



May 13, 2020

Members of the General Assembly returned to Columbia on Tuesday for an emergency session to fund the ordinary expenses of state government at current levels in the event the 2020-2021 fiscal year begins without the passage of the annual general appropriations act. While they were scheduled to meet through Thursday if necessary, they were able to wrap up most of their work on Tuesday. The Senate will meet in perfunctory session for the rest of the week. Legislation that passed or moved will be outlined in this Legislative Alert.

The General Assembly passed [H. 3411](#), a continuing resolution (CR), to keep state government operational in the case that a budget is not passed by July 1, 2020. The CR calls for funding at the same level as fiscal year 2019-2020. The resolution allows for the Department of Administration to procure professional grant management services for oversight and compliance of funds received from the federal government in response to COVID-19 and establishes the Coronavirus Relief Fund to receive all federal appropriations. The CR also prohibits Santee Cooper from entering into contracts with a duration longer than one year and creates a Santee Cooper Oversight Committee to approve contractual decisions undertaken by Santee Cooper.

The CR appropriates \$175 million from the State's FY 2018-2019 Contingency Reserve Fund to a newly created COVID-19 Response Reserve account under which the Governor may direct funds to be used for reimbursements to local government entities and hospitals for expenses related to COVID-19 response. Expenses include, but are not limited to, emergency needs for hospitals to prevent closure or violation of bond covenants, with priority given to expenses related to the participation of first responders. \$15 million of this may be used for protecting the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections.

The CR also includes a provision that suspends the employer contribution increase into both the South Carolina Retirement System and Police Officers Retirement System. The employer contribution rate for these systems will remain the same as they are in FY 2019-2020 under the continuing resolution. The General Assembly intends to pass an appropriations act this fall, and those increases could possibly go into effect in that budget.

The General Assembly also passed a "Sine Die" resolution ([S. 1194](#)) that allows them to come back into session from September 15th through September 24th for matters related to the budget, conference reports, Coronavirus response, vetoes, any legislation that has passed through one chamber by May 14th, and other specified legislative matters. Between September 24th and November 8th, the General Assembly may meet subject to the call of the President of the Senate and Speaker of the House to address any of the same matters previously outlined.

Other Bills of Interest

Absentee Ballots – [S. 635](#). After this bill, which originally dealt with motor vehicle registration, went to conference, the conferees were granted free conference powers and did a strike and insert to make this the absentee ballot processing bill. Beginning at 9:00 a.m. on the day preceding an election, S. 635 as amended allows absentee ballots to be examined to ensure they are properly signed and witnessed, and to allow the outer sealed returned-address envelope to be removed. Beginning at 9:00 a.m. on election day, the

absentee ballots may be tabulated. Results of the tabulation may not be reported until the polls closed. These provisions will sunset on December 31, 2021. It also has a provision, which sunsets on July 31, 2020, that allows anyone living in an area that has been declared to be in a state of emergency by the Governor with less than 46 days before the election to vote by absentee ballot. Both chambers adopted the bill as amended in the free conference report and this bill has been enrolled for ratification.

Ag Use Setbacks – [H. 5306](#). This bill, as amended by the House, provides that there would be no setbacks required from a newly built residence on an adjoining property of an established agricultural operation, which is subject to setbacks, for expansion of that existing agricultural operation. All other setbacks required under [§ 46-45-80](#) would still apply. H. 5306 received second reading as amended and is pending third reading on the House Calendar.

Pipeline Companies – [H. 5273](#). This bill extends the sunset of Act 205 of 2016, relating to the exemption of private, for-profit pipeline companies to the rights, powers, and privileges of telegraph and telephone companies under Article 17, Chapter 9. H. 5273 received third reading in the House and has been sent to the Senate.

Pregnancy Accommodations – [H. 3200](#). This bill enacts the “South Carolina Lactation Support Act,” which provides that employers shall provide employees with reasonable break times (paid or unpaid) to express breast milk. Further, employers would be required to make reasonable efforts to provide certain areas where employees may express breast milk; however, the employer would not be required to make structural changes to the facility in order to accommodate the employee. The bill was amended on the Senate floor in March to clarify that the bill shall not be construed as requiring an employer to build a room for the primary purpose of expressing breast milk. The bill was then given a third reading in the Senate and returned to the House as amended.

Professional Licenses – [S. 455](#). Both S. 455 and [H. 3263](#) were considered in 2019, and both would allow military members and their spouses who hold a professional license in another state to have reciprocity to practice their profession while stationed in this state. This is an SCAC policy position. The Conference Committee on S. 455 agreed on language that essentially adopts the House version. The conference report has been adopted by both bodies, and the bill has been enrolled for ratification.

Newly-Introduced Legislation

Pursuant to the Sine Die Resolution, these are bills that can be taken up when the General Assembly reconvenes in September:

Senate Bills

[S. 1200](#) – Provides that a state of emergency declared by the Governor may not last more than 15 days unless the General Assembly adopts a continuing resolution authorizing the state of emergency to remain in place for a longer period of time.

[S. 1201](#) – Expresses the sense of the General Assembly that the Governor is not authorized to declare successive states of emergency that are based upon scope of impact of the event or occurrence that was the basis for the initial state of emergency.

[S. 1203](#) – Enacts the “Emergency Order Balance of Powers” Act.

[S. 1204](#) – Provides that a qualified elector must be permitted to vote by absentee ballot if the qualified elector’s place of residence or polling place is located in an area subject to a state of emergency declared by the Governor and there are fewer than 46 days remaining until the date of the election.

[S. 1214](#) – Requests that the Governor rescind executive orders closing non-essential businesses and prohibiting gatherings of three or more people.

House Bills

[H. 5473](#) – Expresses the sense of the General Assembly that the Governor is not

authorized to declare successive states of emergency that are based upon scope of impact of the event or occurrence that was the basis for the initial state of emergency.

[H. 5474](#) – Requires all individual and group health insurance, health maintenance organizations, and the state health plan to provide coverage for the cost of telemedicine services.

[H. 5478](#) – Allows all qualified electors to vote by absentee ballot in the 2020 primary and primary runoff elections.

[H. 5482](#) – Establishes a presumption that a first responder, healthcare provider or correctional officer contracting COVID-19 is entitled to Workers' Compensation benefits as an occupational disease.

[H. 5483](#) – Allows persons who are self-quarantining or isolating in order to avoid possible exposure to a contagious, communicable, or transmissible disease during an active pandemic or epidemic in this state, or persons whose place of residence or polling place is located in an area subject to an active and lawfully declared state of emergency to be able to vote by absentee ballot.

[H. 5484](#) – Establishes the Emergency Essential Services study committee to determine which businesses and services are essential to the economic well-being or general welfare of the state and whose operation may not be restricted during a state of emergency.

[H. 5485](#) – Transfers the Governor's authority to issue proclamations of emergency to the General Assembly and establishes conditions and procedures for the General Assembly to declare a state of emergency.

[H. 5487](#) – Removes the exception that allows for a citizen's arrest.

[H. 5488](#) – Provides that a state of emergency declared by the Governor may not last more than 15 days without the passage of a joint resolution by the General Assembly expressly approving the declaration's continuation.

[H. 5490](#) – Prohibits state and local governments from ordering the closure of public beaches and public beach access points.

[H. 5491](#) – Prohibits state and local governments from ordering the closure of any business.

[H. 5492](#) – Limits the circumstances in which a citizen may arrest.

Ratifications: These are bills that have passed both chambers and sent to the Governor for approval or veto:

(R138) S. 635 – Requires the notice of general, municipal, special and primary elections state that the process of examining the return-addressed envelopes containing the absentee ballots may begin at 9:00am on the calendar day immediately preceding Election Day.

(R140) H. 3411 – Makes appropriations and provides revenues to meet the ordinary expenses of state government for the fiscal year beginning July 1, 2020, in the event the General Appropriation Act has not been enacted by that date.

(R141) H. 3967 – Details if or when a pregnant inmate may be restrained, provides for the method of restraint when restraint is permitted, and provides for other considerations for pregnant inmates. The other considerations provide that local detention facilities must not conduct invasive body cavity searches of a known pregnant inmate unless reasonable; must provide sufficient food, dietary supplements and feminine hygiene products to known pregnant inmates; must not assign known pregnant inmates to any bed more than three feet from the floor; and

must limit bodily inspections of female inmates by male officers when practical. Pursuant to this act, indigent inmates must be provided hygiene products at no cost. This act also limits a detention facility's liability if the facility is unaware that a female inmate is pregnant.

(R142) H. 3998 – Enacts the “Workforce and Senior Affordable Housing Act” and allows taxpayers who are eligible for a federal low-income housing tax credit to also claim a low-income state tax credit through approval from the South Carolina Housing and Finance Development Authority, an SCAC policy position.

