's Executive Budget. Not funded in the House Budget or Senate Budget.*

Governor's Executive Budget - Income Tax - (\$177,474,000) Reduce the 7% income tax rate 1% over five years for all personal income tax brackets. *Funded in the Governor's Executive Budget. Both the House and Senate have Income Tax reduction plans.*

S. 1087 - Tax Exemptions - This bill, titled the "Comprehensive Tax Cut Act of 2022," originally This bill adjusts tax brackets to allow for a **reduction in individual income taxes**, including the reduction of the top marginal rate of 7 percent to 5.7 percent. The legislation allows for all of an individual's military retirement income to be deducted from South Carolina income taxes regardless of the taxpayer's age. The legislation increases the tax exemption for manufacturing property from 14.2857 percent to 42.8571 percent of the property tax value of manufacturing property assessed for property tax purposes. From the Contingency Reserve Fund, there is appropriated one billion dollars to a newly-created Taxpayer Rebate Fund which must be used by the Department of Revenue to provide a one-time rebate for taxpayers that filed a return for tax year 2021. Each return filed for 2021 shall receive a rebate equal to the amount of tax liability on the return, except that if a return has one hundred dollars or less of liability, the rebate shall equal one hundred dollars, and if a return has seven hundred dollars or more of liability, the rebate shall equal seven hundred dollars. However, if the department determines that sufficient funds will exist to increase the maximum rebate of seven hundred dollars, the department shall increase the maximum so that all returns with a tax liability over the increased maximum receive the same rebate. *The Senate gave S. 1087 second and third readings and sent the bill to the House where it was referred to House Ways and Means. The bill was passed out of Ways and Means favorably with amendment. The amendment reduces the top marginal income tax rate in SC to 6.5% with a phase-in until 6% is reached. The House returned the bill to the Senate where the Senate non-concurred in the House amendment. The House insisted on its amended version; therefore, the bill is now in a conference committee. Conferees are: Rep(s) Simrill, GM Smith and Rutherford - Sen(s) Peeler, Alexander and Setzler.*

Return to Work

- **Return to Work Proviso 108.16** - The Executive Budget recommends adding this proviso (108.16) to retain experienced Law Enforcement Officers and First Responders by eliminating 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 June 1, 2022 and returns to covered employment to enhance the state's efforts to provide quality public safety. *This item was included in the Governor's Executive Budget. This specific proviso is not in the House or Senate versions.*
- **Return to Work Proviso 108.12** - 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. *This item was included in the Governor's Executive budget, and the House of Representatives and the Senate budget recommendations.*
- **Return to Work Proviso 108.15** - A proviso was added to the House version of the budget bill whereby it removes the earnings limitation and requires workers in both systems to be separated from work for a period of at least 12 months. *This proviso is in the House and Senate recommended budgets.*

House of Representatives Meeting Schedule

H. 3106 — PORS and SCRS Employee and Employer Contribution Rates. The bill 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. *The bill passed the House and was sent to the Senate where it was referred to Senate*

Finance. H.3106 passed out favorably from Senate Finance and is on the Senate calendar. The bill is contested.

H.3126 — Unlawful Federal 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 where it is on the Senate floor. The Senate passed H.3126 and sent it back to the House of Representatives with amendments. The House concurred with Senate amendments. The bill was signed into law by the Governor on April 25, 2022.*

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 subcommittee and 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.3247 — Workforce Enhancement and Military Recognition Rep. G. M. Smith - As originally introduced, this bill revised provisions relating to the military retirement income deduction, so as to phase in the removal of certain limits. An amendment was offered in subcommittee to eliminate the phase-in and the cap which was agreed to by both the House and Senate. *The bill was signed into law by the Governor on May 13, 2022.*

H.3252 — V-SAFE Program Expansion. This bill makes revisions to V-SAFE Program provisions so as to change the definition of fire departments (must be a chartered fire department) and the projects on which grant funds may be expended (equipment, vehicles, training and allows uncapped amount to be used for building improvements, renovations, etc. as long as a 5% match is provided); increase small grant amounts from \$30K to \$40K (except when funds used for building improvements, renovations, etc.). The legislation revises provisions relating to insurance premium taxes, so as to direct additional funds to the V-SAFE Program. The legislation revises provisions relating to the additional depreciation reimbursement, so as to direct a percentage of such funds to the V-SAFE Program. *The bill was passed favorably as amended from the LCI Committee and sent to the House floor for second reading. Fiscal Impact of H.3252. The amendments include allowing the State Fire Marshal to retain funds to administer the program;*

eliminating the current \$30,000 cap for funds received by eligible fire departments; making the funding an equal amount to each eligible fire department; and, distributing funds annually rather than every three years. Current estimate for each eligible fire department is approximately \$22,000 annually which is subject to change based on revenues collected and departments participating. H.3252 was passed by the House and sent to the Senate where it was referred to Senate Finance. The Finance Natural Resources and Economic Development Subcommittee amended the bill to eliminate the funding mechanism and passed it out favorably.

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 and sent to the Senate floor where it is up for second reading. The bill is contested.*

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 by the House and sent to the Senate*

where it was referred to the Senate Judiciary Committee. A Judiciary subcommittee passed the bill out favorably with an amendment. The amendment makes it conform to S.94. The bill was passed out of Senate Judiciary with amendments and sent to the Senate floor. The bill is contested.

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 LCI Committee.*

H.4918 — Earnings Limitation - Return to Work - H. 4918 would raise the return to work earnings cap for those in the Police Officers Retirement System (PORS) from \$10,000 to \$50,000 for critical needs law enforcement positions as determined by the Law Enforcement Training Council. It would also allow retired workers to immediately return to work without any separation period. *A House Ways and Means subcommittee amended the bill to remove the earnings limitation and to include retired workers in the State Retirement System (SRS). However, the amendment would require workers in both systems to be separated from work for a period of at least 12 months. The bill also added language allowing members of the PORS system to return to positions determined as critical need slots by the Criminal Justice Training Council. The bill as amended was given a favorable report. The bill was passed by the House and sent to the Senate where it was referred to Senate Finance.*

Senate Weekly Meeting Schedule

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 contested.*

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 passed the bill and sent it to the House of Representatives where it was referred to the Judiciary Committee.*

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. This bill is up for third reading in the Senate. The bill is contested.*

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 and passed out of the Senate LCI Committee with amendment (language alleviating pyrotechnic safety community concerns). The bill passed the Senate and was sent to the House of Representatives and referred to House LCI. S.460 was amended by the House which included VSAFE language and received second reading. The House has recommended \$3 million non-recurring funds for the VSAFE initiative. S.460 is currently ratified and awaiting Gubernatorial action.*

S.934 - **Membership of the SC Building Codes Council** - Requires that the member who is an architect licensed in South Carolina must be selected from a list of qualified candidates submitted to the Governor by the SC Chapter of the American Institute of Architects. The bill was amended by the subcommittee to require that all members of the Building Codes Council be residents of SC. *This bill was passed by the Senate and House of Representatives and currently ratified and awaiting Gubernatorial action.*

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 adopted by the full Senate February 2, 2022.*