

This year's legislative session officially ends on May 13th; however, a Sine Die resolution (H.4285) has been introduced and adopted by the House of Representatives that permits the General Assembly to continue in session after Thursday, May 13, 2021, under the terms and conditions outlined in the resolution. If the Senate adopts the resolution, the General Assembly will return on June 8th and meet up to June 10th; return again on June 21st and meet until June 23rd; and again on June 29th through June 30th to address unfinished work on the budget, conference reports, Gubernatorial vetoes, appointments and other stipulated items. The General Assembly will only meet after these dates subject to the call of the President of the Senate and the Speaker of the House.

Budget Activity

The budget has passed the House of Representatives and the Senate. The Budget goes back to the House where the budget can be amended further before sending the bill back to the Senate for concurrence or nonconcurrence. It is the expectation that the House will work on its amendment to the budget bill over the months of May and into June.

[H.4100](#) - Provides for the state government appropriations for fiscal year beginning July 1, 2021.

- **Proviso (81.13)** directs the Department of Labor, Licensing and Regulation to distribute funds 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. \$250,000 is recommended to cover these out of pocket costs along with other operating expenses. *[Proviso 81.13 and \\$250,000 \(recurring\) have been adopted by the House of Representatives and by the Senate.](#)*
- **Proviso (108.12)** directs that for Fiscal Year 2021-22, the earnings limitation does not apply to retired South Carolina Retirement System (SCRS) or the Police Officers Retirement System (PORS) members who return to covered employment to participate in the state's public health preparedness and response to COVID-19. *[This proviso was adopted by the House of Representatives and by the Senate.](#)*
- **Proviso (108.13)** deals with Optional Payment of Employee Contributions by Employer. The House Ways and Means Committee added a new proviso to allow an employer in the SCRS or PORS, by July 1, 2021, to elect to pay all or a portion of the employee contribution set in Sections 9-1-1085 and 9-11-225. Directs that an employer which chooses to exercise this option shall, in lieu of compensation deductions, pick up all or a portion of the required employee contributions and shall not reduce or offset its employees' compensation. *[This proviso was adopted by the House of Representatives and deleted by the Senate.](#)*
- **Urban Search and Rescue (US&R)** - The Committee recommends \$850,000 in one-time funding to purchase equipment for the Emergency Response Task Force. These funds will be used to purchase equipment and supplies from current state-approved contractors. The Emergency Response Task Force responds to natural and man-made disasters by providing search and rescue, medical support, damage assessment and assistance in the coordination of relief. SC-TF1 is a search and rescue team that provides a coordinated response to disasters, particularly in urban environments. Emphasizing location and extraction of victims trapped in largely populated areas, the SC-TF1 is capable of responding to state and national disasters, including floods, hurricanes, earthquakes, widespread tornadoes and man-made technology and terrorist events. In order to succeed in its stated mission, SC-TF1 should have needed equipment and supplies that are ready for deployment at a moment's notice. The Emergency Response Task Force Division recently completed a comprehensive inventory of all of its equipment. Through this inventory process, it has identified equipment that needs replacement or updating, as well as equipment that is missing to better fulfill the capabilities of the task force. This equipment includes swift water and flood rescue equipment, medical equipment, wide area search and rescue equipment and equipment that will support the incident support team

functions of the task force. If this equipment or supplies are not funded, SC-TF1's ability to respond during an emergency situation could be diminished resulting in harm to the public. *\$850,000 (nonrecurring) for equipment for the Emergency Response Task Force has been adopted by the House of Representatives and the Senate.*

- **Firefighter Cancer Health Care Benefit Plan** – The Committee recommends fully funding the Cancer Benefit Plan. The Firefighter Cancer Health Care Benefit Plan signed into law 9/28/20 by Governor McMaster is a supplemental insurance policy available to volunteer and career firefighters. The law states that upon a diagnosis of cancer, a firefighter is entitled to benefits, if a firefighter is a resident of South Carolina and has been in a South Carolina Fire Department for at least five continuous years and within ten years of the last date of active service. Upon medical diagnosis, a firefighter is reimbursed up to \$12,000 annually for any out-of-pocket medical expenses to include but not limited to; deductibles, copayments, or coinsurances costs incurred. An additional benefit of \$20,000 is provided upon a diagnosis as defined and not to exceed one benefit payment per calendar year. In the case of death, as a result of the cancer or circumstances, a \$75,000 death benefit is provided. The funding component located in the Cancer Benefit bill was removed from the bill due to uncertain revenues associated with the pandemic. The fire service requested funding for the Cancer Benefit Plan be reinstated. *The House of Representatives and the Senate both adopted the \$3.784 million (recurring) for this item.*

Legislative Activity

House of Representatives Weekly Meetings

(If a bill has not passed one of the bodies at this point, it does not meet the crossover deadline for this year)

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. Similar language was adopted in the House Budget via proviso 108.13; however, the proviso was deleted by the Senate.*

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, expanded 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 will be discussing H.3466 on Thursday, May 13 at 9am in room 308 Gressette.*

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. 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. Defines "grievous bodily harm" as seriously 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 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 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 where it is on the calendar for debate. The bill is objected to by Senator Turner.*

S. 176 — **Establishes the "South Carolina Shared-Risk Defined Benefit Plan"**. *Members of the Committee are Senator Sean Bennett, Chairman, Senator Darrell Jackson, Senator Kent Williams, Senator John Scott, Senator Tom Corbin, Senator Greg Hembree, and Senator Mike Gambrell. The subcommittee received information on March 30 and April 7 and receded at the call of the Chairman.*

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; however, is objected to by Senator Rice.*

S. 658. **Retirement Beneficiary** - The bill provides that a member of the state retirement system who is not retired may nominate a contingent beneficiary for receipt of payment on death of the member within all state retirement systems. Currently, only active contributing members may nominate a contingent beneficiary. This bill would allow those members who are not an active contributing member, but are not yet retired, to make this nomination. This bill would also make technical clean-ups and provide conforming language for the Public Employee Benefits Authority (PEBA) and the retirement and insurance programs. *S. 658 received a favorable report from the House Ways and Means Committee and is pending second reading on the House calendar.*

Senate Bills Regarding Matters Associated with the Fire Service in South Carolina

S. 94 — (PTSD) Provides that a limitation on stress, mental injuries, and mental illness for Workers' Compensation claims does not apply to a first responder diagnosed with post-traumatic stress disorder.

[S. 149](#) — Provides that current volunteer firefighters are eligible for ad valorem tax exemption on property they own.

[S. 176](#) — Establishes the "South Carolina Shared-Risk Defined Benefit Plan".

[S. 194](#) — Allows a South Carolina income tax deduction of all military retirement income and first responder retirement income.

[S. 196](#) — Revises the definition of the term "fireworks prohibited zone" to include any public beach or public beach access designated and posted by a local governing body.

[S. 234](#) — Provides that an employer, under the South Carolina Retirement System and the Police Officers Retirement System respectively, may elect to pay all or a portion of required employee contributions during a fiscal year up to certain limits.

[S. 282](#) — Provides that a limitation on stress, mental injuries, and mental illness for workers' compensation claims does not apply to a first responder diagnosed with post-traumatic stress disorder.

[S.327](#) — Provides that each semester all public schools including charter schools whose instruction is not primarily delivered online, shall conduct one fire drill, one active shooter/intruder drill and one severe weather/earthquake drill. This changes current law which allows for *at least two* of these drills per year.

[S. 328](#) — Deletes the earnings limitation relating to the amount of compensation that may be earned upon returning to covered employment under the Police Officers Retirement System.

[S. 345](#) — Directs the Department of Labor, Licensing and Regulation to promulgate certain emergency regulations to establish a mandatory, temporary standard for employers to control, prevent, and mitigate the spread of COVID-19 to and among employees and employers.

[S. 361](#) — Relates to the amount of compensation that may be earned upon returning to covered employment under the South Carolina Retirement System and the Police Officers Retirement System, respectively.

[S. 401](#) — Allows the governing body of a county to suspend the limitation for millage increases for the purpose of supporting a fire protection district.

[S. 402](#) — Provides that a limitation on stress, mental injuries, and mental illness for Workers' Compensation claims does not apply to a first responder diagnosed with post-traumatic stress disorder.

[S. 460](#) — Revises the duties of resident fire marshals, and who may exercise these duties. Deletes antiquated language and provides for technical changes.

[S. 603](#) — Amends provisions pertaining to hazardous waste cleanup by providing standards for certain cleanup, removal, remediation, and other responses.

[S. 658](#). Retirement Beneficiary - This bill provides that a member of the state retirement system who is not retired may nominate a contingent beneficiary for receipt of payment on death of the member within all state retirement systems. Currently, only active contributing members may nominate a contingent beneficiary. This bill would allow those members who are not an active contributing member, but are not yet retired, to make this nomination. This bill would also make technical clean-ups and provides conforming language for the Public Employee Benefits Authority (PEBA) and the retirement and insurance programs

House Bills Regarding Matters Associated with the Fire Service in South Carolina

[H. 3032](#) — Increases the amount that may be earned without affecting the monthly retirement allowance from \$10,000 to \$50,000 for covered employees in the South Carolina Retirement System and the South Carolina Police Officers Retirement System, respectively.

[H. 3038](#) — Provides that it is unlawful for a law enforcement officer or paramedic to inject ketamine into a criminal suspect as a means to incapacitate him.

[H. 3106](#) — 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. 3134](#) — Provides that if a participating employer in the South Carolina Retirement System or the Police Officers Retirement System, respectively, engages a certain member of the system to perform services, then the participant employer shall pay to the system the employer contribution that would be required if the member received the compensation as an active contributing member of the system.

[H. 3165](#) — Creates the "Fallen First Responder Survivor Advocate" position within the Department of Administration.

[H. 3192](#) — Establishes a presumption that a first responder, health care provider, or correctional officer contracting COVID-19 is entitled to Workers' Compensation benefits as an occupational disease.

[H.3193](#) — 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.

[H. 3252](#) — Simplifies the definition of fire departments and the projects on which grant funds may be expended in the VSAFE program.

[H. 3292](#) — Adds that assault and battery of a high and aggravated nature occurs when a person injures a federal, state, or local law enforcement officer or corrections officer, a firefighter, or an emergency medical services (EMS) worker in the discharge of or because of their official duties.

[H. 3329](#) — (Joint Resolution) Provides for an exemption for close-contact service providers who were required to close by executive order of the Governor due to the COVID-19 pandemic from license renewal fee requirements and continuing education requirements until one year after they are allowed to return to work by the Governor has lapsed.

[H. 3349](#) — Allows a South Carolina income tax deduction of all military retirement income and first responder retirement income.

[H. 3380](#) — Provides a deduction for any income attributable to a person who served as a volunteer first responder during the tax year.

[H. 3466](#) — 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.

[H. 3491](#) — Enacts the "Citizen and Taxpayer Protection Act". This bill includes enhanced penalties for assault on first responder.

[H. 3541](#) — Provides that the regulation of fires by the state forester does not apply to fires used for the preparation of food or fires used in appropriate enclosures.

[H. 3557](#) — Revises the earning limitation upon return to covered employment in the South Carolina Retirement System (SCRS) and Police Officers Retirement System (PORS). Increases the amount that may be earned without affecting the monthly retirement allowance from \$10,000 to \$65,000 for covered employment in the SCRS and PORS.

[H.3595](#) — Revises provisions of the South Carolina Retirement System and the South Carolina Police Officers Retirement System to provide that a retired member may be hired and return to employment covered by any system provided for by law, without regard to earnings, without affecting the monthly retirement allowance the member is receiving from the system if the member has not been engaged to perform services for a participating employer in any system provided for by law for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement.

[H. 3791](#) – Enacts the Police and Communities Trust (PACT) legislation. This bill includes many components for law enforcement; and provides an exemption to current law allowing that the millage rate limitation may be suspended and the millage rate may be increased to purchase equipment and make expenditures to improve response by law enforcement, fire rescue, and emergency medical services. Expenditures may include salaries and benefits.

[H. 3838](#) — Requires the Department of Health and Environmental Control to identify certified teachers, school support staff, and first responders as mission critical workers and individuals who are eligible for COVID-19 vaccination under Phase IA of the COVID-19 vaccination plan.

[H. 3939](#) — 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 during the use of deadly force in the line of duty.