

**2008 Acts
That Affect Counties**



**South Carolina
Association of Counties**

FOREWORD

2008 ACTS THAT AFFECT COUNTIES is an annual report to the membership designed to provide county officials with a good place to begin a search for the law. This publication generally contains a brief description of those acts passed during the 2008 Session of the South Carolina General Assembly that affect county government operations. This publication is not designed to be the final word on the laws passed in the 2008 session which affect county government structure and operations. It is important to consult your county attorney when you have a question regarding the law.

2008 was the second half of the two-year 117th General Assembly. All legislation pending action when the 2008 session adjourned sine die is dead and must be reintroduced during the 2009 session of the General Assembly.

The acts in this report are generally listed in ascending order by ratification number. Each new act is entitled by its assigned act number. Underneath and to the left of the act number are two different citations: the ratification number and a Senate or House bill number. Since the act number is permanent, citing to that number is the proper reference when drafting ordinances pursuant to an act, e.g. Act No. 173 of 2008. Underneath and to the right of the act number is the effective date of the act. Please note that some ratified acts have yet to be assigned act numbers and that Joint Resolutions are not assigned Act Numbers. Act numbers can be obtained by calling SCAC staff.

The **Quick Reference to Legislation** that immediately follows lists all the legislation contained in this report by act number, ratification number, and Senate/House bill number to allow you to quickly find a piece of legislation, no matter which number you may have as a reference.

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Executive Director

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QUICK REFERENCE TO LEGISLATION

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2008 ACTS

THAT AFFECT COUNTIES

ACT NO. 173

R. 178, S. 94

EFFECTIVE DATE: FEBRUARY 4, 2008

This act amends §62-2-204, allowing a spouse to waive their rights to an elective share, homestead allowance and/or exempt property in probate estates either wholly or partially by written contract, agreement or waiver before or after marriage. The waiving party must sign the written document voluntarily after written disclosure by the other party of all financial and property obligations. Unless it provides to the contrary, a waiver of all rights in the property or estate is a waiver of all rights to elective share, homestead allowance, and exempt property. The Act applies to all waivers executed after February 4, 2008.

ACT NO. 176

R. 186, H. 3572

EFFECTIVE DATE: MAY 4, 2008

Act No. 176 adds Article 3 to Chapter 22 of Title 17 enacting the Traffic Education Program Act. Section 17-22-310 requires each solicitor to establish a traffic education program in their circuit for persons who commit traffic-related offenses that are punishable only by a fine and loss of four points or less. Although a traffic education program must be under the direct supervision and control of the solicitor; the solicitor may contract with a county or municipality to run the traffic education program. Section 17-22-320 states that a person may only be allowed in the program he has no points on his driving record and may not participate in a traffic education program more than once. Fees for the program are set forth in § 17-22-350 and require the payment of an application fee of \$140 and an additional \$140 fee to participate in the program. (\$280 total) The \$140 participation fee is to be retained by the agency administering the program. The application fee is to be transmitted to the county treasurer who shall remit 9.17% of the money for victim services. The remainder is remitted to the state treasurer for criminal justice agencies which traditionally receive an assessment from criminal fines and fees. Section 17-22-360 requires each governmental agency that administers a traffic education program to submit an annual report to the Prosecution Coordination

Commission providing the total number of participants by original traffic-related offenses, the total number of participants that successfully completed the traffic education program, the total amount of fees collected, and the total revenue remitted to the municipalities, counties, and the State Treasurer for the state's fiscal year. Section 17-22-370 requires each governmental agency that administers a traffic education program to submit to the Prosecution Coordination Commission necessary identifying information on each participant for the creation and maintenance of a list of participants in traffic education programs so that the commission can comply with the requirement that a person may not enroll in a traffic education program more than once.

ACT NO. 177

R. 184, H. 3131

EFFECTIVE DATE: FEBRUARY 7, 2008

This act amends § 56-3-2150 by allowing the Department of Motor Vehicles to issue special license plates to former members of county council and county coroners. The biennial fee for the plates is the same as the fee provided in §56-3-2020. Only one plate may be issued to the covered individual and must be issued or revalidated biennially for the regular registration and licensing period. The issued plate may be transferred to another vehicle of the same weight class owned by the same person upon application to the DMV.

ACT NO. ____

R. 192, S. 993

EFFECTIVE DATE: FEBRUARY 20, 2008

This Act is the Allendale County School District Bond - Property Tax Relief Act. The Act authorizes the Allendale County School Board to pass a resolution to put a referendum to voters to approve a local sales tax, not to exceed one percent for not longer than twenty-five years. The act is applicable only in Allendale County.

ACT NO. ____

R. 201, H. 4630

EFFECTIVE DATE: FEBRUARY 27, 2008

This joint resolution creates a new gang prevention study committee to continue the work of the gang study committee created in 2007. The committee will dissolve on or by January 31, 2010 upon issuing a report to the Governor, President Pro Tempore of the Senate, and the Speaker of the House.

ACT NO. 190

R. 202, S. 453

EFFECTIVE DATE: DECEMBER 31, 2008

Act No. 190 enacts the Financial Identity Fraud and Identity Theft Protection Act. Section 37-20-160 is added to allow a consumer to request a consumer reporting agency to put a security freeze on his consumer file. The security freeze can only be lifted at the request of the consumer. The security freeze does not apply to a governmental entity acting pursuant to a court order, warrant, subpoena, or administrative subpoena nor a local official authorized to investigate or collect delinquent amounts owed to a public entity. Section 37-20-180 requires privacy protections in the use of a person's social security number, including measures governing disposal of personal identifying information, prohibiting the use of personal identifying information on certain public documents, and allowing citizens to request expungement of social security numbers on previously recorded documents such as a mortgage. This section does not preclude the use and release of a person's social security number to do a background check or collect a debt, including a debt collected pursuant to the Setoff Debt Collection Act. It also does not preclude the use of a social security number or other personal identifying information as part of the maintenance and reporting of employment records.

Section 30-2-310 provides a uniform procedure for public bodies to dispose of computer equipment containing personal information and requires an agency that stores personal identifying information on a computer or someone doing business in this State that has a database containing personal identifying information to notify potential affected residents in the event of a computer security breach.

Under Section 30-2-330(A), a person preparing or filing a document to be recorded in the official records by the register of deeds or the clerk of court may not include an individual's social security number, driver's license, state identification, passport, checking or savings account, credit or debit card number, personal identification code, or passwords in the document, unless required by law or court order. Section 30-2-330(B) allows a consumer to request, at no charge, that such personal identifying information be redacted from an image or copy of an official record of a public document, such as a mortgage, on the register of deeds or clerk of court's public website.

Section 16-13-512(A)(1) and (3) states that any business or entity that accepts credit cards or debit cards must not print more than five digits of the credit card or debit card number and the expiration date. This does not apply to credit card or debit card numbers taken solely by handwriting or by an imprint or copy of the credit or debit card. Machines in use before January 1, 2005 have to come into compliance with this provision by December 31, 2011, while credit card machines put into use after January 1, 2005 have until December 31, 2009 to come into compliance in accordance with Section 16-13-512(D)(1) and (2).

Under the provisions of Section 1-11-490, beginning on July 1, 2009, all state agencies and political subdivisions must notify all affected individuals as soon as reasonably possible of a security breach in their database containing the individuals' personal identifying information. Notice may be given in writing, by facsimile, or by telephone.

ACT NO. 184

R. 203, S. 652

EFFECTIVE DATE: MARCH 31, 2008

This act amends § 12-37-250 by allowing a person to file an application for the Homestead Property Tax exemption with the county auditor by mail or the internet in those instances where the auditor has access to official records documenting the appropriate eligibility standard. This act applies for homestead exemption applications filed after 2007.

ACT NO. 185

R. 204, S. 668

EFFECTIVE DATE: MARCH 31, 2008

This act amends §40-11-360, exempting from the South Carolina Contractor's Licensing Act an owner constructing a farm building or storage building less than 5,000 square feet which will be used only for the holding of livestock or for storage.

ACT NO. ____

R. 209, S. 1075

EFFECTIVE DATE: APRIL 2, 2008

This legislation requires the Department of Education for this fiscal year, after fully funding the base student cost for all school districts, to use any Education Finance Act (EFA) funds unexpended to supplement the school districts that are negatively affected by the lack of revision of the 2007 Final Index of Taxpaying Ability. After the EFA funds are exhausted the Department of Education is to use the EFA reserve funds to supplement these school districts. School districts positively affected by the lack of revision of the Index of Taxpaying Ability are required to use the excess funds for nonrecurring expenditures.

ACT NO. ____

R. 210, S. 1099

EFFECTIVE DATE: APRIL 2, 2008

This act creates the Criminal Domestic Violence Study Committee. The committee, comprised of 5 Senate and 5 House members, will review and make recommendations

for changes to the state's domestic violence laws. The committee must submit a report to the General Assembly by December 31, 2008.

ACT NO. 191

R. 213, H. 3059

EFFECTIVE DATE: APRIL 2, 2008

This act amends § 16-17-725, making it unlawful for a person to misrepresent his identity to a law enforcement officer during a traffic stop or for the purpose of avoiding arrest or criminal charges.

ACT NO. 195

R. 218, H. 3789

EFFECTIVE DATE: MAY 1, 2008

Act No. 195 adds §§ 1-11-703, 1-11-705 and 1-11-707 to establish trust funds so that post employment benefits and the liabilities they create may be determined similar to the way pension fund liabilities are reported. This is to ensure compliance with the accounting standards of the Governmental Accounting Standards Board. The act specifically rejects the proposition that the provisions of the act give rise to any contract or other right of employees and retirees as to post employment benefits.

ACT NO. 189

R. 220, H. 4560

EFFECTIVE DATE: MARCH 31, 2008

This legislation adds § 56-1-2025 to allow the Governor to authorize the Department of Motor Vehicles to waive temporarily any requirements to operate a motor vehicle in this State. This temporary waiver must be for the sole purpose of facilitating the response of motor carriers providing humanitarian relief during a time of emergency officially declared by the President of the United States, the Governor of this State, or the chief executive of another state or jurisdiction.

ACT NO. ____

R. 224, H. 4830

EFFECTIVE DATE: JANUARY 1, 2009

This Joint Resolution provides that for applications filed in 2009 and 2010 the registration fee for the standard license plate issued to an automobile manufacturer for vehicles used in a benefit program for the manufacturer's employees or for testing, distribution, evaluation, and promotion, is \$726. Twenty dollars of the fee is credited to the general fund of the State and \$706 is to be remitted to the local government. This

legislation supplants § 56-3-2332 for years 2009 and 2010. That section provides that the registration fee for these plates is \$880, of which the state is to retain \$20.50 and the local government is to receive \$859.50.

ACT NO. 199

R. 225, S. 9

EFFECTIVE DATE: APRIL 16, 2008

Act No. 199 amends S. C. Code § 15-78-30(c) of the Tort Claims Act to include a court appointed representative of the State or its political subdivisions to the definition of an employee.

A second provision in the act amends S.C. Code § 20-7-110 to provide that when an attorney is appointed to be a guardian ad litem in a child abuse and neglect case, the court may not appoint legal counsel to represent the attorney guardian ad litem except in extraordinary circumstances.

ACT NO. 197

R. 227, S. 741

EFFECTIVE DATE: APRIL 15, 2008

This act amends §27-18-110 by reducing the dormancy period for unclaimed stock, bonds and other securities and interest to three years. After three years the holders of any unclaimed funds must transfer the funds to the State Treasurer's Office Unclaimed Property Office where they are held in trust until claimed by the proper owner of such funds.

ACT NO. 201

R. 234, H. 3496

EFFECTIVE DATE: FEBRUARY 10, 2009

Act 201 of 2008 is a comprehensive reform of DUI crimes and penalties. The Act authorizes increased penalties for a first and subsequent offenses and further authorizes increased penalties within an offense level based upon the level of blood alcohol concentration.

Section 56-5-2930 is amended to state that for a first offense DUI conviction the monetary fine is 400 dollars, or imprisonment for not less than 48 hours nor more than 30 days. In lieu of the 48 hour minimum sentence a court may impose 48 hours of community service. If the blood alcohol concentration (BAC) is .10 but less than .16, the fine increases to 500 dollars and imprisonment of 72 hours minimum to 30 days maximum. The minimum imprisonment may be served as 72 hours of community service. If the person's BAC is .16 or higher the fine increases to 1,000 dollars or

imprisonment of not less than 30 days nor more than 90 days. The court may impose community service of 30 days in lieu of the minimum sentence. First offense cases may be tried in magistrate's court and imprisonment or community service must be served at a time that when the convicted person is not working and does not interfere with his regular employment. A person sentenced to community service may petition the court to be allowed to perform his public service in his county of residence if he has been sentenced in a county where he does not reside.

For second offense DUI the section is amended to impose a monetary fine of not less than 2,000 dollars nor more than 5,000 may be imposed and imprisonment may be imposed for not less than 5 days nor more than 1 year. If the person's BAC is at least .10 but less than .16 that person must be punished with a fine of not less than 2,500 dollars nor more than 5,000 dollars and imprisonment for not less than 30 days nor more than 2 years. If the person's BAC is .16 or greater, that person must be punished by a fine of not less than 3,500 dollars nor more than 6,500 dollars and imprisonment of not less than 90 days nor more than 3 years. A fine imposed on any second offense conviction may not be suspended in an amount less than 1,100 dollars. There are no timing restrictions on the service of the sentence.

For third offense DUI the section is amended to impose a monetary fine of not less than 3,800 dollars nor more than 6,300 dollars and imprisonment for not less than 60 days nor more than 3 years may be imposed. If the person's BAC is .10 but less than .16, that person must be fined not less than 5,000 dollars nor more than 7,500 dollars and imprisoned for not less than 90 days nor more than 4 years. If the person's BAC is .16 or greater then the punishment must be a fine not less than 7,500 dollars nor more than 10,000 dollars and imprisonment for not less than 6 months nor more than 5 years.

The act amends §56-5-2953 regarding videotaping of the incident site and breath test site. The act requires that the required videotaping at the incident site must not begin later than the activation of the officer's blue lights, it must include any field sobriety tests administered, and include the arrest of the person and show the person being advised of his Miranda rights. The act prohibits an law enforcement officer charging a person with disobeying a police command for refusing to take a field sobriety test. The videotaping at the breath testing site must include the entire breath testing procedure with the person being advised that he is being recorded; must include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; and also include the arrested person's conduct during the required 20 minute pre-test waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period. The video recording of the incident site and breath test site are admissible in a criminal, administrative, or civil proceeding by any party to the action.

ACT NO. 205

R. 236, S. 14

EFFECTIVE DATE: MAY 14, 2008

This act amends § 17-13-770 to allow minor children to accompany a parent in the voting booth.

ACT NO. 206

R. 237, S. 71

EFFECTIVE DATE: MAY 14, 2009

This act amends §44-76-40(5) and provides an entity or individual immunity from civil liability related to the use of an automated external defibrillator if the entity or person using the device provided training in accordance with the guidelines of a national training organization by a person authorized to deliver the training course or curriculum and the training delivery was not grossly negligent. The act further amends §44-32-50 to require body piercing technicians must be at least 18 years old and possess a current Red Cross First Aid certification and Health Institute certification, or certification from a program that meets or exceeds the certification standards of the Red Cross or American Safety and Health Institute.

ACT NO. 220

R. 239, S. 1039

EFFECTIVE DATE: FEBRUARY 10, 2009

This act amends §23-31-510, by prohibiting local government ordinances that restrict a landowner from discharging a firearm on his property to protect people or property, if the property is 25 acres or more in size. The Act contains an exception in §23-31-510(2), that allows existing ordinances that contain the 25 acre exception to remain valid or otherwise enforceable.

ACT NO. ____

R. 245, H. 3279

EFFECTIVE DATE: MAY 14, 2008

This act creates a study committee to examine mass transit and human services transportation programs throughout the State, study the need to create a agency or commission to coordinate transportation issues, and to make recommendations to promote increased use of mass transit programs. The committee must submit a report to the Governor and each chamber of the General Assembly by March 13, 2010.

ACT NO. 210

R. 248, H. 3451

EFFECTIVE DATE: MAY 13, 2008

This act amends Chapter 6 of Title 30 of the SC Code related to filing and recording of documents by a County Register of Deeds and like offices. The act creates an Electronic Recording Committee composed of 7 members that will develop standards to allow filing and recording of real property documents and filing fees by electronic means. The act amends §30-6-30(a) and authorizes the recording of documents otherwise required to an original, be on paper, or other tangible medium to be recorded electronically. The act amends §30-6-30(b) and authorizes a document to be recorded with an electronic signature if a law would otherwise require as a condition of recording, that a document be signed. The act amends §30-6-30(c) and creates a system to allow for electronic signatures for notary acts and removes requirements for notary seals.

The act amends §30-6-40 by authorizing County Registers to receive, index, store, archive, transmit and to provide access to and for research and retrieval of documents and other related information by electronic means. A County Register may convert paper documents accepted into electronic means, and to convert into electronic form any documents and information recorded before the Register began to record electronic documents. Finally, the act amends §30-6-40(b)(7) by authorizing County Registers to accept electronically, fees authorized by law.

ACT NO. ____

R. 263, H. 4844

EFFECTIVE DATE: MAY 22, 2008

This Act amends Act No. 137 of 2007, the Dillon County Board of Education to enter into agreements totaling \$60 million to acquire, construct, renovate, repair, furnish, and equip school buildings and other facilities. A sales tax of up to 2%, subject to referendum approval, was allowed to be imposed to pay for the acquisitions. This legislation states that an agreement to acquire a school building cannot be entered into unless the Dillon County Board of Education projects that the revenues from the sales tax and the proceeds of any general obligation bonds and all other sources of revenue that are available to the Dillon County Board of Education are sufficient to pay the amounts owed under the agreement and all other agreements entered into pursuant to Act No. 137 of 2007.

ACT NO. 231

R. 271, S. 64

EFFECTIVE DATE: SEE BELOW

This legislation amends § 6-5-15 to rename a financial institution which may accept a deposit of funds by a local entity or the state a “qualified public depository.”

Additionally, the act authorizes a qualified public depository, when handling local or state deposits which exceed the amount of insurance coverage provided by the FDIC, to secure these funds using the dedicated method or the pooling method. The local entity or the State Treasurer may require the use of the dedicated method. Section 1, which amends § 6-5-15 is effective January 1, 2009. The remainder of the act became effective May 22, 2008.

ACT NO. 232

R. 272, S. 880

EFFECTIVE DATE: MAY 21, 2008

Act No. 232 adds Article 14 to Chapter 1 of Title 56 to enact the South Carolina Commercial Drivers License Drug Testing Act. The Act requires employers to report to the DMV any employee with a CDL who either refuses to take a drug test or fails a drug test administered pursuant to the federal regulations. The legislation also amends § 56-1-2110 to state that a person with a positive drug or alcohol test is disqualified from driving a commercial motor vehicle until the person successfully completes an alcohol or drug program.

ACT NO. 234

R. 275, H. 3853

EFFECTIVE DATE: MAY 22, 2008

This act adds Chapter 35 to Title 56 providing that a commercial diesel vehicle can idle for no more than ten minutes in a sixty minute time period, and that a passenger bus can idle for no more than fifteen minutes in a sixty minute time period. Failure to comply is a nonmoving traffic violation. All contested citations for idling are held in magistrates court. If the citation is upheld, all of the normal assessments and surcharges are applicable.

ACT NO. 241

R. 282, S. 638

EFFECTIVE DATE: MAY 27, 2008

This act adds § 6-1-160 to enact the South Carolina Public Invocation Act. The legislation allows a public body by ordinance, resolution, or policy statement, to adopt a policy of permitting a public invocation before each meeting of the public body. The Attorney General is required to defend any deliberative public body against a facial challenge to the constitutionality of this act.

ACT NO. 243

R. 284, S. 1048

EFFECTIVE DATE: MAY 27, 2008

This act provides an exception to the Sunday alcohol sales prohibition contained in § 61-4-120 to allow the sale of wine on Sunday if the grapes are grown in this State, and are harvested, fermented, bottled, and sold at the same contiguous location, all applicable licensing and taxing requirements are met by the seller, and the local governing authority of the county passes an ordinance to allow the Sunday sale of wine under these conditions.

ACT NO. ____

R. 291, H. 4735

EFFECTIVE DATE: MAY 27, 2008

This act creates the South Carolina Educational Broadband Service Commission. The Commission shall establish a competitive process to obtain proposals from commercial entities for the leasing of the excess broadcast spectrum capacity of the Educational Broadband Services licenses held by SCETV. The Commission must consider the costs and benefits to the public of all methods of service, whether wireline, wireless or satellite technologies, available to deploy broadband services throughout the state. The Commission shall terminate six month after all agreements resulting from an approved proposal are finally executed, or no later than June 30, 2010.

ACT NO. 310

R. 293, H. 4800

EFFECTIVE DATE: JULY 1, 2008

The state general appropriations act generally contains a number of temporary and permanent statutory provisions which are referred to as “provisos.” Part IA Provisos are actual monetary distributions. Temporary provisos are effective only for the fiscal year addressed in the budget act and appear in Part IB of the act, hence the label “Part I provisos” or “temporary provisos.” Many Part I provisos are adopted every year as part of the budget process with little or no changes, others are truly temporary in nature and only appear for one of two years. Permanent statutory changes contained in the budget are incorporated into the Code of Laws and appear in Part II of the budget act. The General Assembly has not placed any Part II provisos in the budget since 2000. The effective date of all Part IB provisos are for the fiscal year in which the act has been passed, in this case, Fiscal Year 2008-2009.

Part IA:

The Local Government Fund was fully funded in accordance with § 6-27-30.

State employees were given a 1% pay increase. (See Proviso 80A.47)

The following are some of the IB provisos of interest to governmental entities in this year's appropriations act (Provisos which have an * are new or amended provisos):

Proviso 1.45: This proviso suspends for FY 2008-09 the requirements of § 59-21-1030, the local maintenance of effort requirement in the Education Improvement Act.*

Proviso 26.25: This proviso directs the Department of Social Services to provide a detailed report to the General Assembly on the status of the Child Support Enforcement System.

Proviso 37.18: This proviso directs the Department of Natural Resources (DNR) to use their appropriated funds for expenses associated with continuing discussions on creating an interstate compact between SC and Georgia concerning the Savannah River basin and to develop legislation for that purpose. The Department is to concurrently ensure that the State's positions in the Federal Energy Regulatory Commission relicensing procedures on the Yadkin/Pee Dee and Catawba Rivers are consistent with the State's positions on the Savannah River. DNR is to prepare a report on the expenditure of the funds by December 31, 2008.

Proviso 40.29: This proviso sets aside \$1.5 million of the Coordinating Council for Economic Development Funds for the "County Industrial Utility Infrastructure Grant Program." A county is eligible for a grant only if the county unemployment rate is 10.0% or higher for the most recent month as published by the SC Employment Security Commission. **This proviso was vetoed and the veto was sustained.** *

Proviso 40.34: This proviso states that the funds appropriated to the Division of Aeronautics for FAA grant matching may be used to match state and local aviation airport projects whether or not they have received FAA funding.

Proviso 40.36: This proviso states that application fees received by the Department of Commerce must be deposited within 5 business days from the Coordinating Council application approval date. Current policy requires checks to be deposited within 5 days of receipt.*

Proviso 51.32: This proviso is intended to provide funding to expand the capabilities of the Department of Corrections (DOC) to more expeditiously accept and process newly-sentenced inmates who are awaiting transfer from local jails. \$1.9 million was placed in the budget to expand the R&E centers at the Kirkland and MacDougall Housing Units. This proviso provides a permanent solution to DOC not accepting its prisoners from local jails in a timely manner and it recognizes that DOC must comply with its statutory obligations.

Proviso 65.10: This proviso directs the Department of Labor, Licensing and Regulation to utilize \$100,000 to contract with Clemson University's Department of Civil Engineering and The Citadel, in conjunction with the Home Builders Association, to establish a research project to determine the validity of wind and seismic residential building requirements as prescribed in the 2006 International Residential Code. A preliminary report is to be submitted to the Building Codes Council by June 30, 2009. The proviso requires the current SC Residential Building Code to remain in place until June 30, 2009. S. 530, the budget proviso codification act, adds § 6-9-135 which states that coastal counties and municipalities may adopt by reference or otherwise the provisions in the 2006 International Residential Code (IRC) necessary to prevent properties insured by the National Flood Insurance Program (NIFP) being retrograded to a lower class for purposes of the flood insurance premium discounts allowed jurisdictions participating in the NFIP's community rating system.*

Proviso 76.14: This proviso states that if the State Treasurer receives an audit report from a county that contains a significant finding related to court fines reports to the State Treasurers Office, the requirements of proviso 89.72 shall be followed if an amount due is specified. Proviso 89.72 is the assessment audit proviso, Proviso 72.75 last year. The requirements of 89.72 are as follows:

“If the error is determined to have been made by the county or municipal treasurer's office, the State Auditor shall notify the State Office of Victim Assistance for the crime victim portion and the chief administrator of the county or municipality of the findings and, if full payment has not been made by the county or municipality within ninety days of the audit notification, the State Treasurer is directed to adjust the authority's aid to subdivisions funding in an amount equal to the amount determined by the State Auditor to be the state's portion. . .”

If an amount due is not specified, proviso 76.14 authorizes the State Treasurer to withhold 25% of all state payments to the county until the estimated deficiency has been satisfied. Additionally, the proviso states that if a county is more than 90 days delinquent in remitting monthly court fines, the State Treasurer shall withhold 25% of state funding for that county until all monthly reports are current. After 90 days, the funds being held by the Treasurer's Office will be made available to the State Auditor to conduct an audit of the entity for determining an amount due, if any. *

Proviso 79.1: This proviso states that the amount of compensation for County Registration Board Members and County Election Commissioners is \$1500 per member and may not exceed the \$12,500 per county. If the number of appointments in a county exceeds eight members, compensation shall be reduced on a prorata basis in order to adhere to the \$12,500 per county limit. The funds are exempt from mandated budget reductions.

Proviso 79.7: This proviso requires of members of the County Board of Voter Registration and County Election Commission to receive a common curriculum on the duties and responsibilities of such boards and commissions. The proviso was amended

this year to require the State Election Commission to withhold the stipend of members if they do not complete the training and certification program or fail to complete at least one training course in a year. Additionally, the proviso requires the commission to make the courses available in various locations including the upstate, coastal, and midlands areas of the state.

Proviso 80A.33: This proviso creates the Grants Review Committee for the purpose of awarding competitive community grants to counties and municipalities. The committee consists of five members appointed by the Governor, the President Pro Tempore of the Senate, the Speaker of the House, the Chairman of the Finance Committee, and the Chairman of the Ways and Means Committee. The committee is to adopt guidelines for awarding the grants which must include priorities for funding, including, DHEC orders and consent decrees, the ability to match grant funds, and focus on community festivals. The proviso requires a signature of sponsorship on each application by a member of the General Assembly who represents the county or municipality applying for the grant or the signature of the Governor. Counties and municipalities are required to report annually on the expenditure of the funds received until the funds are expended and final financial reports must be received by the committee within ninety days of the completion of the project along with a description of the results achieved in the interest of the community.

Proviso 80A.45: This proviso directs the State CIO to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 MHZ radio system. Grant funds to county and city 800 MHZ systems to purchase equipment that supports interoperability with the Palmetto 800 MHZ system requires a two-for-one match at the local level.

Proviso 80A.47 Grants state employees a 1% pay increase.*

Proviso 89.25: The standard mileage reimbursement rate is increased from 44.5 cents to 50.5 cents.*

Proviso 90.11: This proviso adds a \$5 surcharge on all misdemeanor traffic tickets and non-moving violations. The revenue from the surcharge is for the Criminal Justice Academy. All court traffic tickets now have a 107.5% assessment, a \$25 surcharge for law enforcement funding, and a \$5 surcharge for the academy.*

ACT NO. ____

R. 294, H. 4801

EFFECTIVE DATE: SEE BELOW

This legislation expends monies available in the Capital Reserve Fund for FY 07-08. The bulk of the money (\$20 million) is spent towards school bus operations. The rest is spend to fund the General Election, destination specific grants, the “LightRail” communication

grid between the research universities, and hydrogen research grants. The resolution takes effect thirty days after the completion of the 2007-2008 fiscal year.

ACT NO. ____

R. 295, H. 4876

EFFECTIVE DATE: SEE BELOW

Sections 1 and 2 of this Act standardize Cost of Living adjustments (COLA) for the state employee and police officer retirement systems. Sections 9-1-1810 (state employee retirements) and 9-11-310 (police officer retirements) are amended to reflect a 2 percent guaranteed COLA if the rate of inflation is greater than 2%. If the rate of inflation is less than 2%, the COLA would be the actual rate of inflation. A .5 percent increase in the employer's contribution would be required to fund the PORS 2 percent guaranteed COLA. These sections take effect when the State Budget and Control Board has approved an assumed annual rate of return on the investments of the assets of the two retirement systems of at least 8% and determined that the increase in retirement benefits can be provided on a sound actuarial basis as required by the constitution. The remainder of the act brings the retirement system statutes into compliance with IRS regulations. Those sections took effect on June 4, 2008.

ACT NO. ____

R. 300, S. 463

EFFECTIVE DATE: MAY 29, 2008

This joint resolution proposes two amendments to the state constitution. Sections 1 and 2 propose an amendment to allow the funds of any trust fund established by the General Assembly for the funding of post employment benefits for state employees and public school teachers may be invested and reinvested in equity securities. Sections 3 and 4 propose an amendment to allow the funds of any trust fund of a political subdivision for the funding of post-employment benefits for its employees may be invested and reinvested in equity securities.

ACT NO. 264

R. 304, S. 955

EFFECTIVE DATE: JUNE 4, 2008

This act amends §1-1-10 related to the boundaries and jurisdiction of the state in relation to the neighboring states of Georgia and North Carolina. The Act amends references to naturally occurring landmarks previously used to mark the boundaries of the state and replaces them with references to permanent markers erected to delineate such boundaries.

ACT NO. 251

R. 306, S. 1011

EFFECTIVE DATE: JUNE 4, 2008

This act creates a joint citizens and legislative committee to study issues relating to children. The committee must submit annual report to the Governor and General Assembly. The committee sunsets on December 31, 2015 unless reauthorized by the General Assembly.

ACT NO. ____

R. 313, S. 1182

EFFECTIVE DATE: JUNE 4, 2008

This resolution creates a study committee to study the feasibility and benefits of the construction, operation, and maintenance of roads, streets, highways, bridges, and tunnels using public and private partnerships and ventures.

ACT NO. 267

R. 314, S. 1221

EFFECTIVE DATE: JUNE 4, 2008

Section 1 of this act amends Article 3, Chapter 3, Title 22 of the code by deleting sections that have been provided for by the South Carolina Rules of Magistrates Court (Sections 22-3-110 to 22-3-290 are deleted.) Section 2 amends § 5-7-12(a) to authorizes a school resource officer to issue a courtesy summons to a student arrested for a misdemeanor offense. A bond hearing must be held for the student in magistrate court within twenty-four hours of the student's arrest.

ACT NO. 255

R. 320, H. 3058

EFFECTIVE DATE: JUNE 4, 2008

This legislation amends § 16-25-20 to enhance the penalty provisions for criminal domestic violence and allows a criminal domestic violence conviction in another state within the previous ten years to be considered a previous offense for purposes of determining the penalty for a subsequent conviction in this state.

ACT NO. 269

R. 321, H. 3326

EFFECTIVE DATE: JUNE 4, 2008

This act adds §23-23-120, authorizing, beginning July 1, 2007, law enforcement agencies to seek reimbursement, for costs of training, including salary, from another law enforcement agency that subsequently hires a law enforcement officer after completion of the mandatory training. The amounts subject to reimbursement is 100% of the cost of training, including any salary paid during the training period if the subsequent hiring agency hires that person within 1 year of the completion of the mandatory training. The amount of reimbursement is reduced to 50% of training cost, including salary paid during the period of training if the subsequent hiring agency hires the officer more than 1 year but less than two years from the date of completion of mandatory training. If the law enforcement officer is employed by more than one successive government entity within the two year period after the completion of the mandatory training, a government entity which reimbursed another entity for costs can seek reimbursement from the successive government entity employer for 100% of cost if within 1 year of training and 50% if 1 year but less than two years from training. A government entity, prior to seeking any other reimbursement, must first seek reimbursement from a subsequent hiring government. No officer shall be required to assume the responsibility of the repayment of these or other related costs by the employing agency. Any private agreements concerning reimbursement of training costs in existence on or before June 4, 2008 between a government entity and a law enforcement officer remains in effect. Section 23-23-120(H) prohibits promissory notes for repayment of training costs between agencies and officers after June 4, 2008.

ACT NO. 257

R. 324, H. 4065

EFFECTIVE DATE: JUNE 4, 2008

This act amends §62-1-302(d)(1) by adding the term “general” before “personal representative” relating to the jurisdiction of the probate court to hear formal proceedings for the probate of wills and the appointment of personal representatives.

ACT NO. 279

R. 326, H. 4363

EFFECTIVE DATE: OCTOBER 1, 2008

This legislation mainly involves technical clean-up language for the Office of Motor Vehicle Hearings in the Administrative Law Court and a rewrite of the statutes dealing with the denial of the issuance of a license by the Department of Motor Vehicle because a person is a habitual offender. However, two sections deal with recovered property possessed by the sheriff or the chief of police. Section 14 adds § 27-21-22 to state that

the sheriff or chief may sell recovered property not reclaimed at public auction. At least ten days prior to the sale, the property must be advertised by publication in a local newspaper of general circulation where the property will be sold. A notice by publication may contain multiple listings of property to be sold. Section 15 amends § 27-21-20 to require the sheriff or chief, upon recovering property and ascertaining ownership, to provide notice advising the owner that the property may be sold at auction pursuant to Section 27-21-22 if not reclaimed within sixty days of mailing of the notice. This notice must be sent by registered mail, return receipt requested within 15 days of recovery and knowledge of ownership. The notice must describe the property and include any identifying serial numbers if available.

ACT NO. 280

R. 327, H. 4400

EFFECTIVE DATE: JUNE 4, 2008

This act creates the South Carolina Illegal Immigration Reform Act. Chapter 14, Title 8 is added regarding unauthorized aliens and public employment. Section 8-14-20 requires all public employers to register and participate in the federal work authorization program to verify the employment authorization of all new employees by January 1, 2009. Additionally a public employer may not enter into a services contract with a business unless it agrees to verify the legal status in the US of all new hires through the Federal E-verify program or a valid South Carolina driver's license or identification card issued by the South Carolina Department of Motor Vehicle. Section 8-29-10 requires every agency or political subdivision of this State to verify the lawful presence in the United States of any alien eighteen years of age or older who has applied for state or local public benefits, or for federal public benefits, that are administered by an agency or a political subdivision.

Chapter 8 of Title 41 is added regarding illegal aliens and private employment. Section 41-8-20 requires all employers to verify the legal status in the US of all new hires through the Federal E-verify program or a valid South Carolina driver's license or identification card issued by the South Carolina Department of Motor Vehicles. Private employers with more than 100 employees must comply by July 1, 2009. All other employers must comply by July 1, 2010. The act provides that all employees in the state have an imputed employment license that is regulated by the South Carolina Department of Labor, Licensing & Regulation (LLR) in addition to any business licenses issued by local government. Failure to comply with the employment verification requirement may result in a civil penalty of up to \$1000 per violation and the revocation of any business license, including a local business license. All fines collected are retained by LLR.

Businesses that provide immigrations services must obtain a license issued by LLR in addition to local business licenses. Failure to comply may result in a civil penalty up to one thousand dollars and the revocation of all business licenses. This fine does not preempt or preclude additional civil and criminal penalties to include restitution to the

political subdivision. Additionally, if the person or entity is convicted of criminal activity in providing immigration services, they are jointly and severally liable for any loss suffered by an agency or political subdivision.

Finally, § 6-1-170 allows counties to enact ordinances or policies that exceed state law as long as they do not exceed federal law and are not in conflict with federal or state law.

ACT NO. 271

R. 329, H. 4601

EFFECTIVE DATE: JANUARY 1, 2009

This act amends §16-3-1620, and creates the Office of Victim Services Education and Certification within the Crime Victim's Ombudsman of the Office of the Governor. The office will provide oversight of training, education and certification of victim assistance programs, and approve training curricula for credit hours toward certification. The mandatory minimum training hours for initial certification of victim service providers may not exceed 15 hours, and total hours for continuing advocacy education may not exceed 12 hours annually. Section 16-3-1620(D)(4) provides that nothing in the Act shall prevent an entity or individual from seeking additional certification credits beyond the basic required hours.

ACT NO. 258

R. 331, H. 4713

EFFECTIVE DATE: JUNE 4, 2008

This act amends §25-11-80, related to requirements necessary to qualify for burial in a state veteran's cemetery. The act allows veterans honorably discharged from the armed forces to qualify for a plot in a veteran's cemetery if the veteran was a resident of the state, when they entered the armed services; when the veteran or an eligible family member died; or the veteran was a resident of the state for five years. Previously, the residency requirement was 20 years. In addition, the five year requirement may be waived if the Division of Veterans Affairs finds a compelling reason to do so.

ACT NO. 259

R. 334, H. 4921

EFFECTIVE DATE: JUNE 5, 2008

This Act amends §47-3-620 by increasing the criminal penalty for the torture, killing or injury of a police dog or horse from a misdemeanor to a felony. The Act also defines by statute that an animal for purposes of animal cruelty is any living vertebrate except a human being.

ACT NO. 260

R. 335, H. 4930

EFFECTIVE DATE: JUNE 4, 2008

This legislation enacts penalties for the theft and sale of 'nonferrous materials'. 'Nonferrous metals' are defined as metals not containing significant quantities of iron or steel, including copper wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, and stainless steel beer kegs or containers. Section 1 substantially rewrites § 16-17-680 which deals with the purchase of these metals by secondary metals recyclers. The section requires a secondary metals recycler to maintain a record containing the date of purchase, name and address of the seller, a photocopy of the seller's identification, the license plate number of the seller's motor vehicle, the seller's photograph, a description of the metals purchased, the amount paid for it, and a signed statement from the seller stating that he is the rightful owner or is entitled to sell the nonferrous metals being sold. All of these metals purchased and in the possession of a secondary metals recycler and all records required to be kept by this section must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies during regular business hours. Records must be maintained for two years. The section allows a law enforcement officer with reasonable cause to believe that any item of nonferrous metal in the possession of a secondary metals recycler has been stolen to place a 15 day hold on the processing or removal of the metal. A second 15 day hold may be issued by the officer. At the expiration of the hold period the recycler may process or remove the items. The section specifically preempts local ordinances and regulations governing the purchase or sale of nonferrous metals in any amount, except zoning or business license fees.

Section 2 of the legislation adds § 16-11-523, making it illegal to injure any real property, including any fixtures or improvements, for the purpose of obtaining nonferrous metals in any amount, and provide penalties for violations.

ACT NO. 283

R. 338, S. 88

EFFECTIVE DATE: JUNE 11, 2008

This act deals with parking violations. Sections 1,2, and 3 amend §§ 14-1-206, 14-1-207, and 14-1-208 which place additional assessments on all fines in magistrates municipal, and general sessions courts. This assessment is directed to various state criminal justice agencies. The amendment states that these assessments do not apply to parking violations. Section 4 adds § 56-5-2600 to state that a local governing authority must give an individual 30 days to pay from the date of a parking citation before increasing the amount of the fine.

ACT NO. ____

R. 339, S. 144

EFFECTIVE DATE: JUNE 11, 2008

Creates the South Carolina Sentencing Reform Commission to review, study, and recommend legislation regarding sentencing guidelines for certain offenses, the parole system, and alternative sentencing procedures.

ACT NO. 296

R. 340, S. 218

EFFECTIVE DATE: JUNE 11, 2008

This act amends several provisions of the emergency management statutes. The act amends §25-9-410 by renaming the Southern Regional Emergency Compact as the Emergency Management Assistance Compact, and extending the number of states eligible for membership. The act amends §25-1-420 by renaming the SC Emergency Preparedness Division as the Emergency Management Division, and requires the division to establish an incident management system that incorporates the principles of the National Incident Management System (NIMS) that provides for mitigation, preparedness, response to, and recovery from all manmade and natural hazards. The act further amends §25-1-440(b), which grants the Governor certain responsibility under the Comprehensive Emergency Management System. The act adds requirements that the Governor include provisions for mitigation, preparedness, response and recovery in anticipated and actual emergency situations and develop an incident management system that establishes procedures for response and recovery operations at all levels of government from the municipality, special purpose district, through the county to the state. The act also amends §25-1-430, adding that the Governor, when an emergency has been declared, is authorized to exempt from established curfew times a business and its employees that sell commodities, and direct local law enforcement to assist and accommodate these businesses/employees in ensuring the commodities are available in coping with the emergency, and that by executive order, the Governor may authorize operators of solid waste disposal facility to extend their hours of operations to ensure the health, safety and welfare of the public.

ACT NO. 284

R. 341, S. 274

EFFECTIVE DATE: JUNE 11, 2008

This act adds Article 13, to Title 24, Chapter 21 granting the Department of Probation, Pardon and Parole the authority to develop and operate day reporting centers within the state. 'Day reporting center' is defined in § 21-24-1300 as a facility providing supervision of inmates or offenders placed on supervision, which includes, but is not limited to, mandatory reporting, program participation, drug testing, community service, and any

other conditions as determined by the Department of Corrections and the Department of Probation, Parole and Pardon Services. That section also delineates which inmates or offenders are excluded from being eligible to be placed at a day reporting center due to the severity of their crimes. Section 21-24-1320 outlines some of the conditions an inmate or offender must agree in order to be eligible and § 21-24-1330 sunsets the program after 12 months unless extended by the General Assembly.

R. 341 also adds a subsection (B) to § 22-5-110 which states that a person charged with any misdemeanor offense requiring a warrant signed by non-law enforcement personnel to ensure the arrest of a person must be given a courtesy summons.

This act requires implementation upon the appropriation of sufficient funds by the General Assembly.

ACT NO. 285

R. 342, S. 472

EFFECTIVE DATE: SEE BELOW

This act amends § 56-5-2941 to require that upon a second offense of DUI a person must have an ignition interlock device installed to prevent the driving of the motor vehicle if the person has consumed alcoholic beverages. The length of time that an interlock device is required to be affixed is two years for a second offense, three years for a third offense, and the remainder of the offender's life for a four or more DUI's. Costs of these devices are to be borne by the offender. In the case of an indigent offender the cost is to be paid by the Interlock Device Fund managed by the Department of Probation, Parole and Pardon Service. This section takes effect January 1, 2009. The legislation also amends § 56-5-4440 to state that a person may not operate a vehicle where an image display device is visible to the driver while operating the vehicle. This section became effective June 11, 2008.

ACT NO. 287

R. 345, S. 951

EFFECTIVE DATE: JUNE 11, 2008

Section 1 of this act amends § 12-33-245 to hold harmless state agencies and local entities which received mini-bottle tax revenues for alcohol education, prevention and other purposes. Section 2 amends § 61-6-20 to more thoroughly define 'Bona fide engaged primarily and substantially in the preparation and serving of meals' for the purposes of the ABC Act and to amend § 61-6-1610 which sets forth requirements for selling alcohol in these establishments to define 'Kitchen', 'Meal', and 'Primarily'. Section 3 establishes penalties for failing to remit the full amount of the excise tax imposed on the gross proceeds of the sale of each drink of alcoholic liquor sold for consumption in § 12-22-245.

ACT NO. 288

R. 348, S. 980

EFFECTIVE DATE: JUNE 11, 2008

This act amends §20-7-121, by authorizing a county providing the guardian ad litem services prior to the Act creating the statewide guardian ad litem program may continue to provide such services, provided the county guardian ad litem program is a member of the National Court Appointed Special Advocate Association. The act requires a county guardian ad litem program to comply with all state and federal laws, even if compliance with state or federal laws would result in the violation of a requirement for membership in the National Court Appointed Special Advocate Association.

ACT NO. ____

R. 352, S. 1106

EFFECTIVE DATE: JUNE 12, 2008

This act adds Chapter 27 to Title 7 in an effort to codify, utilizing a statewide bill, the numerous local acts which have been used to combine county registration and election boards. The act does not make substantive changes to the existing structure in any county.

ACT NO. 302

R. 358, S. 1158

EFFECTIVE DATE: JUNE 11, 2008

This act amends §49-29-230(9) to designate portions of the Catawba River as a scenic river. The designation relates to the portions of the river located between the Lake Wylie Dam and the South Carolina Highway 9 bridge crossing of the Catawba River.

ACT NO. ____

R. 359, S. 1171

EFFECTIVE DATE: JUNE 12, 2008

This act contains numerous different tax and economic development provisions. Section 1 of the legislation amends § 12-37-900 to grant a manufacturer a property tax exemption on personal property that has not been used for one year remaining at a manufacturing facility that has not been operational for one fiscal year. The personal property will become subject to property taxes when it becomes operational or after 4 years. A Manufacturer must continue to list the property and designate on the listing that the property is exempt.

Section 2 of this act amends § 12-6-3310 to specifically authorize limited liability companies(LLC's) not organized as a legal entity which is a taxpayer, a corporation, or other form of business entity to qualify for tax credits. The section then stipulates how LLC's are to apply the credits. The legislation deletes § 12-6-3410(J)and § 12-6-3520(E) which are rendered irrelevant with the amendment qualifying LLC's for tax credits. The corporate headquarters income tax requirements in § 12-6-3410 are amended to state that the 75 jobs required to be created to receive the credit must have an average cash compensation level of more that twice the state per capita income. Previously the 75 jobs were required to have a compensation level of more than 1½ times the state per capita income and the average cash compensation of all employees in the state was required to be twice the state per capita income. Section 12-10-30 in the Enterprise Zone Act is amended to define "significant business as a qualifying business making a significant capital investment as defined in § 12-44-30(7)[an investment of at least \$150 million and 125 new jobs or a \$400 million investment.] The fee in lieu of tax provisions are amended in §§ 12-44-30(7), 4-29-67(D)(4)(a), and 4-12-30(D)(4)(a) to state that if a single sponsor enters into a financing arrangement concerning all or part of a project the investment or financing of the property by a 3rd party is considered investment by the sponsor. This section make several other changes to the fee in lieu of tax provisions, including, delineating what constitutes approval by a local governing body of the transfer of a fee agreement, authorizing aircraft to be included in a fee agreement, and authorizing a county to sell all or a portion of a business or industrial park. Finally, this section amends § 12-43-220(a) to drop the assessment ratio on manufacturing warehouse space from 10.5 percent to 6 percent, when it is used exclusively for warehousing and is separate from other areas of the plant.

Section 3 of the act adds Chapter 65 to Title 12 enacting the South Carolina Textiles Communities Revitalization Act. This act recodifies the existing Textile Communities Revitalization Act found in Chapter 32 of Title 6. The Act also substantially expands the types of industrial sites that are eligible for property or income tax credits. Previously, only an actual facility used in the manufacture of textiles was eligible for redevelopment credits. The revised Act greatly expands the definition of a facility to include "ancillary uses" meaning any facilities used to support textile manufacturing such as parking lots, employee dining facilities, distribution, administrative offices, and the like. Ancillary facilities must be located within 1,000 feet of the manufacturing facility. The act, in §12-64-40(B)(1), amends the previous act by requiring a taxpayer intending to apply to receive a credit against local property taxes to file a "Notice of Intent to Redevelop" with the local taxing entity where the site is located before incurring their first rehabilitation expenses. Failure of the taxpayer to file the notice will result in qualification of only those expenses incurred after the notice is provided. A proposed rehabilitation of a textile mill site must be approved by the local governing body by a positive majority vote. The governing body of the municipality or county shall give notice to all affected local taxing entities in which the textile mill site is located of its intention to grant a credit against real property taxes for the textile mill site and the amount of estimated credit proposed to be granted based on the estimated rehabilitation expenses. If a local taxing entity does not file an objection to the tax credit with the municipality or county on or before the date of

the public hearing, the local taxing entity is considered to have consented to the tax credit. The amount of the credit is equal to 25% of the actual rehabilitation expenses made at the textile mill site times the local taxing entity ratio of each local taxing entity that has consented to the credit. The credit can be taken as a credit against up to seventy-five percent of the real property taxes due on the textile mill site each year for up to eight years.

Section 4 allows redevelopment fees remitted by the Department of Revenue to the redevelopment authority vested with authority to oversee the closed or realigned military installation to be remitted to the applicable redevelopment authority beyond January 1, 2015. Section 5 exempts for 10 years one-half of the paid admissions to a motorsports entertainment complex from the admissions license tax imposed pursuant to § 12-21-2420. Section 6 transfers the South Carolina Film Commission to the Department of Parks, Recreation and Tourism, and Section 7 amends the South Carolina Motion Picture Incentive Act to reflect this transfer.

Section 8 of the legislation amends § 12-43-350 requiring a tax bill to reflect the estimated value of the school operating expense homestead exemption. Section 9 amends § 12-37-714(2) to authorize a county, by ordinance, to change the amount of time a boat must be located in South Carolina to become taxable to 180 days in the aggregate.

ACT NO. ____

R. 360, S. 1172

EFFECTIVE DATE: JUNE 11, 2008

This legislation amends § 17-5-50 which details the filling of a vacancy in the office of coroner. The act provides that generally the Governor will fill the office by appointing a qualified replacement to serve until the next general election for the office of coroner or, if earlier, the next general election. The chief deputy of the coroner's office shall act as coroner until the vacancy is filled by the Governor's appointment. However, if a county coroner is suspended by the Governor, the chief magistrate shall act as coroner until the suspended coroner is reinstated or until a coroner is elected.

ACT NO. ____

R. 361, S. 1210

EFFECTIVE DATE: JUNE 11, 2008

This act amends §49-29-230(4) to designate portions of the Lynches River as a scenic river. The designation relates to the portions of the river from U.S. highway 15 near Bishopville to the eastern boundary of Lynches River State Park, and that portion form the boundary of the Lynches River County Park and the confluence of the Great Pee Dee River.

ACT NO. ____

R. 362, S. 1232

EFFECTIVE DATE: JUNE 12, 2008

This legislation adds Article 4 to Chapter 10 of Title 4, enacting the “Education Capital Improvement Sales and Use Tax.” Section 4-10-420 authorizes a 1% sales and use tax within a county for specific capital improvements for a school district or districts. The revenues may be shared with higher education for capital improvements on campuses. This section also states that this sales tax may not be imposed in a county in which there is currently imposed or scheduled to be imposed a local sales and use tax for public school capital improvements authorized pursuant to a local law. Section 4-10-425 states that the tax may be imposed in the county upon the adoption of a resolution by the school district board and a favorable referendum result. The tax may last for up to 15 years and the referendum may only be conducted in even-numbered years at the time of the general election. Section 4-10-435 states that the tax may not be placed on unprepared food. Section 4-10-450 allows the tax to be reimposed. Section 4-10-470 limits the tax to only those counties which have collected at least seven million dollars in state accommodations taxes.

ACT NO. ____

R. 368, H. 3008

EFFECTIVE DATE: JUNE 12, 2008

Section 1 of this act deals with property tax consequences of donated property being held by charitable organization for investment purposes. Section 12-37-220(B)(16) grants a property tax exemption to religious or charitable associations when the property is used by it primarily for the holding of its meetings and no profit or benefit is gained by any private stockholder or individual. Also exempted by this section is property owned by these associations when the property is acquired for the purpose of building or renovating residential structures on it for not-for-profit sale to economically disadvantaged persons. This legislation amends § 12-37-220(B)(16) to extend that exemption to property owned by a religious or charitable association that also is a 501(C)(3) organization when the property is either being held for future use of holding meetings or is being held for investment purposes and not being rented or leased for a purpose unrelated to the exempt purposes of the organization. This new exemption may last for no more than three consecutive property tax years on property donated to the organization. If the organization purchases property which receives this exemption and then the property is sold without ever having been put to exempt use, the property is subject to property tax for the year of sale to which must be added a recapture amount equal to the property tax that would have been due on the real property for not more than the four preceding years in which the real property received the exemption.

Section 2 of this act amends § 12-6-3310 to specifically authorize limited liability companies(LLC’s) not organized as a legal entity which is a taxpayer, a corporation, or

other form of business entity to qualify for tax credits. The section then stipulates how LLC's are to apply the credits. The legislation deletes § 12-6-3410(J) and § 12-6-3520(E) which are rendered irrelevant with the amendment qualifying LLC's for tax credits. The corporate headquarters income tax requirements in § 12-6-3410 are amended to state that the 75 jobs required to be created to receive the credit must have an average cash compensation level of more than twice the state per capita income. Previously the 75 jobs were required to have a compensation level of more than 1½ times the state per capita income and the average cash compensation of all employees in the state was required to be twice the state per capita income. Section 12-10-30 in the Enterprise Zone Act is amended to define "significant business as a qualifying business making a significant capital investment as defined in § 12-44-30(7)[an investment of at least \$150 million and 125 new jobs or a \$400 million investment.] The fee in lieu of tax provisions are amended in §§ 12-44-30(7), 4-29-67(D)(4)(a), and 4-12-30(D)(4)(a) to state that if a single sponsor enters into a financing arrangement concerning all or part of a project the investment or financing of the property by a 3rd party is considered investment by the sponsor. The items in Section 2 also passed in R. 351, S. 1171.

ACT NO. ____

R. 370, H. 3159

EFFECTIVE DATE: JUNE 11, 2008

This act adds §10-1-168, and authorizes state and local governments entities, including schools, to display documents relating to the establishment of the foundations of American law and government. A public entity is authorized to post the following in a display in a public building: The Ten commandments; The Magna Carta; The Mayflower Compact; The Declaration of Independence; The Star-Spangled Banner; The Bill of Rights of the US Constitution; The Preamble to the South Carolina Constitution; the national motto 'In God We Trust'; the image of Lady Justice; The Lord's Prayer; The Emancipation Proclamation; and Martin Luther King Jr.'s 'I Have a Dream' Speech. all documents which are included in display must be posted on paper not less than 11 x 14 inches in dimension and must be framed in identically styled frames. One document may not be displayed more prominently than another. The Attorney General's Office will prepare a statement of applicable constitutional law, and upon request, make that statement available to public entities. the Attorney General shall update this statement to reflect changes made in the law.

ACT NO. ____

R. 373, H. 3478

EFFECTIVE DATE: JUNE 11, 2008

This act makes modifications to several portions of the child support payment code. The act amends §20-7-851 by creating the State Disbursement Unit to be operated by the SC Department of Social Services (DSS), or a contractor directly responsible to DSS, for the collection and disbursement of all child, spousal or child & spousal support payments.

The act also amends §20-7-1140(A) by requiring that when a support order or income withholding order issued in another state is registered, the registering tribunal must notify the non registering party. Notice must be given by first class, certified, or registered mail, or by any means of personal service authorized by law. The act further amends §20-7-1315(B) by adding a subsection (4), which requires any person who is not required to pay a support order by wage withholding or through the family court, and is determined to be delinquent in an amount equal to three months or more in payments must be enrolled for wage withholding to begin immediately, and payments must be made through the State Disbursement Unit. Finally, the act provides that copies of support payment records certified by DSS or a County Clerk of Court shall, without further proof, be admissible as evidence in a dispute concerning support payments.

ACT NO. ____

R. 375, H. 3852

EFFECTIVE DATE: JUNE 11, 2008

This act revises the emergency powers of DHEC during a state of emergency in § 44-4-530 and makes a violation of a DHEC quarantine or isolation order a felony.

ACT NO. ____

R. 376, H. 3880

EFFECTIVE DATE: JUNE 11, 2008

This act amends several portions of the Brownfields Voluntary Cleanup Program. The Act amends §44-56-720(3) by adding petroleum or petroleum products to the list of elements that are defined contaminants for purposes of state CERCLA actions. The act provides for liability protections for nonresponsible parties who voluntarily agree to undertake the expansion, redevelopment and/or the return to use of contaminated property, including covenants not to sue, third-party liability protection, and contribution protection. Section 2 of the act amends §12-6-3550 to create a credit against taxes due for the costs of voluntary contracts entered into by a nonresponsible party.

ACT NO. ____

R. 377, H. 3975

EFFECTIVE DATE: JUNE 11, 2008

This act allows a county to postpone reassessment for one additional year.

ACT NO. 292

R. 379, H. 4067

EFFECTIVE DATE: JUNE 11, 2008

This act amends §12-24-10(B), and exempts a deed transferring real property from a trust to a trust distributee upon the trust settlor's death pursuant to the trust terms from deed recording fee.

ACT NO. ____

R. 380, H. 4312

EFFECTIVE DATE: JUNE 11, 2008

This act amends §62-5-106, by directing that a guardianship, conservatorship, or other protective order of an incapacitated person does not automatically terminate only because the ward or protected person reaches the age of majority or other benchmark age. The Act further amends §62-5-504, related to health care powers of attorneys, giving the person holding power of attorney the same rights of access to the patient in a health care facility that a member of the patient's immediate family would otherwise have.

ACT NO. 304

R. 381, H. 4334

EFFECTIVE DATE: JUNE 11, 2008

This act amends § 44-61-80 to require a criminal background check before employment as an EMT or upon renewal of an EMT license.

ACT NO. ____

R. 385, H. 4470

EFFECTIVE DATE: SEE BELOW

This act is intended to incentivize the installation of sprinkler systems.
Section 1 adds § 58-5-390 to limit the tap fee for installation of a sprinkler system to the actual cost associated with the waterline to the system.
Section 2 adds § 12-6-3622 to state that a taxpayer who installs a fire sprinkler system not required by law to be installed is eligible for a credit against real property taxes levied equal to 25% of the direct expenses incurred by the taxpayer if the local taxing entity has consented to the tax credit. If the local entity consents then the taxpayer is also eligible for income tax credit equal to the amount of the credit against real property taxes.
Section 3 amends 12-37-3130 to state that installed fire sprinkler systems, which were not required by law to be installed do not constitute an addition or improvement which would add to the value of the property for property tax purposes.
Section 4 adds § 10-1-80 to state that neither the Fire Marshal nor a governing body of a county or municipality shall enforce that portion of either the International Fire Code or a

nationally recognized fire code that prohibits natural cut trees from being located in places of worship.

Section 5 amends § 12-37-220(B) to exempt from property taxes installed fire sprinkler systems, which were not required by law to be installed, until an assessable transfer of interest occurs.

Sections 2, 3, and 5 apply for taxable years beginning after 2007. Sections 1 and 4 became effective June 25, 2008.

ACT NO. ____

R. 386, H. 4743

EFFECTIVE DATE: JUNE 25, 2008

This act amends §§ 31-6-30(6) and 31-7-30(7) to allow publicly and privately-owned affordable housing to be the focus of a tax increment financing (TIF) district. The act also amends § 6-11-1220(a) to allow certain rural water districts to construct and operate sewage systems within the district. Section 6-13-15 is added to set forth the allowed service area and rates for a rural water district wishing to construct and operate a sewage system.

ACT NO. ____

R. 388, H. 4764

EFFECTIVE DATE: JUNE 11, 2008

This act revises several provisions in Chapter 23, Title 50 regarding the operation, titling, and numbering of boats. Of particular interest is § 50-23-20, which is amended to require any watercraft or outboard motor, used in this State to be titled by DNR. An owner of a watercraft or outboard motor must notify the department within thirty days if ownership is transferred to another person, entity, or transferred out of state or otherwise disposed.

ACT NO. ____

R. 393, H. 4816

EFFECTIVE DATE: JUNE 11, 2008

This act amends the Lexington County School District Property Tax Relief Act (Act No. 378 of 2004) to state that prior to excess funds being utilized to offset other property tax liabilities, an amount equal to the credit that would have applied against the property tax liability for school operations imposed on an owner-occupied residence prior to those residents being exempted, is allowed as a credit to be applied proportionately against all nonschool-related property tax otherwise due on the residence. This act applies for property tax years beginning after 2007.

ACT NO. 308

R. 394, H. 4847

EFFECTIVE DATE: JUNE 12, 2008

This act amends §56-5-5810 by adding county and municipal code enforcement officers to the definition of those persons authorized to tag and order the removal of derelict or abandoned vehicles.

ACT NO. ____

R. 396, H. 5001

EFFECTIVE DATE: JUNE 11, 2008

This legislation adds § 16-25-125 to creates a criminal offense of trespass against a perpetrator of domestic violence for entering the grounds of a structure of a domestic violence shelter. Sections 16-3-1770, 16-25-120 and 20-4-60 are amended to require reference to the offense of trespass for entering the grounds of a structure of a domestic violence shelter in a restraining order or order of protection.

ACT NO. 309

R. 397, H. 5009

EFFECTIVE DATE: JUNE 11, 2008

This act amends § 40-80-20 to provide that no person may volunteer or be hired as a firefighter, or perform firefighting duties who has been convicted of, plead guilty, or pled nolo contendere to arson within the last 10 years.

ACT NO. ____

R. 402, S. 530

EFFECTIVE DATE: JULY 1, 2009

This legislation is the Budget Proviso Codification Act. South Carolina Senate Rule 10 requires the Senate Finance Committee to report out an annual Proviso Codification Bill by the first Tuesday in March. The Proviso Codification Bill is supposed to permanently codify temporary provisos which have been in the final version of a previous General Appropriations Bills. Much of this act reflects temporary provisos which have been repeated passed in the budget over several years. Some of these codified items are:

Proviso 46.6 which contained authorization for worthless check units within the solicitors office is codified in Article 3, Chapter 22, Title 17.

Proviso 46.7 which added a \$100 surcharge on drug offenses is codified in § 14-1-213.

Proviso 66.7 which is intended to prevent the abuse of license tag transfers is codified by amending § 56-3-1290 to state that subsequent transfers of a license plate to the same vehicle may not be processed without a paid tax receipt based upon the value of the vehicle to which the plate is being transferred.

Section 22-3-330 is added to place an assessment of \$25 on all summons and complaint filings in magistrates court and an assessment equal to \$10 on all other civil filings in magistrates court, except for restraining orders. The fees must be collected by the magistrates court and forwarded monthly to the county treasurer and remitted in turn by the county treasurer to the State Treasurer for allocation to the judicial department. This codifies Proviso 89.73.

The additional \$50 filing fee for filing a complaint contained in Proviso 90.3 is codified by amending § 14-1-204.

The court fine assessment audits contained in Proviso 89.72 are codified in § 14-1-210.

Sections 14-1-206, 14-1-207 and 14-1-208 are all amended to reflect the 107.5% assessment on court fines currently being imposed pursuant to Provisos 47.11, 49.20 and 76.5.

Proviso 53.19 which authorizes the Department of Juvenile Justice to impose a \$50 per diem for housing local government juveniles is codified by amending § 20-7-8005.

The \$25 surcharge on all traffic tickets (Proviso 90.2) is codified by adding § 14-1-212.

ACT NO. ____

R. 403, S. 577

EFFECTIVE DATE: JUNE 25, 2008

Section 1 of this act amends § 22-3-3560 to increase the allowable fine and imprisonment to \$1000 or 60 days if an assault and battery is against a sports official or coach when they are actively participating in an event. Section 2 adds § 17-15-90 to state that a person released on bond who wilfully fails to appear will be required to pay a fine to \$5000 if released on a felony charge and \$1000 if released on a misdemeanor charge. The act also amends § 38-53-50 to require a fee of \$20 to be paid to the clerk of court for the filing of a motion for a surety to be relived on a bond for “good cause”. Section 4 amends § 38-53-70 to require the court to make available for pickup by the surety a true copy of a bench warrant within seven days of its issuance at the clerk of court's office. The amount of time a surety has to surrender the defendant after issuance of the bench warrant is increased to 90 days. Section 5 amends § 22-5-100 to state that person charged with any misdemeanor offense requiring a warrant signed by a nonlaw enforcement personnel to ensure the arrest of a person must be given a courtesy summons.

ACT NO. ____

R. 409, H. 3033

EFFECTIVE DATE: JUNE 16, 2008

This act adds § 29-3-345 to create a procedure for the filing of rescision of an erroneous mortgage satisfaction. There is a twenty-four hour waiting period for the document of rescision to become effective as a safe harbor for the innocent buyer who comes in with a deed of title during the time period between the recording of the erroneous satisfaction and the recording of the document of rescision.

ACT NO. ____

R. 410, H. 3094

EFFECTIVE DATE: JUNE 15, 2008

This act amends Article 7 of Chapter 3 of Title 23. Specifically, the act amends §23-3-535(B) to prohibit a registered sex offender from residing within 1,000 feet of a school, daycare facility, children's recreational facility, park, or public playground. Persons impacted by this act are those persons who has been convicted of any of the following offenses and subsequently required to registered on a sex offender registry: criminal sexual conduct with a minor, first or second degree; assault with attempt to commit criminal sexual conduct with a minor, or kidnaping a person under the age of 18. The act provides exceptions for any person whose residence was established within 1,00 feet of any of the above named places prior to the effective date of the act, or a listed facility is established within 1,000 of a sex offender's established residence, or the sex offender resides in a detention facility, homeless shelter, DSS or DHEC licensed treatment facility or group home, or mental health facility that is within 1,000 feet of any listed facility. The act amends §23-3-535(D) to require local law enforcement to notify a sex offender, upon registration or at any other time, of a violation of the residence requirement and provide that person with a list of areas in which the offender may not reside. The offender is required to vacate a residence within 30 days if in violation of this act. The act amends §23-3-535(F)(1) by requiring that a school district, at the beginning of each school year must provide the names and addresses of every sex offender who resides within 1,000 of a school bus stop to the parents or guardian of a student embarking or disembarking at that school bus stop. The district may provide a hyperlink to the sex offender registry website on the school district's website for the purposes of gathering this information. Local law enforcement must check with the school district to determine if the district has complied with the notice requirement, and notify a district that is in violation.

ACT NO. ____

R. 414, H. 3623

EFFECTIVE DATE: JUNE 16, 2008

This legislation makes numerous technical changes to the code to reflect that the South Carolina Criminal Justice Academy is a separate state agency from the Department of Public Safety.

ACT NO. ____

R. 416, H. 3812

EFFECTIVE DATE: JUNE 25, 2008

This legislation amends § 6-1-320 to allow two additional millage cap limitation exceptions. Section 6-1-320(B)(6) would allow a local government to exceed the millage cap (upon a 2/3 vote) to purchase undeveloped real property near an operating United States military base if the property has been identified as suitable for residential development but would constitute undesirable residential encroachment upon a United States military base. Section 6-1-320(B)(7) would allow a local government in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state forest land may exceed the millage cap to purchase capital equipment and make expenditures related to the installation, operation, and purchase of the capital equipment.

ACT NO. ____

R. 421, H. 4554

EFFECTIVE DATE: JUNE 25, 2008

This act amends § 6-1-315 to state that a county or municipality may not impose a fee upon real estate licensees, except upon the broker-in-charge at the place where the real estate licensee maintains a principal or branch office. Additionally the legislation states that a county or municipality may not impose fee upon the gross proceeds of an auctioneer for the first three auctions conducted by the auctioneer in the county or municipality, unless the auctioneer maintains a principal or branch office in the county or municipality. Section 5-7-30, regarding municipal business licenses, is amended to state that if a person pays a business license tax to a county or to another municipality where the income is earned, the gross income for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other jurisdiction.

ACT NO. ____

R. 422, H. 4745

EFFECTIVE DATE: JUNE 17, 2008

The South Carolina Residential Improvement District Act (RID Act) codified as Chapter 35 of Title 6 in the Code of Laws creates a new mechanism for financing infrastructure associated with development. This mechanism is similar to the County Public Works Improvement Act found in Chapter 35 of Title 4 of the Code of Laws. The RID Act allows an owner or group of owners to reach an agreement with a county or municipality to issue municipal bonds for infrastructure to be repaid through assessments levied on the land within the boundaries of the district.

One difference between the RID Act and the County Public Works Improvement Act is that the district may be comprised of non-contiguous parcels and the improvements do not have to be physically located within the boundaries of the district so long as the improvements primarily or substantially benefit the property owners of the district.

ACT NO. ____

R. 424, H. 4754

EFFECTIVE DATE: JUNE 16, 2008

This act adds § 6-11-2027 to allow a special purpose district that only provides recreational services to voluntarily dissolve and transfer its authority to the county. The SPD must hold a public hearing prior to adopting a resolution and further requires that a 2/3 majority of the SPD board, the county governing body, and the county legislative delegation approve the dissolution. The section sunsets December 31, 2008.

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