

*Session 125 (2023-2024) – South Carolina State Firefighters’ Association
Legislative Report
February 13, 2023*

House of Representatives

- *Speaker of the House is Murrell Smith (R – Sumter)*
- *Minority Leader is Todd Rutherford (D- Richland)*
Speaker Pro Tempore – Tommy Pope (R - York)
- *124 seats*
- *2 year terms (most recent election November 8, 2022)*

South Carolina Senate

- *President of the Senate is Thomas Alexander (R – Oconee)*
- *Minority Leader is Brad Hutto (D – Orangeburg)*
- *46 senators*
- *4 year terms (next election November 5, 2024)*

125th Session of the South Carolina General Assembly - 1st Regular Session (2023)

- *Convenes on Tuesday, January 10, 2023 (second Tuesday in January)*
- *First year of a two-year session*
- *Legislation not enacted during the 2023 session will hold its place in the legislative process and carry over to the 2024 session*
- *Crossover deadline is Thursday, April 6th (last legislative day before April 10th) for legislation to pass from one chamber to the other; after this date a 2/3 vote of the receiving chamber is required to consider a bill*
- *Statutory Sine Die date – Thursday, May 11, 2023 (second Thursday in May)*
- *Legislative Day: April 5, 2023*

[Governor’s Executive Budget](#)

Department of Labor, Licensing, and Regulation (LLR) - LLR is assigned to the Ways and Means Transportation and Regulatory Budget Subcommittee. The members of the subcommittee are: Heather Crawford, Chairman B: 212-6933 heathercrawford@schouse.gov ; Mark Willis B: 212-6882 markwillis@schouse.gov; and Craig Gagnon B: 212-6934 craiggagnon@schouse.gov Staff: Emma Hall. [The LLR budget subcommittee hearing was Thursday, January 26, 2023 in room 318 Blatt Building upon adjournment of the House.](#)[Governor’s Executive Budget Ways and Means Budget Schedule.](#) [Senate Finance Budget Schedule.](#)

LLR’s Request:

- \$3 million non-recurring dollars for the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) program, which allows chartered volunteer fire departments and chartered combination departments to apply for grants to purchase equipment and training services;

- \$1 million recurring dollars to establish a grant program for local fire departments to upgrade radio communications systems;
- \$850,000 recurring dollars to meet federal OSHA funding match requirement;
- \$280,000 non-recurring dollars for local fire department grants (non-volunteer)

State Treasurer - Aid to Subdivisions - State Treasurer is assigned to the Constitutional Budget Subcommittee. The member of the subcommittee are: Chris Murphy, Chairman B: 734-3120 chrismurphy@schouse.gov ; Micah Caskey B: 212-6959 micahcaskey@schouse.gov ; Brandon Newton B: 212-6874 brandonnewton@schouse.gov; Staff: Ryan Tooley.

- \$277 million recurring dollars to fully fund the Local Government Fund;
- \$3.9 million recurring dollars for Aid to Fire Districts for Insurance Premiums.

Return to Work

108.12 COVID-19 Return to Work Extension - (Technical) This proviso exempts retired SCRS or PORS members who return to covered employment to participate in the state's public health preparedness and response to COVID-19 from the earnings limitation. This amendment updates the fiscal year reference. [Governor's Executive Budget](#)

108.16 PORS and SCRS Return to Work - This proviso clarifies that the earnings limitation on pay does not apply in the current FY for employees who return to work after 12 consecutive months of retirement under PORS and SCRS. This amendment updates the time period for PORS employees from 12 months to a retirement date before June 1, 2023. [Governor's Executive Budget](#)

108.17 PORS Return to Work - This proviso allows PORS members who return to work after 12 consecutive months spent not working to maintain their license to perform duties but will be required to meet training and education requirements of the SC Law Enforcement Academy. The Executive Budget recommends updating the language to require the Law Enforcement Training Council to establish guidelines to recertify officers that have been inactive for a year or longer. [Governor's Executive Budget](#)

Income Tax Relief

The Governor and the General Assembly revised individual income tax provisions to lower the individual income tax rate from 7 percent bracket to 6.5 percent in tax year 2022. Further, depending upon General Fund revenue growth, the 6.5 percent rate would be reduced by an additional 0.1 percent per year beginning in tax year 2023 until the rate is lowered to 6 percent. The Governor is asking the General Assembly to lower the individual income tax rate from 6.5 to 6.4. [Governor's Executive Budget](#)

109.16 Active First Responder Tax Credit - The Executive Budget recommends adding this new proviso creating a \$2,000 income tax credit for tax year 2023 to active sworn law enforcement officers, firefighters and emergency medical technicians. [Governor's Executive Budget](#)

109.17 Tax Exemption for Police Officer and FireFighter Retirement Income - This proviso authorizes retirement income received by a qualified first responder through the Police Officers Retirement System (PORS) is exempt from individual income tax for tax year 2023. [Governor's Executive Budget](#)

House Bills of Interest

H 3033 Similar (S 0432, H 3175) (Assault and Battery of Certain Public Servants) -By Pope, Wooten, Carter, West and Lawson. Provides enhanced penalty for when a person injures a federal, state or local law enforcement officer, corrections officer, firefighter or EMS worker in the discharge of or because of their duty will be charged with Assault and Battery. Referred to [Judiciary](#)

H 3179 (Chief Jerry Williams Dedication) By Pope and Ligon. Requests the Department of Labor, Licensing and Regulation to Dedicate the Statue and Plaza of the SC Fallen Firefighter Memorial Garden, located on the grounds of the SC Fire Academy. Referred to House [Judiciary](#). [The resolution has been passed by both the House of Representatives and the Senate.](#)

H 3216 (Opioid Overdose Prevention) By Oremus and Kilmartin. Provides that every first responder station and dispatch office in the State shall maintain in their inventory an adequate supply of unexpired opioid antidote medication at all times. Referred to [Medical, Military and Municipal Affairs](#).

H 3272 (Workers' Compensation) By Pope, Gilliam, Wooten, McCravy, Lawson and Pace. Provides first responders (a law enforcement officer or firefighter employed by state or local government. A volunteer law enforcement officer or firefighter engaged by state or local government) medically diagnosed with Post-traumatic stress disorder arising from a significant traumatic experience or situation in the course of scope of employment, the first responder has an incapacity to work as determined by the treating physician and the first responder is participating in and receiving clinical care through SCLEAP or SC FAST programs may be eligible to submit a workers' compensation claim. Referred to [Labor, Commerce and Industry](#).

H 3273 (Insurance premiums) By Pope, Gilliam, Wooten, McCravy, Lawson and Chapman. Prohibits insurers from considering the work-related driving record of a first responder (a law enforcement officer or firefighter employed by state or local government. A volunteer law enforcement officer or firefighter engaged by state or local government) in determining the premium rate for the first responder's personal automobile insurance policy. Referred to [Labor, Commerce and Industry](#).

H 3345 (Statewide telecommunications system) By Johnson. Adds 911 dispatcher to definition of first responder (emergency medical services provider, a law enforcement officer, or a fire department worker directly engaged in examining, treating, or directing persons during an emergency, or a 911 professional which includes call takers and dispatchers) and redefines "firefighter" to "a fire department worker directly engaged in examining, treating, or directing persons during an emergency". Referred to [Ways and Means](#).

H 3394 (South Carolina Hands Free Act) By Taylor, West and Chapman. Creates the offense of distracted driving and provides penalties. This section does not apply to first responders while performing official duties. Referred to [Judiciary](#).

H 3413 (Law Enforcement/Fire Rescue) By Wooten and Pope. Provides that the millage rate limitation may be suspended by local governments and the millage rate may be increased to purchase equipment to improve law enforcement, fire rescue, minimum salaries for state and local law enforcement officers and other purposes. Referred to [Ways and Means](#).

H 3421 (Income Tax Exemption) By Lawson, McCravy, Chapman and Taylor. South Carolina gross income does not include wages earned by a first responder (emergency medical services provider, a law enforcement officer or employee of the United States, a state, political subdivision of a state, or the District of Columbia, who is authorized to enforce laws, a fire department worker or a 911 dispatcher directly engaged in examining, treating, or directing persons during an emergency) while performing the duties of a first responder. Referred to [Ways and Means](#).

H 3425 (Return to Work) By Pope, Thayer, Gilliam, S. Jones, Wooten, B. Newton, McCravy, Lawson, Leber and Atkinson. Allows PORS members to return to work without an earnings limitation if they work in a critical need area or they wait a 12 month period upon retirement before returning to work for a covered employer. Referred to [Ways and Means](#).

H 3463 (Firefighter Training and Employment) By Long and Magnuson. 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. Referred to [Ways and Means](#).

H 3486 (South Carolina Compassionate Care Act) By Herbkersman, Carter, Taylor, Kilmartin and Henegan. Authorizes use of cannabis for certain debilitating health issues. Traumatic events experienced by firefighters are included. Referred to [Medical, Military and Public and Municipal Affairs](#).

H 3521 (Emergency Scene Management) By Long, Lawson, Burns and Chumley. Revises the Definition to Emergency scene management and emergency services personnel definitions to include tow truck operators. Referred to [Education and Public Works](#).

H 3523 (Fallen First Responders Survivor Advocate position created) By McCravy. Creates a position within the Department of Administration to be an ombudsman for fallen law enforcement and first responders families in dealing with health insurance, benefits, etc. Referred to [Judiciary](#). [The Governor funded a position in the Executive Budget for this purpose. A total of \\$116,162 recurring dollars for the Fallen First Responders program, which provides support services to the families of fallen first responders, and \\$72,600 non-recurring dollars for program equipment.](#)

H.3605 (LLR Procedures) By Sandifer and GM Smith. Requires the Director to send information regarding investigations to the Licensee; establish information conferences; amend section relating to disciplinary action proceedings, allow a licensee to request certification of an investigation from the director and amends statute relating to prior criminal convictions of applicants to prohibit the denial of a license based solely on or in part on a prior criminal conviction. Referred to [Labor, Commerce and Industry](#). [The subcommittee passed H3605 out favorably. The bill passed the House and sent to the Senate where it was referred to Senate Labor, Commerce and Industry. H.3605 is scheduled to be discussed by the Professions & Occupations Subcommittee of the Senate Labor, Commerce and Industry Committee on February 22nd at 11:00 a.m. in room 407 of the Gressette Building.](#)

H 3607 (Building Codes) By Sandifer. This bill provides time frames for the South Carolina Building Codes Council's review, modification, and adoption process, establishing an effective date of no earlier than five years but no later than six years from the date of the previously adopted residential building codes and an effective date of no earlier than two years but no later than three years from the date of the previously adopted commercial building codes. The council may begin these processes sooner so long as notification requirements and other criteria are met. Provisions are made for the Council to modify, deny, or amend the code committee's report of recommendations with at least a two-thirds vote. All codes and reference standards referred to in the

International Residential Code remain in effect with the adopted version of the IRC. Referred to [Labor, Commerce and Industry](#).

[H. 3822](#) -- Reps. M. M. Smith and others. This bill enacts the “First Responders Protection Act” which would require an employer to pay certain injured employees on the same basis as before the injury occurred. Referred to [Labor, Commerce and Industry](#).

[H. 3832](#) -- Reps. M. M. Smith and others. This bill relates to sales tax exemptions regarding certain firefighter personal protection equipment and also relates to certain firefighting vehicles. Referred to [Ways and Means](#).

Senate Bills of Interest

[S 4](#) (Local Government Planning) By Jackson. Allows builders to hire a certified third-party inspector to perform the duties of the local inspector of buildings as they relate to that builder. Referred to [Judiciary](#).

[S 27](#) (Paid Family Leave) By Jackson and Shealy. Increases paid parental leave for state employees from six weeks to 12 weeks. Referred to [Judiciary](#).

[S 81](#) (Workers' Compensation- PTSD) By Malloy. Provides that a limitation on stress, mental injuries, and mental illness for workers’ compensation does not apply to a first responder (fire and law enforcement) diagnosed with post-traumatic stress disorder. Referred to [Judiciary](#).

[S 82](#) (Workers' Compensation- PTSD coverage for First Responders) By Malloy. Provides that a limitation on stress, mental injuries, and mental illness for workers’ compensation does not apply to a first responder (fire, law enforcement, emts and paramedics) diagnosed with post-traumatic stress disorder. Referred to [Judiciary](#).

[S 122](#) (Income Tax Deduction) By Hembree. Allows a South Carolina income tax deduction of all military retirement or first responder retirement income. Referred to Senate [Finance](#).

[S 154](#) (South Carolina Street Gang and Criminal Enterprise Prevention and Anti-Racketeering Act) By Young and Senn. Arson and other fire related offenses are included as Racketeering Activity. Referred to [Judiciary](#).

[S 157](#) (South Carolina Hands-free Act) By Young. Creates the offense of distracted driving and provides penalties. This section does not apply to first responders while performing official duties. Referred to [Transportation](#).

[S 165](#) (Apprentice Program) By Climer. Provides that Professional Boards and Commissions may not solely deny a license application based on an applicant’s prior criminal conviction unless the conviction is for a crime that directly relates to the duties and responsibilities for the specific occupation or professional license being sought. This bill also provides for licensure by Boards and Commissions for applicants who complete certain apprenticeship programs. Referred to [Labor, Commerce and Industry](#). [S 165 was reported out of LCI favorably and sent to the Senate floor.](#)

[S 203](#) (School Drills) By Fanning. Provides that each semester that all public schools, including charter schools whose instruction is not primarily delivered on line, shall conduct one fire drill, one active shooter/intruder drill and one severe weather/earthquake drill. Referred to [Education](#). [S.203 is scheduled to be discussed by the Senate Education Subcommittee Thursday, February 16, 2023 9:00 a.m. 307 Gressette Building.](#)

S 205 (Jerry Nealy Bridge) By Fanning. Requests that the Department of Transportation name the bridge along Wateree Road in Fairfield County where it crosses the Wateree Creek be named “Jerry Nealy Bridge” and erect appropriate markers at the location. Referred to [Transportation](#).

S 251 (First Responders' Workers' Compensation Coverage for PTSD) By M. Johnson, Adams and Gustafson. Provides that first responders medically diagnosed with Post-traumatic stress disorder arising from a significant traumatic experience or situation in the course of scope of employment, the first responder has an incapacity to work as determined by the treating physician and the first responder is participating in and receiving clinical care through SCLEAP or SC FAST programs may be eligible to make a workers’ compensation claim. Referred to [Judiciary](#).

S.375 (Emergency Scene Management) By Grooms, Verdin and Senn. Provides that a driver shall ensure that his vehicle is kept under control when approaching or passing a motor vehicle stopped on or near the right of way of a street or highway; to provide that a person driving a vehicle approaching a stationary vehicle displaying flashing hazard lights shall slow down, yield the right of way, and maintain a safe speed if changing lanes is unsafe; and to provide penalties. [This bill was referred to the Committee on Transportation, reported out favorably and is on the Senate Calendar.](#)

S 420 (Return to Work) By Rice. Changes the amount for SCRS and PORS members from \$10,000 not to exceed the lower of the retirement earnings test as set by the Social Security Administration, the amount for 2020 was \$18,240. After the determination of the retirement earnings test exempt amounts is issued by the Social Security Administration for the applicable calendar year, PEBA shall notify individuals subject to the earnings limitation imposed. Referred to Senate [Finance](#).