

*Session 125 (2023-2024) – South Carolina State Firefighters’ Association
Legislative Report
January 23, 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 department’s budget hearing has been scheduled for January 25, 2023. 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 is scheduled for Thursday, January 26, 2023 in room 318 Blatt Building upon adjournment of the House.](#)

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.

108.16 PORS and SCRS Return to Work Amend 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.

108.17 PORS Return to Work Amend 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.

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.

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.

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.

House Bills of Interest

H 3033 (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 Judiciary. [A meeting of the House Invitations and Memorial Resolutions Committee was on Wednesday, January 18 at 9:30am in room 503 Blatt. The resolution was passed out of Committee with a unanimous vote.](#)

H 3195 (Department of Corrections Retirees Returning to Work in Critical Needs Areas) Rep. Wooten. This bill revises the earnings limitation for a retired member of the South Carolina Retirement System upon return to covered employment to provide that this limitation does not apply to retired employees of the Department of Corrections who return to covered employment with the department and work in a critical needs area.

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) 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 earning 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.

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 LCI Business & Commerce Subcommittee will debate H.3605 Tuesday, January 24, 2023 2:30 PM in room 403 Blatt Building.](#)

Subcommittee members are: Bart T. Blackwell, Chairman, Gil Gatch, Anne J. Thayer, Joseph H. Jefferson, Jr., John Taliaferro "Jay" West, IV, Roger K. Kirby, Richard L. "Richie" Yow, Steven Wayne Long.

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.

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 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 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. Referred to Education.

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 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 of which 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.