REPORT FROM SCAC STEERING COMMITTEES

2025

Fall Advocacy Meeting
October 14

2025 SCAC Legislative Committee

C. David Chinnis, Dorchester County Council Chairman
Chairman, SCAC Legislative Committee

ABBEVILLE COUNTY
William C. Norris
Council Chairman

AIKEN COUNTY
Julie Stutts, Register of Deeds

ALLENDALE COUNTY
William E. Robinson, Council Chairman
Keith Smith, Allendale County Probate Judge

ANDERSON COUNTY
Robert T. Dunn, Council Chairman
Jason P. Phillips, County Treasurer

BAMBERG COUNTY
Sharon Hammond., Council Chairwoman
Larry Haynes, Council Vice Chairman

BARNWELL COUNTY
Freddie L Houston, Sr., Council Chairman
Daniel Alexander, County Council

BEAUFORT COUNTY
Alice G. Howard, Council Chairwoman
Joseph F. Passiment Jr., County Council

BERKELEY COUNTY
Johnny Cribb, County Supervisor/ Chairman

CALHOUN COUNTY
James E. Haigler, Council Chairman
Cecil M. Thornton Jr., Council Vice Chairman

CHARLESTON COUNTY
Julie J. Armstrong, Clerk of Court
Kylon J. Middleton, Council Chairman

CHEROKEE COUNTY
Timothy Spencer, Council Chairman
Marvin Bishop Jr., County Administrator

CHESTER COUNTY
Pete Wilson, Council Chairman

CHESTERFIELD COUNTY
Mary D. Anderson, Council Chairwoman
Hattie Burns, County Council

CLARENDON COUNTY
John Johnson., Council Chairman

COLLETON COUNTY
Scott Biering, Council Chairman
Phillip M. Taylor Sr., County Council

DARLINGTON COUNTY
Bobby C. Hudson, Council Chairman

DILLON COUNTY
Steven C. Grice, Council Chairwoman
Tim Harper, County Administrator

DORCHESTER COUNTY
C. David Chinnis, Council Chairman

EDGEFIELD COUNTY
Albert Talbert, Council Vice Chairman

FAIRFIELD COUNTY
Clarence Gilbert, Council Chairman

FLORENCE COUNTY
C. William Schofield., Council Chairman
Dr. Alphonso Bradley, County Council
Waymon Mumford, County Council

GEORGETOWN COUNTY
Clint A. Elliott, Council Chairman

GREENVILLE COUNTY
Benton Blount, Council Chairman

GREENWOOD COUNTY
Theo Lane, Council Chairman

HAMPTON COUNTY
Dr. Roy T. Hollingsworth, Council Chairman

HORRY COUNTY
Cam Crawford, County Council
Johnny Gardner, Council Chairman

JASPER COUNTY
John Kemp, Council Chairman

KERSHAW COUNTY
Ben Connell, Council Chairman
Sammie Tucker Jr., County Council

LANCASTER COUNTY
W. Brian Carnes, Council Chairman

LAURENS COUNTY
Jeff Carroll, Council Chairman
Brown Patterson, County Council

LEE COUNTY
Travis Windham, Council Chairman

LEXINGTON COUNTY
M. Todd Cullum, Council Chairman
Lynn Sturkie, County Administrator

MARION COUNTY
Dewayne Tennie, Council Chairman
John Q. Atkinson Jr., Council Vice Chairman

MARLBORO COUNTY
Anthony Woods, Council Chairman

McCORMICK COUNTY
Bernard L. Hamby, Council Chairman
Charles T. Jennings, Council Vice Chairman

NEWBERRY COUNTY
Robert Nick Shealy, Council Chairman

OCONEE COUNTY
Thomas James, County Council

ORANGEBURG COUNTY
Johnnie Wright Sr., Council Chairman
Latisha Walker, County Council

PICKENS COUNTY
Alex Saitta, Council Chairman

RICHLAND COUNTY
Jesica Mackey, Council Chairwoman
Tish Dozier Alleyne, County Council

SALUDA COUNTY
James Moore, Council Chairman

SPARTANBURG COUNTY
A. Manning Lynch, Council Chairman

SUMTER COUNTY
James T. McCain Jr., Council Chairman
Charles T. Edens, County Council

UNION COUNTY
Phillip G. Russell II, County Supervisor/ Chairman

WILLIAMSBURG COUNTY
Kelvin C. Washington, County Supervisor/ Chairman

YORK COUNTY
Christi Cox, Council Chairwoman

Reports of the
SCAC Policy Steering Committees

Tuesday, October 14, 2025
Pastides Alumni Center, Columbia

County Government and
Intergovernmental Relations ..... W. Brian Carnes, Chairman
Lancaster County Council Chairman

Land Use, Natural Resources
and Transportation..... Charles T. Edens, Chairman
Sumter County Council

Public Safety, Corrections
and Judicial..... Julie J. Armstrong, Chairwoman
Charleston County Clerk of Court

Revenue, Finance and
Economic Development ..... Jason P. Phillips, Chairman
Anderson County Treasurer

Legislative Policy Development Process

General Statement

The South Carolina Association of Counties (SCAC) has adopted a systematic consensus building legislative policy development process. The central goal in the process is to solicit and develop the expertise of county officials from all 46 counties on legislative issues affecting county government. Through participation in four legislative policy steering committees, county officials meet, discuss, and identify issues to be considered by the Legislative Committee.

Legislative Committee and Steering Committee System

SCAC has four legislative policy committees: 1) ***County Government and Intergovernmental Relations Steering Committee***; 2) ***Land Use, Natural Resources and Transportation Steering Committee***; 3) ***Public Safety, Corrections and Judicial Steering Committee***; and 4) ***Revenue, Finance and Economic Development Steering Committee***. It is the responsibility of each committee to study the issues and analyze information that is pertinent to its designated policy area. Each committee will develop recommendations in the form of policy statements. Each committee chairman will present the committee's draft policy statements to the Legislative Committee during the Legislative Conference in December.

The Legislative Committee is composed of the 29 members of the SCAC Board of Directors and the chairman of the governing body of the county or his/her designee from each of the 46 counties. The total membership of the Legislative Committee is 75 members. It is the responsibility of the Legislative Committee to review each legislative policy steering committee's recommendations, resolve any conflicts, and adopt the legislative policy positions for the Association. The Legislative Committee is chaired by the Association's First Vice President. The Legislative Committee meets at the SCAC Legislative Conference in December. Once the formal policy statement has been approved by the Legislative Committee, it is the responsibility of the membership of the Association and the Association staff to advocate for its implementation.

During the course of a legislative session, the SCAC Board of Directors is responsible for any revision, modification, deletion, or addition to the legislative policy positions adopted by the Legislative Committee.

Timeline for Development of Legislative Policy

Late August — The membership is notified of the date of the meeting of the four policy steering committees. County officials receive a list of the steering committees and a description of their areas of responsibility. County officials are encouraged to provide their thoughts and ideas on legislative issues for inclusion on a steering committee's agenda. Staff collects this input and prepares it for the steering committee meeting.

Mid-September — Each steering committee meets to discuss and analyze legislative policy issues and draft an initial report of proposed legislative policy recommendations.

Mid-September to Mid-November — The County Council Coalition meets in October to review and discuss the initial draft of proposed legislative policy recommendations. Each steering committee chairman presents the steering committee report to the Coalition. During the Fall, various groups of county official organizations meet and determine their group's legislative agenda for the coming session of the General Assembly. This information is collected and assigned to the particular steering committee responsible for that legislative area.

Mid-November — Each steering committee meets for the second time to incorporate additional issues into their proposed legislative policy recommendations. Each steering committee adopts a final proposed legislative policy recommendation.

Early December — The SCAC Legislative Committee meets at the Legislative Conference to receive the reports of the four legislative policy steering committees. Each steering committee chairman will present his/her committee report at a general session meeting of the Legislative Committee. The members of the Legislative Committee will discuss each proposed legislative policy position, and then either amend, adopt, or reject the recommendation. If adopted by the Legislative Committee, those policy positions will then be incorporated with the other steering committees' reports into an SCAC consensus legislative report. Once the SCAC consensus legislative report has been adopted by the Legislative Committee, it is the responsibility of the membership and the SCAC staff to advocate for its implementation.

Rules and Operating Procedures

A. Legislative Committee

1. **Committee Membership**: The Legislative Committee shall be composed of the members of the SCAC Board of Directors and the chairman of the governing body or his/her designee from each of the 46 counties. The chairman of the Legislative Committee shall be the First Vice President of the Association.

2. **Voting Procedures**: At a Legislative Committee meeting, the Chairman shall call the meeting to order and carry out the committee meeting agenda. Each committee member has one vote. All matters coming before the committee shall be decided by a majority vote of those present and voting.

3. **Proposed Policies and Amendments**: Each steering committee chairman shall present at the Legislative Conference the committee report for the steering committee. No legislative issue shall be considered at the Legislative Conference in December that does not appear in a steering committee report unless two-thirds of those Legislative Committee members present and voting vote to place the issue on the Legislative Committee agenda for consideration.

4. **Procedural Rules**: The latest edition of Robert's Rules of Order shall be used to govern the conduct of Legislative Committee meetings.

B. Legislative Policy Steering Committees

1. **Committee Membership:** The Legislative Policy Steering Committees' membership composition is as follows: (a) the SCAC Board of Directors; (b) the Legislative Committee members who are either the chairman of the governing body of the county or his/her designee; and (c) not more than twenty-five (25) county officials who shall be appointed by the President based on the expertise of the county official in the subject matter of the particular steering committee. The President shall make steering committee assignments on an annual basis. The President shall designate a chairman for each of the four steering committees. Steering committee meetings will be held at the call of the President.

2. **Voting Procedures:** At each steering committee meeting, the committee chairman shall call the meeting to order and carry out the committee meeting agenda. Each committee member has one vote. All matters coming before the committee shall be decided by majority vote of the committee members present and voting.

3. **Proposed Policies and Amendments:** Any committee member may offer a proposed policy or an amendment to an existing Association policy. Any county official may propose a policy issue by submitting it to the Association and asking that it be included on the committee's meeting agenda. The chairman of the committee will call upon members to discuss the proposal as it has been offered. At the conclusion of the discussion, the chairman will call for a vote on the proposal.

4. **Procedural Rules:** The latest edition of Robert's Rules of Order shall be used to govern the conduct of steering committee meetings.

Statement of Purpose for the 2026 Session of the South Carolina General Assembly

The South Carolina Association of Counties hereby affirms its constitutional premise as stated in Article I, Section 2, that, "The purpose of the organization shall be to promote more efficient county government; to study, discuss, and recommend improvements in government; to investigate and provide means for the exchange of ideas and experiences between county officers; to promote and encourage education of county officials; to collect, analyze, and distribute information about county government; to cooperate with other organizations; and to promote legislation to effect more efficient administration of local government in the State of South Carolina."

The Association believes that counties cannot exist in isolation because their futures are intertwined. We realize that, as the saying goes, "Together we stand, divided we fall." Our problems are largely the same: if they are to be solved quickly and effectively, all counties must band together to work for the common good. Many common problems exist among South Carolina's 46 counties, and to solve these problems, cooperation is necessary.

The South Carolina Association of Counties establishes as a principle the goal of providing control of essential services at the level of government most capable of delivering them. Counties cannot be effective partners with the state and federal governments if their primary revenue source, the property tax, is eliminated or further eroded without replacement with revenue sources that are secure and predictable. Any restructuring of responsibilities should be coupled with a restructuring of revenue sources for counties so that the revenue sources are reflective of the economy in the same proportion as those of the state.

The Association believes strongly in maximum local authority consistent with attainment of statewide objectives. County officials recognize their responsibilities to carry out policies formulated by the General Assembly. At the same time, state policy-makers should recognize the limitations of the county revenue base and the need for the state to provide the revenue necessary to implement the increasing number of mandates.

We believe that joint cooperative action between county school board members and county council members is essential to the successful delivery of good public education. Comprehensive and efficient human services, including social services, health and mental health programs, are essential to the well-being of our society. These services must be clearly defined and adequately funded. State mandated services delivered at the county level should be financed from state revenue sources in order for every citizen of South Carolina to receive a substantially similar degree of service.

The South Carolina Association of Counties has traditionally maintained that its efforts should not be utilized on behalf of individual counties seeking legislative remedy for problems not statewide in nature. The Association staff will direct its efforts toward the support of sound legislation beneficial to the administration of all counties' affairs, and to the opposition of legislation detrimental to counties.

Working Draft

2025 County Government and Intergovernmental Relations Steering Committee

SOUTH CAROLINA
ASSOCIATION OF COUNTIES

Wednesday, November 5, 2025

2025 County Government and Intergovernmental Relations Steering Committee

The responsibilities of the County Government and Intergovernmental Relations Steering Committee include issues involving the structure of county government and all matters dealing with intergovernmental relations between counties and county officials and the federal, state, and municipal governments. Also included in the responsibilities of this committee are issues related to health and human service delivery and financing. Specific areas of concern include Home Rule authority, consolidation of political subdivisions, elections, ethics, personnel, indigent health care, indigent legal services, veterans' affairs, libraries, social services, and health boards.

Meeting Dates:

Wednesday, September 17, 2025
Wednesday, November 5, 2025

W. Brian Carnes, Chairman
Lancaster County Council Chairman

STEERING COMMITTEE MEMBERS*

County Representatives:

Albert Talbert, Edgefield County Council Vice Chairman
Christi Cox, York County Council Chairwoman
M. Todd Cullum, Lexington County Council Chairman
Robert T. Dunn, Anderson County Council Chairman
Thomas James, Oconee County Council
Steve C. Grice, Dillon County Council Chairman
Freddie L. Houston, Sr., Barnwell County Council Chairman
Bobby C. Hudson, Darlington County Council Chairman
Kylon J. Middleton, Charleston County Council Chairman
Dewayne Tennie, Marion County Council Chairman
Pete Wilson, Chester County Council Chairman
Travis Windham, Lee County Council Chairman

SCAC Board Members:

Mary D. Anderson, Chesterfield County Council Chairwoman
Joseph F. Passiment Jr., Beaufort County Council
Brown Patterson, Laurens County Council
Lynn Sturkie, Lexington County Administrator
Sammie Tucker Jr., Kershaw County Council
Johnnie Wright Sr., Orangeburg County Council Chairman

President's Appointees:

Crystal B. Barnes, McCormick County Clerk to Council/Assistant to County Administrator
Dwight Bradham, Aiken County Veterans Affairs Director
Abigail Fuller, Newberry County Library Director
Pearly Lawson, Marlboro County Council Member
Todd Smallwood, Chesterfield County Council Vice Chairman
Lynne West, Laurens County Registration & Election Director
Joanie Winters, Newberry County Attorney

SCAC Staff Contact: Leslie M. Simpson

*As of 9/25/2025

2025 County Government and Intergovernmental Relations Steering Committee

General Statement of Policy

In November of 1972, the people of South Carolina voted to empower the General Assembly to grant statutory Home Rule powers to county governments. The revised Article VIII (Local Government) to the State Constitution was implemented with the passage of Act No. 283 of 1975 and is known as the "Home Rule Act." This structural reorganization of government service providers recognized that local elected governing bodies would meet the service needs of their communities in a more efficient and cost-effective manner. The people recognized that counties must be able to respond to changing issues without being limited by inefficient and ineffective restrictions imposed by state law. County Government officials recognize that they are directly responsible for and accountable to the people in their communities for raising and allocating revenues to provide the services that their people demand.

In addition to being providers of essential traditional local government services, counties understand their role to help the state administer state programs at the local level. However, counties are charged with implementing costly state and federal mandates without sufficient appropriations or revenue sources to pay for meeting the state's or federal government's objectives. Counties oppose the imposition of unfunded or underfunded state and federal mandates because it breaks the line of accountability that connects the implementing government responsible for the program with the cost required to pay for the program.

Counties are mindful of their obligation to protect and preserve the health, safety, and welfare of the citizens of this state. To this end, counties play a vital role in addressing the health and human service needs of the people in their communities. The growing cost of supporting these programs and the restructuring of the role of the federal government through the block grant program are a growing concern of counties.

New Policy Issues

Intergovernmental Relations

SC Public Library Funding Support

South Carolina's public libraries are essential centers for education, access to technology, community connection, and lifelong learning. Despite their value, libraries across the state face inconsistent and often inadequate funding. This policy aims to create a reliable framework for investment in public libraries to serve all residents equitably — particularly those in rural, underserved, and historically marginalized communities. To ensure long-term, equitable, and sustainable funding for public libraries across South Carolina to support literacy, education, workforce development, digital inclusion, and community enrichment.

Connie Portee, Clerk to the Council in Orangeburg County, has requested that SCAC support legislation that provides fair and sustainable long-term funding for public libraries. This support is part of the proposed Equitable and Sustainable Funding for South Carolina Public Libraries Act, which includes the following policy objectives:

Policy Objectives:

1. Increase State Library Aid to Counties:
    a. Set a baseline funding rate of $3.00 per capita, with automatic increases based on annual inflation and population growth.
2. Establish a Dedicated Library Infrastructure Fund:
    a. Allocate state funding for capital improvements (renovations, building new facilities, ADA compliance).
    b. Prioritize rural and low-income counties for infrastructure grants.
3. Ensure Local Funding Accountability:
    a. Require counties to maintain or increase their funding levels to qualify for state library aid (maintenance of effort clause).
    b. Provide technical assistance to counties struggling to meet local funding requirements.
4. Support Workforce & Technology Expansion:
    a. Provide annual grants to hire certified librarians and expand library workforce development programs.
    b. Fund high-speed internet upgrades, digital literacy programs, and public access to devices in all library systems.
5. Invest in Equity and Outreach:
    a. Create targeted grants for mobile libraries, bilingual services, and literacy outreach in underserved communities.
    b. Support partnerships with schools, correctional facilities, and nonprofit literacy programs.
6. Library Data and Reporting Transparency:
    a. Require annual reporting of library usage, funding sources, and community impact metrics.

b. Use data to inform future funding allocations and ensure equitable service distribution.

Status: **The state budget funds county libraries at $2.75 per pupil. The state also adopted Budget Proviso 27.1 (Aid to Counties Libraries Allotment), which provides:**

- **The amount appropriated in this section for Aid to County Libraries shall be allotted to each county on a per capita basis according to the official United States Census for 2020, as aid to the County Library. No county shall be allocated less than $150,000 under this provision.**
- **Counties shall receive their allocations in two equal parts.**
- **To receive this aid, local library support must match the amount spent on operations from local sources two years prior. Before each allocation, county libraries must certify to the State Library that they have a policy in place ensuring that no books or materials appealing to the prurient interest of children under 17 are available in their children's sections, unless with explicit parental consent. Failure to provide this certification will lead to the immediate withholding of funds.**
- **If the local Legislative Delegation finds that a county library is not meeting required standards, they may request a certification review by the State Library. All remaining funds will be withheld until the library confirms compliance and a written determination is issued to the delegation.**

Steering Committee's Recommended Policy Position:

Defer until the November meeting for additional research.

Carryover Policy Issues

The following issues are likely to arise in the next session of the General Assembly and are not raised by any specific group or county.

County Officers and Employees

County Veterans' Affairs Officers

Currently, Section 25-11-40 states that a County Veterans' Affairs Officer (CVA) is an at-will employee of the South Carolina Department of Veterans' Affairs (SCDVA) and is subject to removal by the Secretary of SCDVA. However, to date, all CVA officers' salaries and expenses are paid by their respective counties. In 2023 and 2021, bills (H. 3280 and H. 3416) were introduced that provided that CVA Officers are county employees, and the county legislative delegation could remove a CVA officer. The bills also provided that the Secretary of SCDVA may offer recommendations to the county delegation after annual reviews of the local county CVA office. However, in 2021, the Secretary of SCDVA testified at subcommittee hearings that CVA officers should be under his department and not at the county level. Alternatively, a bill was introduced in 2021 (S. 530), which stated that a CVA officer is an at-will employee of the state to be appointed by the Secretary of SCDVA. The bill also provided that the state would fund the CVA officers and their staff. None of the bills passed.

Status:

H. 3441 requires the secretary to appoint a county veterans' affairs officer for each county in the state, based on the recommendation of the majority of the county's legislative delegation. The officer's term is two years, starting July 1 of each odd-numbered year, until a successor is appointed. The county legislative delegation determines qualifications through a majority vote. The officer is an at-will county employee and can be removed at any time for cause by the majority of the county's legislative delegation. The secretary may provide recommendations following annual reviews. The bill was referred to the House Medical, Military, Public and Municipal Affairs (3M) Committee.

H. 3510 requires the Secretary of the SCDVA to appoint a veterans' affairs officer in each county and mandates funding for two full-time employees in each office. SCAC testified in support of the bill, which was amended to prevent unfunded mandates, and was passed by the House. It was referred to the Senate Family and Veterans' Services Committee.

Steering Committee's Recommended Policy Position:

(1) Support legislation that would provide a CVA officer is an at-will employee of the county legislative delegation and is considered a county employee.

(2) Support legislation that would provide that a CVA officer is subject to removal for cause, at any time, by a county delegation.

(3) Support legislation that would provide that the Secretary of SCDVA may offer recommendations to the county delegation after annual reviews of the local county CVA office.

Funding for County Veterans' Affairs Offices

On March 22, 1945, the General Assembly adopted a bill creating a Veterans Affairs (VA) office in each of the state's 46 counties. Although mandated by the legislature, employees in these offices are funded by the county, not the state. Currently, Section 25-11-45 states that, notwithstanding Section 1-30-110(4), a county veterans' affairs office must be funded with monies appropriated by the General Assembly for that purpose and payable directly to the County Treasurer's Office by the State Treasurer.

Proviso 113.1 The allocation outlined in Part IA, Section 113 provides that each county shall receive an effective annual amount equal to 100% of the funds allocated to it in the previous fiscal year. This amount will be adjusted for any base pay raises awarded to state employees, excluding any adjustments for budget reductions. The allocated funds will be distributed on a quarterly basis to the County Treasurer, who will manage and distribute these funds exclusively for the benefit and use of the County Veterans Offices.

Brown Patterson, Laurens County Council Member and SCAC Board member, has requested that SCAC support legislation increasing state aid funding for each county veterans' office.

Status:

H. 3510 requires the Secretary of the SCDVA to appoint a veterans' affairs officer in each county and mandates funding for two full-time employees in each office. SCAC testified in support of House Bill 3510, which was amended to prevent unfunded mandates and was passed by the House. (Referred to the Senate Family and Veterans' Services Committee.)

Steering Committee's Recommended Policy Position:

Support legislation increasing state aid funding for each county Veterans' Office.

Local Government Service Managers

Local Government Services provides support to cities, counties, special purpose districts, and other local governments through interim management, management consulting, executive recruitment, coaching, and project management.

Britt Poole, the Executive Director of the Central Midlands Council of Governments (COGS), requests that SCAC support funding for the COGS to provide "roving" local government services to counties and cities.

Status: No legislation was introduced in 2025. The COGS did request this at their budget hearing and in their written request, but the money was not included in the state budget.

Steering Committee's Recommended Policy Position:

Support legislation to allocate State Aid funding in the amount of $10 million for the COGS to provide "roving" local government services to counties and cities.

The following issues are likely to arise in the next session of the General Assembly and are not raised by any specific group or county.

Workers' Compensation and Health Insurance Coverage for Psychological Injuries

South Carolina and the majority of other states provide statutory workers' compensation insurance coverage for psychological only injuries (called mental-mental claims) in the limited circumstance where the mental injury was caused by employment conditions that "were extraordinary and unusual in comparison to the normal conditions of the employment," S.C. Code Ann. § 42-1-160(B)(1). A recent Supreme Court case upheld a decision by the Workers' Compensation Commission denying workers' compensation benefits for

a deputy sheriff claiming Post Traumatic Stress Disorder after he shot and killed a suspect who had threatened to kill him. Although the court stated that it was "constrained to decide this case according to the standard mandated by the General Assembly," the court went on to use the opinion to advocate for the removal of the higher standard provided in § 42-1-160.

Mental/mental claims are much more complex to establish and have a higher threshold in proving a link between the workplace and the mental condition. In fact, some states don't allow mental/mental health claims at all while others have specified the elements necessary to establish a workers' compensation mental/mental claim. For example, Maryland, Washington, D.C., Ohio, West Virginia, North Carolina, Georgia, Alabama, Arkansas, Oklahoma, South Dakota, North Dakota, Wyoming, and Montana *do not allow any types* of mental/mental claims. However, there are states that allow workers' compensation recovery for mental-mental injuries without the higher standard of proof South Carolina law provides (e.g., Hawaii, Michigan, New Jersey, New York, and Oregon). California adopted a higher standard in 1989 after realizing a 700% increase in mental-mental claims between 1979 and 1988.

Experts generally recognize three problems intrinsic to mental-mental claims. First, there is substantial subjectivity in claimed mental injuries because different workers will react differently to similar situations. This subjectivity creates numerous problems in providing clear medical evidence of injury. Second, the claims' focus depends on the mentally injured workers' perceptions of surrounding events. In physical injuries, the main focus is on the medical providers' opinions based on a degree of medical certainty. Finally, it is often difficult to determine whether actual work-related stress events or personal stress caused the injury. Each of these factors contributes to the continuing susceptibility to abuse, fraud, or malingering in mental-mental injury claims.

In the 2025 state budget, out-of-pocket costs for the treatment of PTSD for first responders were covered through the $750,000 recurring allotment for PTSD treatment for first responders.

Status:

- **H. 3261 establishes criteria for first responders to file a workers' compensation claim for stress or mental injuries that are not accompanied by a physical injury. (Referred to the House Labor, Commerce and Industry Committee).**

- **H. 3163 adds strokes to the list of impairments or injuries that are presumed to have arisen out of and in the course of employment for firefighters. The bill also revises the presumption entitlement criteria to include conditions developed while engaging in a technical rescue incident, a firefighter training exercise that involves stressful or strenuous physical activity, or if the condition occurs within 24 hours of the activity. The bill specifies that these provisions do not apply to clerical, administrative, or sedentary activities. (Referred to the House Judiciary Committee).**

Steering Committee's Recommended Policy Position:

(1) Support legislation that would expand funding and healthcare to ensure that there is coverage for all first responders needing treatment for mental injuries.

(2) While SCAC opposes legislation that would amend § 42-1-160 to reduce the standard for mental-mental claims, in the alternative, SCAC would support a compromise reached by stakeholders that requires an employee with mental injuries to be under the care of a treating physician and only be entitled to a claim for workers' compensation after the treating physician makes a determination that the employee is disabled as a result of a work-related mental injury.

Elections

Consolidating Polling Locations

Section 7-7-910 requires voters to cast their ballots at the designated polling place within their residential precinct. If a designated polling place becomes unavailable due to an emergency situation, the authority responsible for conducting the election must designate an alternative polling place for the electors in that precinct for any elections held during the emergency. If the alternative polling place is designated more than seven days prior to the election, it must be approved by a majority of the legislative delegation. If the alternative polling place is designated seven days or less before the election, the election authority must inform the members of the legislative delegation about this change. Every effort should be made to notify voters of the alternative polling place before the election and on election day, using the media and by posting notices at the original polling place. In addition to the provisions of Section 7-7-910, Article VII, Section 13 gives the General Assembly the discretion to establish or alter voter precincts in any county.

Across the state, many precincts are facing a critical shortage of suitable voting locations. In some areas, there are no facilities that can accommodate voters, creating significant barriers. Even when facilities are available, they often fail to meet the required accessibility standards for voters with disabilities, as mandated by federal law. This leaves a significant portion of the electorate unable to vote in a safe and accessible environment. Consolidating polling locations can streamline operations, reduce costs, provide accessible buildings to follow federal law, and enhance the voting experience, making Election Day smoother for both voters and election officials. Strategic consolidation ensures that voters have a more convenient and accessible location to cast their ballots, reducing travel time and providing adequate facilities.

The South Carolina Association of Registration and Election Officials (SCARE) has requested that SCAC support legislation empowering county boards of voter registration and elections to strategically consolidate precincts into a single, more accessible voting location.

Status:

- **S. 33 allows handicapped or elderly voters unable to enter the polling place to designate someone to stay with their vehicle while they vote. It also amends Section 7-13-780 to ensure they are entitled to assistance while voting. Additionally, the bill amends Section 7-5-180 to permit individuals who turn 18 after the registration deadline but before the next election to register electronically or in person at their county board of voter registration and elections. (Referred to the Senate Judiciary Committee).**

- **S. 36 mandates county boards of voter registration and elections to determine polling places for each precinct based on specific criteria. It eliminates the requirement for the General Assembly or State Election Commission to keep precincts under 1,500 qualified electors. It requires additional notice on state and county websites for voters if their polling place is unavailable due to an emergency. (Referred to the Senate Judiciary Committee).**

- **S. 257 allows extra time for voting if a polling place is delayed by over 15 minutes. (Referred to the Senate Judiciary Committee).**

- **H. 4543 permits the state election commission or county boards to extend voting hours at polling locations facing delays or interruptions. (Referred to the House Judiciary Committee).**

Steering Committee's Recommended Policy Position:

Support legislation empowering county boards of voter registration and elections to strategically consolidate precincts into a single, more accessible voting location.

Early Voting Tabulation

Per state law, the early voting tabulation should begin at 7 a.m. on Election Day, aligning with the current procedures for absentee ballots. Aligning early voting tabulation with established absentee ballot procedures reinforces the integrity and transparency of the election, assuring voters that all ballots are handled with the same level of scrutiny. In 2023, S. 406 was introduced, providing that

ballots cast during the early voting period may begin to be tabulated simultaneously with absentee ballots. Additionally, this bill created a new felony for those who intentionally publicly report the results of the early voting period before the polls are closed. However, the bill did not pass.

SCARE has requested SCAC to support legislation for initiating the voter tabulation process early on Election Day in order to speed up result reporting, reduce delays, and provide timely information to candidates and the public.

Status:

- **H. 4140 extends early voting days and hours of operation before a statewide primary. (Referred to the House Judiciary Committee).**

- **H. 4543 permits the state election commission or county boards to extend voting hours at polling locations facing delays or interruptions. (Referred to the House Judiciary Committee).**

- **H. 4046 requires separate ballot boxes for each day of early voting. The boxes must be sealed after each day and kept sealed until the polls close on election day. (Referred to the House Judiciary Committee).**

Steering Committee's Recommended Policy Position:

Support legislation for initiating the voter tabulation process early on Election Day in order to speed up result reporting, reduce delays, and provide timely information to candidates and the public.

Earnable Compensation for Poll Managers/Clerks

Election workers are individuals hired by government entities to perform services at polling places in connection with national, state and local elections. An election worker may be referred to by other terms and titles, for example, poll worker, clerk, manager, or polling place manager. These workers may be employed by the government entity exclusively for election work or may work in other capacities as well. Compensation paid to election workers is includible as wage income for income tax purposes and may be treated as wages for Social Security and Medicare (FICA) tax purposes. In South Carolina, whether an election worker's wages are subject to FICA taxes depends on the amount earned and the state's agreement with the Social Security Administration (SSA). From January 1, 2024, forward, the Federal Insurance Contributions Act (FICA) tax exclusion for election officials and

election workers is $2,300 a calendar year, unless those wages are subject to Social Security and Medicare taxes under the State's Section 218 Agreement (i.e., SC MOD 490). Under Section 218 of the Social Security Act, many states have excluded from coverage election workers paid less than the threshold amount mandated by law. Therefore, Social Security and Medicare taxes do not apply until the election worker is paid $2,300 or more.

In 2023, H. 3475 was introduced and provided that earnable compensation does not include amounts paid to managers and clerks of elections to the extent the amounts are not subject to FICA pursuant to the Internal Revenue Code Sections 3121(b)(7)(F)(iv) and 3121(u)(2)(B)(ii)(V). However, the bill did not pass.

Laurens County Director of Voter Registration & Elections Lynne West has requested that SCAC support legislation limiting earnable compensation to certain amounts paid to election managers and clerks related to the South Carolina Retirement System.

Status:

- **H. 3551 excludes compensation for election managers and clerks from gross income calculations if it is exempt from FICA tax, which also exempts it from state income taxes. It also revises the definition of earnable compensation to exclude amounts not subject to the FICA tax, which impacts the calculation of state retirement benefits. As of January 1, 2024, the FICA tax exclusion threshold for these officials is $2,300. (Referred to the House Ways and Means Committee).**

Steering Committee's Recommended Policy Position:

Support legislation limiting earnable compensation to certain amounts paid to election managers and clerks related to the South Carolina Retirement System.

Increase Poll Worker Pay

Currently, the State Election Commission (SEC) provides that **poll manager**s (and poll managers' assistants) receive $60 for attending training and $75 for working on election day, totaling $135. **Clerks** (lead poll manager) receive poll manager pay and $60 for additional training and duties, totaling $195. Counties may supplement poll manager pay. To ensure efficient management of high voter turnout and complex situations, it is crucial to offer competitive pay to county poll workers. This will attract and retain dedicated individuals, providing them with fair compensation for their crucial role in maintaining the integrity of our voting process. Poll workers often work long hours under challenging conditions, and increasing their pay reflects the critical service they provide.

SCARE has requested that SCAC support legislation amending **Budget Proviso 102.2** to **increase** the compensation for poll workers to $200 and for clerks to $260, from $135 and $195, respectively.

Status: In the FY 25-26 state budget, Proviso 102.2 provides that poll managers and clerks of state and county elections shall receive a per diem of $75 for the day of work and $60 for training and paperwork. Managers shall not be paid for more than two days for any election, and clerks for not more than three days for any election. The commission may adjust the per diem of $75 for the managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers per county may be appointed to assist county boards of voter registration and elections with the absentee/fail-safe voting process prior to, on Election Day, and immediately following statewide elections. Managers assisting the county boards of voter registration and elections in the absentee/fail-safe process may receive a per diem of $75 per day for not more than a total of 15 days, regardless of whether one, two, or three additional managers are used.

Steering Committee's Recommended Policy Position:

Support legislation amending Budget Proviso 102.2 to increase the compensation to $200 for poll workers and $260 for clerks, as opposed to the current compensation of $135 and $195, respectively.

Municipal Elections

Consolidating elections on specific dates reduces administrative costs. By coordinating elections to occur simultaneously, the state can make the most of shared resources and minimize the expenses associated with setting up and managing multiple election days. This not only saves taxpayer dollars but also ensures that our limited resources are used more effectively. A uniform election schedule allows for more efficient planning and administration. Election officials can better coordinate logistics, train staff, and prepare necessary materials when they know in advance when elections will occur. This consistency reduces the risk of errors and improves the overall efficiency of the election process. By using standardized dates, counties can concentrate their voter education efforts on specific key periods each year, which will make it easier to provide comprehensive information and outreach. This will help voters by providing clear communication about when and where to vote, ultimately leading to a more informed electorate.

In 2023, H. 3734 specified that all municipal elections must be conducted using a voting system approved and adopted by the SEC. The bill also required municipal general elections to be established by ordinance in odd-numbered years as follows:

- On the third Tuesday in March;
- On the first Tuesday in July; or
- On the first Tuesday after the first Monday of November.

However, the bill did not pass.

SCARE has requested that SCAC support legislation to standardize and consolidate elections on specific dates in March, June, and November, and to hold municipal elections in November or in odd-numbered years.

Status:

- **S. 37 specifies the allowable times when a general election must be set for municipalities and when the term for the mayor and council members must commence after the certification of the election results. (Referred to the Senate Judiciary Committee).**

- **S. 38 amends the process of holding special elections to fill vacancies in office. The bill adjusts the filing period for candidates in both partisan and nonpartisan special elections to seven days. This bill also requires special elections to be held only on specific enumerated dates. Currently, special elections are conducted a prescribed number of weeks following the occurrence of a vacancy. (Referred to the House Judiciary Committee).**

- **H. 3555 requires the school board election to be ordered by the election authorities, who must set the date for the first Tuesday after the first Monday of November. They must notify the county election commissioners, who are then responsible for conducting the election. This includes prescribing the ballot form, arranging voting places, appointing managers, and receiving election returns. After canvassing the results, the commissioners must declare and certify the results to the authorities. (Referred to the House Judiciary Committee).**

Steering Committee's Recommended Policy Position:

Support legislation to standardize and consolidate elections on specific dates in March, June and November and to hold municipal elections in November of odd years.

Freedom of Information Act (FOIA)

Definition of "Public Record"

Currently, Section 30-4-20 (c) provides:

(c) "Public record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body."

Aiken County Attorney Brad Farrar has requested that SCAC support legislation to amend the definition of "public record" in Section 30-4-20(c) to provide that a "public record does not include reports, spreadsheets, or compilations that a public body has the hardware, software, or other technological capability to create but has not created or does not have copies of at the time of a public records request." Just because a public body may be able to produce records in a particular format, the mere production in a particular format does not mean that the public body has to create a new public record that must always be produced in that requested format.

Status:

- **S. 124 allows the release of voted ballots and de-identified cast vote records under a court order, or FOIA request, while preserving the right to vote and ballot secrecy. Also amends Section 30-4-20(c) to include cast vote records in the definition of public records under FOIA. (Referred to the Senate Judiciary Committee).**

- **S. 6 amends Section 30-4-30, the timeline for handling FOIA requests in SC. Currently, public bodies have 10 business days to acknowledge a request and 30 to 35 calendar days to provide records. The bill shortens the response time to five business days to either provide the records or explain the delay. If additional time is needed to locate and prepare records, the public body may request an extension of up to seven more business days. If they still cannot meet the timeline, they may petition the court for an extension after trying to negotiate with the requester. (Referred to the Senate Judiciary Committee).**

Steering Committee's Recommended Policy Position:

Support legislation to amend the definition of "public record" in Section 30-4-20(c) to provide that a "public record does not include reports, spreadsheets, or compilations that a public

body has the hardware, software, or other technological capability to create but has not created or does not have copies of at the time of a public records request."

Matters Exempt from Disclosure - Cast Vote Records

In August 2022, a legal dispute arose regarding whether "cast vote records" (CVRs) should be exempt from disclosure in elections conducted under Section 7-1-10 et seq. This dispute involved the South Carolina Election Commission (SEC) and eight county boards of elections, as they were being asked to provide their CVRs from the 2020 election. The circuit court rejected a post-2020 election attempt to access individual ballot information from South Carolina's county election boards. The court upheld the SEC's position, stating that releasing voters' cast vote records would violate the constitutional guarantee of a secret ballot. *SC Safe Elections, et al vs. Aiken County Board of Elections, et al.*

Section 30-4-10 et seq., does not require the production of voted ballots, scanned images of voted ballots, and vote cast records. The Constitution guarantees the secrecy of the ballot. Article II, section 1 states, "*All elections by the people shall be by secret ballot, but the ballots shall not be counted in secret."* S.C. Const, art. II, § 1 (emphasis added).

Moreover, Article II, section 10 directs the General Assembly to "insure secrecy of voting." S.C. Const. art. II, § 10. The SC Supreme Court has explained the dominant purpose of these provisions "is to ensure the integrity of the voting process. It is calculated to secure privacy, personal independence, and freedom from party or individual surveillance. It tends to promote an independent and free exercise of the elective franchise." *State ex rel. Edwards*, 270 S.C. 87, 92, 240 S.E.2d 643, 645-46 (1978). To the extent that the disclosure of materials related to a cast ballot would lead to the identification of a voter, a court would hold such a disclosure is not required by the S.C. FOIA and violates the Constitution. 2020 WL 5985610 (S.C.A.G. Sept. 28, 2020)); see 2022 WL 4229451 (S.C.A.G. Sept. 7, 2022). Some U.S. jurisdictions make cast vote records public but often redact details about when or where ballots were cast and randomly sort them, obscuring the order of casting.

Aiken County Attorney Brad Farrar has requested that SCAC support legislation to amend Section 30-4-40 to provide that ballot images or "cast vote records" are exempt from disclosure from any election conducted pursuant to Section 7-1-10 et seq. This would help ensure that election voting records are kept confidential.

Status:

- **S. 124 allows the release of voted ballots and de-identified cast vote records under a court order, or FOIA request, while preserving the right to vote and ballot secrecy. Also**

amends Section 30-4-20(c) to include cast vote records in the definition of public records under FOIA. (Referred to the Senate Judiciary Committee).

- **S. 6 (discussed above) amends the timeline for handling FOIA requests in SC. (Referred to Senate Judiciary Committee).**

Steering Committee's Recommended Policy Position:

Support legislation to amend Section 30-4-40 to provide that ballot images or "cast vote records" are exempt from disclosure from any election conducted pursuant to Section 7-1-10 *et seq*. This would help ensure that election voting records are kept confidential.

Matters Exempt from Disclosure - Compensation Paid by Public Bodies

Currently, Section 30-4-40(a)(6)(A) provides that a public body may, but is not required, to exempt from disclosure all compensation paid by public bodies except as follows:

(A) For those persons receiving compensation of **$50,000 or more annually**, for all part-time employees, for any other persons who are paid honoraria or other compensation for special appearances, performances, or the like, and for *employees at the level of agency or department head*, the **exact compensation of each person or employee.**

For all other employees, who receive compensation between, but not including, $30,000 and $50,000 annually, a certain range must be provided.

For purposes of this subsection (6), "*agency head" or "department head*" means any person who has authority and responsibility for any department of any institution, board, commission, council, division, bureau, center, school, hospital, or other facility that is a unit of a public body.

The compensation level for disclosure has not increased since the enactment of FOIA in 1978.

Horry County Administrator Barry Spivey has requested SCAC support legislation to amend Section 30-4-40(a)(6)(A) to increase the current compensation level threshold due to inflation.

Status: No legislation introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to amend Section 30-4-40(a)(6)(A) to increase the current compensation level threshold due to inflation.

Right to Inspect or Copy Public Records

As discussed above, Section 30-4-20(c) defines "Public record" for purposes of FOIA. Section 30-4-20(B) states that records must be provided in a form that is both convenient and practical for use by the person who requested copies of the records concerned if it is equally convenient for the public body to provide records in this form.

Section 30-4-30 provides that "a person has a right to inspect, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30-4-40, or other state and federal laws, in accordance with reasonable rules concerning time and place of access. Further, "a public body is not required to create an electronic version of a public record when one does not exist to fulfill a records request."

Aiken County Attorney Brad Farrar has requested that SCAC support legislation to amend Section 30-4-30, providing that a public body is not required to create a record that does not exist at the time a request is made, even if the public body has the capability to create the requested record.

Status: No legislation introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to amend Section 30-4-30 to provide that a public body is not required to create a record that does not exist at the time a request is made, even if the public body has the capability to create the requested record.

Using Public Information for Commercial Solicitation

Currently, Section 30-2-50 provides the following:

(A) A person or private entity shall not knowingly obtain or use personal information obtained from a state agency, a local government, or other political subdivision of the state for

commercial solicitation directed to any person in this State.

(B) Each state agency, local government, and political subdivision of the state shall provide a notice to all requestors of records pursuant to this chapter and to all persons who obtain records pursuant to this chapter that obtaining or using public records for commercial solicitation directed to any person in this State is prohibited.

(C) All state agencies, local governments, and political subdivisions of the State shall take reasonable measures to ensure that no person or private entity obtains or distributes personal information obtained from a public record for commercial solicitation.

(D) A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.

Counties routinely deal with individuals or companies that request the names and addresses of property owners who are delinquent in their property taxes or own large tracts of land with timber. Once they obtain this information, they engage in **commercial solicitation**. In the case of delinquent property owners, companies often take advantage of the situation and either charge outrageous fees for their services to help the property owners pay their back taxes or, even worse, their services turn out to be scams that do not deliver the promised services.

Section 30-2-50 does not authorize counties or other public bodies to withhold or refuse this information when it is clear the requestor will use it for commercial solicitation.

Malloy McEachin, Florence County Attorney, has requested that SCAC support legislation to authorize counties and other public bodies to refuse to disclose public information when it is reasonable to expect it to be used for commercial solicitation.

Status: No legislation introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to authorize counties and other public bodies to refuse to disclose public information when it is reasonable to expect it to be used for commercial solicitation. Additionally, support the ability to require an affidavit attesting that the information will not be used for such purposes.

General

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

County Elector Challenges and Hearing Timeframes

Section 7-5-230 deals with challenges to whether someone has met the qualifications to be an elector for purposes of voting in an election. Under the provisions of the statute, once a person is registered, challenges to the qualifications of any elector must be made in writing to the county board of voter registration and elections in the county of registration. The board must, within **10** days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications. The statute is silent as to whether the 10 days are business days or calendar days.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to amend Section 7-5-230 to specify that the hearing must be scheduled within 10 business days.

Intergovernmental Relations

County Border Realignment Consent Agreement

Where county boundaries are ill-defined, unmarked, or poorly marked, the South Carolina Geodetic Survey, on a cooperative basis, shall assist counties in defining the locations of county boundaries and positioning the monuments using geodetic surveys. Over time, the exact boundaries may not have been properly maintained and consequently become lost or unclear. Correctly identifying the county boundary pursuant to state law aids in the proper administration of government and services. Uncertainty regarding the location of the boundary also causes problems with voting, property taxes, emergency services, school attendance, property transactions, zoning, and other services.

The South Carolina Geodetic Survey (SCGS) seeks to clarify the county boundaries as defined in Chapter 3, Title 4. The SCGS must analyze archival and other evidence and perform field surveys geographically to position all county boundaries in accordance with statutory descriptions. Physical and descriptive points defining boundaries must be referenced using South Carolina State Plane Coordinates. The county boundary is not moved or changed by this process. This program is designed to identify the true location as described in state law. The result may identify discrepancies, other descriptions, or markings that are inconsistent with state law and need to be changed.

Frank Rainwater, the Executive Director of the South Carolina Revenue and Fiscal Affairs Office, has requested that SCAC support legislation aimed at establishing an alternative consent procedure for annexing a section of a county resulting from a boundary clarification.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation aimed at establishing an alternative consent procedure for annexing a section of a county resulting from a boundary clarification.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Municipal Annexation and Adhesion Contracts

Annexation has been a longstanding issue of contention between counties and municipalities. As the law is currently written, municipal annexation and adhesion contracts negatively impact county governments with respect to county revenues, taxation, and land use.

Status:

- **H. 3165 requires counties to report residential development plans within a one-mile radius of bordering cities monthly. Municipalities expanding their territory must notify the relevant county before the first reading of the proposed annexation. Additionally, the bill updates ordinance requirements for imposing and collecting development impact fees, including passage procedures, contents, and reporting. It also revises publication and content requirements for capital improvement plans. Finally, it extends the refund**

period for unexpended impact fee revenue from three years to seven years. (Referred to the House 3M Committee).

Steering Committee's Recommended Policy Position:

Support legislation that would grant legal standing to county governments to challenge municipal annexations within their jurisdiction. Further, support legislation that would require all municipal annexation, including enclave annexation, by referendum as follows:

- **Support legislation prohibiting pre-facto and post-facto adhesion contracts.**
- **Provide a procedure for municipal deannexation in a manner similar to county boundary changes.**
- **Create a mechanism to freeze revenue from business licenses upon the annexation of a business by a municipality in the same manner that local hospitality taxes are treated when annexation occurs.**
- **Grant legal standing to counties for all annexations within their jurisdiction.**
- **Require municipalities to notify counties of proposed annexations. Notice should be given in time for the county to actively participate and provide input into the proposed annexation.**
- **Require municipalities to conduct a study to analyze and mitigate the potential impact of proposed annexations on the delivery and level of service of public services and facilities, in order to assure that adequate public services and facilities will be available to serve development after annexation.**
- **Prohibit the creation of enclaves (donut holes) and provide incentives for municipalities to not create enclaves. The incentives would not require approval from landowners that would be affected by the annexation.**
- **Strengthen the Priority Investment Act (enacted in 2007 to improve the local government comprehensive planning process) by mandating that any municipal annexation that violates the Act would result in a reduction of the Local Aid to Subdivision funds the municipality receives.**

Working Draft

2025 Land Use, Natural Resources and Transportation Steering Committee

SOUTH CAROLINA
ASSOCIATION OF COUNTIES

Wednesday, November 5, 2025

2025 Land Use, Natural Resources and Transportation Steering Committee

The responsibilities of the Land Use, Natural Resources and Transportation Steering Committee include growth policies, environmental issues, as well as transportation and other infrastructure issues. Specific areas of concern include issues related to land use; zoning and building code programs; solid and hazardous waste management programs; water resource systems; air quality; wetlands; energy conservation; eminent domain; parks and recreation; and state/federal transportation funding programs, to include "C" funds.

Meeting Dates:

Wednesday, September 17, 2025
Wednesday, November 5, 2025

Charles T. Edens, Chairman
Sumter County Council

Steering Committee Members *

County Representatives:

Scott Biering, Colleton County Council Chairman
Benton Blount, Greenville County Council Chairman
Tish Dozier Alleyne, Richland County Council
Bernard L. Hamby, McCormick County Council Chairman
Sharon Hammond, Bamberg County Council Chairwoman
Alice G. Howard, Beaufort County Council Chairwoman
John Johnson, Clarendon County Council Chairman
John Kemp, Jasper County Council Chairman
A. Manning Lynch, Spartanburg County Council Chairman
James Moore, Saluda County Council Chairman
William C. Norris, Abbeville County Council Chairman
Anthony Woods, Marlboro County Council Chairman

SCAC Board Members:

John Q. Atkinson Jr., Marion County Council Vice Chairman
Dr. Alphonso Bradley, Florence County Council
Larry Haynes, Bamberg County Council Vice Chairman
Theo Lane, Greenwood County Council Chairman
Cecil M. Thornton Jr., Calhoun County Council Vice Chairman

President's Appointees:

J. Shawn Brashear, Florence County Director of Planning & Building
Danny R. Bright, Union County Council
Coleman Bryant, Chesterfield County Attorney
Danny Knight, Horry County Solid Waste Authority Executive Director
Claiborne Linvill, Pickens County Council
Jose Luis, Lancaster County Council
Andrea N. Melocik, Charleston County Planning & Zoning Deputy Director
Virginia Merck-Dupont, Lancaster County Attorney
Steve Thigpen, Charleston County Deputy Administrator – Public Services
Nicole Workman, Chester County Attorney

SCAC Staff Contact: John O. Wienges Jr.

*As of October 2, 2025

2025 Land Use, Natural Resources and Transportation Steering Committee

General Statement of Policy

South Carolina's counties have played a vital role in maintaining natural resources, governing the wise use of land, and making public infrastructure decisions. Protection of natural resources must be a shared effort between the state and local governments. Counties recognize the importance of Home Rule and community input regarding land use, natural resources, and infrastructure decisions and have traditionally opposed statewide legislation that would preempt community input and solutions tailored to local situations involving these matters. County officials acknowledge their responsibility to carry out policies formulated by the General Assembly regarding matters of statewide concern. To that end, if state law mandates that local governments assume new or expanded responsibilities, the General Assembly should provide adequate guidance and funding to accomplish legislative aims.

New Policy Issues

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Exemptions from Building Codes Requirements for Agriculture Buildings

In addition to the uncertainty that many counties across the state currently face regarding the taxation of farm structures due to definition changes in Act 236 of 2022, counties are also seeing an increase in applications for agriculture structures to be exempted from building code requirements under §6-9-65(C) of the Code. Currently, §6-9-10 requires local governments to enforce state building codes. However, there are several exemptions, including §6-9-65(B), which provides that the governing body of a county or municipality may not enforce portions of nationally recognized building codes which regulate the construction or improvement of a "farm structure."

Section 6-9-65(A) defines a farm structure as:
"a structure that is constructed on a farm, other than a residence or a structure attached to it, for use on the farm including, but not limited to, barns, sheds and poultry houses, but not public livestock areas. For the purposes of this section, "farm structure" does not include a structure originally qualifying as a "farm structure" but later converted to another use."

H. 3262 was filed last year, which would further expand the exemption from building code requirements for farm structures that were converted to another use that can accommodate up to 300 people and is used for public or private events such as weddings or receptions. Additional attempts to expand exemptions for farm structures may occur in the upcoming legislative session.

Status: H. 3262, detailed above, would exempt converted farm structures, accommodating up to 300 people, used for public or private events from building code requirements.

Steering Committee's Recommended Policy Position:

Oppose legislative efforts to expand the definition of farm structures in the Code.

Growth Challenges for Counties

South Carolina continues to grow at the fastest pace of any state in the nation, according to the Census Bureau. The increase in population is also likely to continue to put a strain on existing infrastructure, utilities, and other resources, like schools and public services.

Some counties have approved moratoriums to pause rapid growth, and some have imposed impact fees to help pay for the services and infrastructure additional residents will require. Additionally, during the 2025 legislative session, lawmakers introduced several pieces of legislation that would potentially aid counties in their planning development processes.

S. 227 / H. 4050 permits local governments to include a concurrency program in their zoning ordinances or zoning and planning techniques. Under concurrency programs, the governing authority may conditionally approve land development activities based on public facility and service adequacy. These programs must ensure public facilities and services necessary to support development are adequate to serve that development. A governing authority may require public facilities and service contributions to be sufficient to offset a development's proportionate share impact on facilities and services.

S. 288 permits local governments, by ordinance, to allow for the voluntary transfer of development rights (TDR) permitted on one parcel of land to another parcel of land. TDR allows landowners to sell or transfer their rights to develop property to developers in other locations where development is encouraged and infrastructure and services are already in place. Additionally, the legislation allows two or more local governments to establish a joint TDR program.

Kiera Reinertsen, the Dorchester County Planning and Zoning Director, requests that the steering committee support the legislation mentioned above that would clearly authorize, while not requiring, jurisdictions to implement sound planning measures to address growth occurring across the state. Additionally, bills that seek to expedite land development and building permit approvals without providing the funding necessary for local government officials to meet the reduced timeframes should be opposed as such legislation conflicts with existing regulations and review processes established in Title 6, Chapter 29.

Status: S. 277 / H. 4050, detailed above, would allow counties to voluntarily establish concurrency programs. S. 288, also detailed above, would allow counties to voluntarily establish TDR programs. S. 4 would automatically approve plats or plans within 30 days unless expressly disapproved by a governing body and would allow certified third-party inspectors to perform the duties of a local building inspector. H. 3215 would provide that local planning and permitting entities must render a decision on applications for building permits, certificates of occupancy, zoning variances, or other licenses within 45 calendar days after submission or the respective application must be deemed approved.

Steering Committee's Recommended Policy Position:

(1) Support legislation clearly authorizing, while not requiring, jurisdictions to implement sound planning measures to address growth; (2) Oppose legislation that would allow third-party building inspectors that are not contracted by the county.

Salvage Vehicle Title Discounts

Counties often provide a discount on property taxes for vehicles with salvage-brand titles. A salvage title is used when a vehicle is declared a total loss by an insurance company, has repairs that exceed 75% of the vehicle's value before the damage occurred, or has damage to the body or frame to the extent that the vehicle is unsafe to operate. There are also several subcategories of salvage titles including rebuilt, flood and fire titles.

Currently, salvage-title discounts are not clearly stipulated as an exemption, and there is no established amount set for the discount. John Benca, Anderson County Auditor, requests that the steering committee support legislation to set the salvage title discount at a certain percentage of the vehicle's market value.

Status: No legislation was filed in 2025.

Steering Committee's Recommended Policy Position:

No position.

Carryover Issues

Land Use

Land Use Policy Statement

Counties and municipalities are the only entities vested with the jurisdiction to adopt and enforce zoning ordinances, development regulations, and other land use measures. County governments encourage adequate open space that contributes to the quality of life of our citizens by providing recreational opportunities, enhancing air and water quality, and preserving and protecting South Carolina's unique natural beauty. Local communities are best able to understand the most beneficial use of land. To that end, local citizens require and expect local governments to establish and enforce local land use and zoning ordinances. The South Carolina Association of Counties believes that the state and other outside entities should avoid interfering in local land use matters.

Affordable Housing

Affordable housing is an issue that is likely to be discussed during this legislative session. As more people and businesses continue to move to South Carolina, the value of land and residences in urban areas continues to rise. As a result of a shortage of affordable housing, many people are unable to afford to live close to their workplace and getting to work becomes more costly and time consuming. Several bills have been introduced over the years to address the problem. These bills range from allowing counties to use inclusionary zoning strategies to increase the availability of affordable housing to statewide tax credits for affordable housing. Currently, no state law prohibits a county from adopting a land use regulation or plan to offer developers incentives to build affordable housing units. Possible incentives could include whole or partial waivers of development or impact fees, tax adjustments, or density adjustments.

The South Carolina Housing Forum began meeting in 2019 to discuss the driving factors behind a lack of affordable housing in South Carolina. SCAC staff was involved in the meetings and regularly heard complaints about local regulations and zoning practices inhibiting affordable housing. Many of these complaints were aimed at school districts imposing very high impact fees for new construction, but several cited high utility fees for new sewer and water taps as making affordable housing not profitable.

In August 2020, the Forum held a Home Attainability Conference to further discuss the issue of affordable housing in South Carolina. Several speakers, including a developer and an economic

forecaster, discussed several barriers to affordable housing, including those listed above. The Forum is going to take ideas from the Conference and use them to introduce legislation to help alleviate the burdens faced by developers wanting to build affordable housing.

Deloris Frazier, Orangeburg County Councilwoman, voiced her concern over affordable housing and the desire to bring more infrastructure and revitalization efforts to her community to attract people to move to Orangeburg.

Status: Several bills were filed in 2025 relating to the topic of affordable housing including, but not limited to, H. 3333 (Act No. 24) regarding affordable housing requirements when redeveloping former federal military installations; H. 3750 providing that certain land must be designated for affordable housing; H. 3737 establishing a tax-exempt real estate trust fund to increase the supply of affordable housing, and S. 125 requiring that tax exemptions for nonprofit housing corporations only applies to the percentage of the corporation's ownership interest in properties that provide affordable housing and requiring yearly certification.

Steering Committee's Recommended Policy Position:

(1) Support legislation providing statewide tax benefits for affordable housing to developers and landowners; (2) Oppose legislation that would impose limits on impact fees and tap fees.

Balcony Inspections

There has been legislation introduced in the past that would require counties to perform inspections of all exterior balconies on residential properties every five years. The Building Codes Council would be required to develop and administer a database of the results of the balcony inspections. Counties could assess and collect a fee for each balcony inspected. SCAC staff has provided alternative methods including the creation of a division under the Department of Labor, Licensing, and Regulation (LLR) which would perform balcony inspections in a similar manner to elevator inspections.

Barry Spivey, Horry County Administrator, requests that the steering committee oppose any legislative efforts to require counties to perform inspections of balconies.

Status: S. 116 and companion bill H. 3908 were filed last year requiring LLR to set minimum safety standards for balcony railings that are primarily constructed of wood and are located in multifamily dwellings and to require LLR to perform periodic inspections.

Steering Committee's Recommended Policy Position:

Oppose legislation requiring counties to perform inspections of residential balconies and buildings.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Data Centers

Recent advancements in technology have led to several companies looking to locate data centers in many of our counties. In the past couple years, concerns have been raised by lawmakers, regulators and the public regarding the ability of South Carolina to keep up with the growing energy demand throughout the State. During recent meetings, several lawmakers expressed concerns over the amount of energy and water that is required to power data centers. It was stated several times that data centers only benefit the county in which they are located, yet the cost of providing power and water to these centers is spread among all ratepayers. As a result, SCAC anticipates legislation potentially preempting or limiting a county's authority to offer financial or other incentives to attract new data centers.

Status: During last year's debate on the omnibus energy reform bill, H. 3309 (Act No. 41), there was debate regarding eliminating state economic incentives for data centers as well as some discussion regarding local incentives used to attract data centers.

Steering Committee's Recommended Policy Position:

Oppose legislation that would prohibit a county from providing incentives for data centers.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Disposal of Lithium-ion Batteries

As the popularity of electric vehicles continues to grow, concerns have been raised regarding the handling and disposal of the lithium-ion batteries that power such vehicles. Currently, the lithium-ion battery industry lacks a clear path to large-scale economical recycling. One of the major factors currently driving the recycling of lithium-ion batteries is the price of cobalt, a major component of

battery systems. If the market price of cobalt drops, recycled cobalt would struggle to compete with mined cobalt, severely decreasing the likelihood of a lithium-ion battery being recycled. Additionally, if the lithium-ion batteries are placed into landfills, lithium, cobalt, manganese, and other metals found in batteries could leak from the casing of buried batteries and contaminate soil and groundwater.

Status: No legislation was filed in 2025.

Steering Committee's Recommended Policy Position:

Support legislation or regulations to provide state oversight with manufacturer or distributor participation and funding in the disposal process.

Disposal of Solar Panels

The current nationwide regulatory scheme for managing the end-of-life process for solar panels is complex and often varies by jurisdiction. Beginning in the early 2000s, the residential use of solar panels became increasingly popular as a renewable form of energy due to its affordability to a much wider market across the country. Although solar power is a form of clean energy, many solar panels are often composed of hazardous metals and other materials that aid in the energy generation process and must be considered when the panels are discarded.

Horry County expressed concerns regarding the challenges of identifying these potentially hazardous materials contained in discarded solar panels due to their diverse composition that is dependent upon each manufacturer's specific design. As a result, Horry County is not accepting rooftop solar panels into the county's solid waste facilities at this time.

Horry County Administrator Barry Spivey would like the steering committee to support legislation to provide state oversight with manufacturer/distributor participation in the disposal process. Additionally, York County Councilwoman Debi Cloninger would like to see the state restrict the use of solar cells and panels containing hazardous chemicals being placed in close proximity to schools and heavily populated communities.

Status: No legislation was filed in 2025.

Steering Committee's Recommended Policy Position:

Support legislation or regulations to provide state oversight with manufacturer or distributor participation and funding in the disposal process.

Expansion of Broadband

Many rural and remote communities in South Carolina continue to lack reliable and high-speed internet access and need additional funding and assistance to develop infrastructure.

In 2022, Governor Henry McMaster signed Act 244 into law, which allocated American Rescue Plan Act (ARPA) funding to a variety of state agencies – including $400 million to the SC Office of Regulatory Staff (ORS) to expand broadband infrastructure.

In June, the South Carolina Broadband Office (SCBBO), which is part of ORS, announced the conclusion of its ARPA grant programs that resulted in the commitment of $400 million to expand high-speed internet access to over 112,380 unserved or underserved Broadband Serviceable Locations (BSLs) statewide. The SCBBO's ARPA programs resulted in an estimated $663,059,112 broadband infrastructure investment for South Carolina.

The Economic Development Office in Chesterfield County requests that the steering committee support legislation to continue to push broadband access for everyone.

Status: Proviso 73.8 established the SC Broadband Office within the Office of Regulatory Staff that must use funds provided to the Office to continue the "Broadband Infrastructure Program" that is tasked with maximizing resources for the expansion of broadband across the state.

Steering Committee's Recommended Policy Position:

Support legislation to continue to push broadband access for everyone.

Flood Maps and Building Code Requirements

New flood maps indicate a "Limit of Moderate Wave Action" (LiMWA) line, which is determined by FEMA, to delineate the Coastal A Zone (CAZ). Construction in a CAZ must comply with the same construction requirements as a V-Zone (Coastal High Hazard Area). FEMA makes complying with the CAZ *voluntary*. The updated South Carolina Building Codes *requires* compliance with the Coastal A Zone. For example, Coastal A Zones in Georgetown County extend roughly seven miles inland from the ocean. This mandatory requirement increases construction costs, greatly impacts renovations and additions due to Substantial Improvement/Substantial Damage requirements in Special Flood Hazard Areas, and potentially impacts manufactured homes if placed within a CAZ because it now requires deep foundations designed by a registered engineer making affordable housing less affordable.

Georgetown County has applied to the Building Codes Council for a variance to the Coastal A Zone requirement based on their particular geographic conditions. Georgetown County has been in conversation with the SC Homebuilders Association who testified against them on this issue to work out a legislative fix.

SCAC staff is working on language to include an option for counties to opt out of the LiMWA line requirements, a clause stating that if FEMA changes the LiMWA line from optional to mandatory the legislation then becomes null and void, and if the legislation were to be enacted it would trigger a notification requirement to the SC Department of Insurance, Board of Flood Mitigation, and the Building Codes Council within Department of Labor, Licensing and Regulation.

Georgetown County has requested that the steering committee support legislation to provide relief from the LiMWA line requirements.

Status: S. 623 was filed last session to exempt Georgetown County from building requirements for properties within, or affected by, the LiMWA line as shown on the May 9, 2023, flood insurance rate map. Although this bill passed both the House and Senate, the governor vetoed the legislation on May 22, 2025. The General Assembly still has the ability to override the gubernatorial veto when session resumes in January.

Steering Committee's Recommended Policy Position:

No position.

Funding for Industrial Site Readiness

Many counties across South Carolina are actively engaged in recruiting prospective industrial partners to locate facilities in their respective communities in an effort to promote economic development and supply their residents with additional job opportunities. Site location decisions are being made faster than ever due to aggressive business timelines and competitive incentives. While there has been an increased effort by the state over the past 10 years to help local governments with this effort through services such as LocateSC and the Site Readiness Fund, many counties continue to need additional funding and assistance to develop infrastructure and pad-ready industrial sites to assist them in landing economic development opportunities.

The Chesterfield County Economic Development Office requests that the steering committee support legislation to increase funding to counties across the state that would aid in developing pad-ready industrial sites, buildings, and infrastructure upgrades to help recruit additional industrial development.

Status: Proviso 118.22 provided $80 million in nonrecurring revenue for the LocateSC program housed within the Department of Commerce for industrial site readiness and the recruitment of industrial development throughout the state.

Steering Committee's Recommended Policy Position:

Support funding mechanisms that would aid in the development of pad-ready sites, buildings, and infrastructure upgrades to help recruit additional development.

Lot Cleanup

Counties have general powers under § 4-9-25 to enact ordinances to preserve health within the county, including allowing for the cleanup of property constituting a public nuisance. While they may not interfere with the rights of the general public sufficient enough to constitute a public nuisance, counties do have limited authority to address dwellings unfit for habitation. This authority is found in §§ 31-15-310 et seq. Section 31-15-310 allows counties to take corrective actions on dwellings unfit for habitation and add these costs to the property owner's tax bill. If the property owner then fails to pay this portion of their property tax bill, the county may place a lien on the property. While this may temporarily alleviate the conditions, there is significant concern over the priority of the tax lien and the county's ability to recover the money spent on the corrective actions.

Counties have the authority under § 6-9-50 to adopt the International Property Maintenance Code (IPMC), made available by the International Code Council. The IPMC provides specific maintenance requirements as well as requirements intended to maintain a minimum level of safety and sanitation for both the general public and occupants of a structure, residential or commercial. Counties that have adopted the IPMC have the authority under Section 109 to make emergency repairs to structures that pose a threat of imminent danger or under Section 110 to order the owner or owner's agent to demolish structures that are unable to be repaired. Counties can then seek a judicial action against the owner for the recovery of the costs.

While counties can clean up or demolish structures in emergency situations, they do not have the power to clean up lots or to collect the cost as property taxes. Recovering costs from the owner of the property is not guaranteed, as many times the owner does not live in South Carolina and has no incentive or ability to clean up the low value property. As a result, the taxpayers of the county often end up paying for the cleanup of private property.

Aiken County Attorney Bradley Farrar, Marlboro County Councilwoman Pearly Lawson, and Richland County officials would like the steering committee to support legislation to reduce the financial burdens that counties often face when cleaning up unkept properties.

Status: Although no legislation was filed in 2025, this topic was discussed in various ad hoc study committees.

Steering Committee's Recommended Policy Position:

Support legislation giving counties the authority to clean up both structures and lots and recover the costs associated with the cleanup from the property owner on the tax bill.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Preemption of Land Use Measures

Each session there are attempts made to restrict local governments' ability to regulate land use or to preempt local zoning authority. An example might include any regulation of installation of solar collectors. A policy of removing barriers to installation of solar panels may be laudable, but certain installations in historical or scenic areas may not be a good thing, and local governments are in the best position for understanding these land use issues.

Status: Several bills were filed in 2025 that would impose greater restrictions on a local government's authority to regulate land use, including but not limited to:

- **S. 4: Automatically approves plats or plans within 30 days and allows third parties to perform building inspections;**
- **H. 3215: Requires local governments to render decisions on applications and zoning variances within 45 days or such application must be deemed approved;**
- **S. 442 / H. 3861: Prohibits local governments from enacting ordinances regarding the ability to rent residential dwellings to short-term guests; and**
- **H. 4168: Exempts property from connecting with a county or municipal water and sewer system if the system lacks capacity to extend services to the property and allows for the installation of septic tanks or wells under certain conditions**

Steering Committee's Recommended Policy Position:

Oppose legislative preemption of local zoning or other restrictions on local land use regulations.

Short Term Rentals- Defining Terms to Close Loopholes

Each session there are attempts made to restrict local governments' ability to regulate land use or to preempt local authority. Counties have traditionally recognized the importance of Home Rule in regard to land use decisions and have opposed statewide legislation that would preempt community input and

solutions involving these issues. The state and other outside entities should avoid interfering in local decisions regarding land use decisions because local governments are in the best position for understanding how these issues impact their locality.

John (Jay) Watson, Georgetown County Attorney, has requested that the steering committee support legislation to tighten definitions by distinguishing between "short-term renters" vs. "roommates."

Status: S. 442 and companion bill H. 3861 were filed last year to prohibit political subdivisions from enacting ordinances or regulations that would prohibit the rental of a residential dwelling to a short-term guest. Short-term guests are defined in the current bills as any person who rents a short-term rental for fewer than 29 days.

Steering Committee's Recommended Policy Position:

Support legislation that would tighten definitions to distinguish between "short-term renters" versus "roommates."

Natural Resources

Natural Resources Policy Statement

The task of preserving and maintaining South Carolina's natural resources encompasses numerous areas of concern and involves the exercise of authority by federal, state, and local governments. Since counties are charged with the task of balancing various interests, local community input and decision-making needs to be preserved. Counties have long recognized that efforts to ensure clean water and air and to protect wetlands transcend governmental boundaries. These efforts require close cooperation between federal, state, and local governments. To that end, the Association of Counties, and those directly impacted counties, should be included in any decisions concerning state and federal efforts to protect natural resources.

Energy Generation and Accessibility

According to the U.S. Census Bureau, South Carolina led the nation in population growth in 2023. One major component attributing to the rapid population increase has been the significant economic development success the state has achieved over the last decade. Since 2017, the state has announced over $36.4 billion in new investments and over 86,000 new jobs. This record-breaking growth in population and economic development has placed significant demand on South Carolina's electrical utility system that must be addressed with urgency to meet the surging need for energy while maintaining grid reliability for all citizens and businesses.

During the 2024 legislative session, the SC Nexus for Advanced Resilient Energy Consortium was developed in collaboration with research universities, technical colleges, state agencies, the Savannah River National Laboratory, economic development non-profits, and private businesses. The Consortium won the U.S. Department of Commerce's Economic Development Administration's designation as one of the nation's Regional Technology and Innovation Hubs.

In late 2024, the Chesterfield County Economic Development Office and the late Chester County Council Member Michael Vaughn requested that the steering committee support legislation to promote an increase in energy production and accessibility to meet the increasing demand for power across the state.

Status: H. 3309 (Act No. 41), also known as the South Carolina Energy Security Act, passed in 2025. This legislation was an omnibus energy reform bill intended to address the state's energy needs over the next decade and included an authorization for the Public Service Authority and

Dominion Energy to jointly own one or more natural gas-fired generation facilities at the former Canadys coal-fired generation satiation in Colleton County.

Steering Committee's Recommended Policy Position:

Support legislation to promote an increase in energy production and accessibility to meet the increasing demand for power across the state.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Solid Waste Flow Control

There will be strong continued legislative efforts to undermine counties' responsibilities under state law and Home Rule to determine what is in the best interests of its citizens regarding disposal of solid waste. If successful, these efforts will greatly erode counties' ability to regulate solid waste in order to comply with the Solid Waste Management Act and Department of Environmental Services regulations.

"Flow control" is simply a local government determining where solid waste within its jurisdiction may go. Constitutional issues with such ordinances have been raised in the past, but in a 2007 U.S. Supreme Court case, a narrow set of circumstances was deemed constitutionally permissible; and in 2013, the South Carolina Supreme Court upheld Horry County's flow control ordinance.

Status: No legislation was filed in 2025.

Steering Committee's Recommended Policy Position:

(1) Oppose legislative efforts to undermine counties' authority to address their responsibilities regarding the disposal of solid waste.
(2) Support legislation providing counties with increased flexibility and accessibility to solid waste disposal.

Transportation and Other Infrastructure

Transportation and Other Infrastructure Policy Statement

As communities across South Carolina grow, many counties are faced with increasing stress on public infrastructure. This has accelerated the demand for new and expanded airports, roads, bridges, water and sewer systems, and solid waste disposal. Counties should take a proactive role in determining the direction of infrastructure and should be included in decisions at the state level affecting local infrastructure.

Infrastructure Definitions

The "Infrastructure Investment and Jobs Act" was passed into law in November 2021 with the goal of increasing federal spending on "infrastructure" by approximately $550 billion over the next decade through grants to state and local governments. The Act defines infrastructure in § 70912(5) as:

> "*structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy."*

Currently, the South Carolina Code of Laws does not formally define the term "infrastructure" and its meaning changes frequently, even within the same Title of the Code. For example, infrastructure in Section 11-42-30 is defined as:

> "*basic facilities, services, and installations needed for the functioning of government including, but not limited to, water, sewer, and public sector communication facilities…"*

While under Section 11-41-20, infrastructure means:

> "*(a) land acquisition; (b) site preparation; (c) road and highway improvements; (d) rail spur construction; (e) water service; (f) wastewater treatment; (g) employee training which may include equipment used for such purpose; (h) environmental mitigation; (i) training and research facilities and the necessary equipment therefor; and (j) buildings and renovations to buildings whether new or existing…"*

Joe Passiment, Beaufort County Councilman, requested that the steering committee support legislation to make the state's definition of infrastructure consistent with that of the federal government. This

would likely help streamline a county's ability to request grants from the federal government for in-state transportation projects.

Status: No legislation was filed in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to make the state definition of infrastructure match the federal definition and to add solid waste to the definition of infrastructure.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Transfer of Roads from SCDOT to Counties

There have been past proposals to transfer over 19,000 centerline miles of state roads to local governments. Legislators and the South Carolina Department of Transportation (SCDOT) acknowledge these roads are in poor condition and contend that state funds are not available to continually maintain them. Further, they believe that many of these roads have no reason for being under the state system in the first place. A bill was previously filed that would have transferred these non-federal aid secondary roads to local governments at the option of county council with an increase in C funds to pay for their maintenance. Members of the legislature have repeatedly stated that any legislation including the transfer of roads to counties would be optional at the county council level and that funding would be adequate to maintain these roads.

Status: Although there was no legislation introduced regarding this issue in 2025, the House Department of Transportation Modernization Ad Hoc Committee and the SCDOT Secretary have received comments regarding the transfer of roads from SCDOT to local governments.

Steering Committee's Recommended Policy Position:

Oppose legislation that would require a mandatory transfer of roads from SCDOT to local governments.

Transportation Infrastructure Project Funding

Several counties have stressed that the current system and formulas used by SCDOT are not adequate to address the growing needs for construction and maintenance of highways and roadways throughout the state. SCDOT states that it does not have sufficient funds to fix all roads in the state, and it is safe

to say that local governments who wish to have their transportation projects completed will likely need to look to more local revenue-producing methods. Several funding proposals including the selective use of tolls or high occupancy vehicle lanes have been previously considered by the legislature.

Barry Spivey, Horry County Administrator, raised concerns with local option gas taxes for road maintenance and construction. Mr. Spivey suggests that this should be shared with municipalities but should be managed at the county level as gas stations and travel are both in and out of municipalities.

Status: No legislation was filed in 2025.

Steering Committee's Recommended Policy Position:

Support legislation providing alternative funding resources and methodologies to expedite project recovery for all transportation infrastructure projects.

Uniform Process for the Dedication of Roads to Local Governments

Unlike states in which dedication procedures for roads are set by statute, South Carolina dedication rules derive from case law and are often viewed as ambiguous and provide little certainty. South Carolina courts have held that there are two key elements involving road dedication: (1) an offer to dedicate the road to the public and (2) acceptance by the public. While evidence of the first element is usually found to be more concrete, "proof of acceptance by the public" under the second element is often more difficult to decipher. As a result, uncertainty is created as to whom the rights and liabilities associated with roads should accrue. Establishing a statutory form of road dedication, executed by both the landowning offeror and the government counterpart, and recorded in the chain of title, would provide every county and municipality with a uniform process. This would benefit counties and municipalities from inadvertently becoming responsible for roads through public use.

Lancaster County has requested that the steering committee support legislation that would provide for a statutory scheme of road dedication to provide legal certainty and a uniform process for local governments.

Status: No legislation was filed in 2025.

Steering Committee's Recommended Policy Position:

Support legislation implementing a statutory scheme of road dedication to provide legal certainty and a uniform process for local governments.

Working Draft

2025

Public Safety, Corrections and Judicial Steering Committee

SOUTH CAROLINA
ASSOCIATION OF COUNTIES

Thursday, November 6, 2025

2025 Public Safety, Corrections and Judicial Steering Committee

The responsibilities of the Public Safety, Corrections and Judicial Steering Committee include issues relating to the funding and administration of law enforcement; corrections and jails; the judicial system; fire and life safety programs; and emergency disaster preparedness. Specific areas of concern include issues related to law enforcement; adult and juvenile detention; the court system, including clerks of court and registers of deeds, magistrates, and probate judges; E-9-1-1 service programs; fire protection services; emergency medical services; and emergency preparedness programs.

Meeting Dates:

Thursday, September 18, 2025
Thursday, November 6, 2025

Julie J. Armstrong, Chairwoman
Charleston County Clerk of Court

Steering Committee Members*

County Representatives:

Hattie Burns, Chesterfield County Council
Jeff Carroll, Laurens County Council Chairman
Clint A. Elliott, Georgetown County Council Chairman
Clarence Gilbert, Fairfield County Council Chairman
James T. McCain Jr., Sumter County Council Chairman
Phillip G. Russell II, Union County Supervisor/Chairman
Robert Nick Shealy, Newberry County Council Chairman
Alex Saitta, Pickens County Council Chairman
Keith Smith, Allendale County Probate Judge
Julie Stutts, Aiken County Register of Deeds
Latisha Walker, Orangeburg County Council
Kelvin C. Washington, Williamsburg County Supervisor/ Chairman

SCAC Board Members:

Cam Crawford, Horry County Council
Waymon Mumford, Florence County Council
William E. Robinson, Allendale County Council Chairman

President's Appointees:

Johnathan W. Bryan, Sumter County Attorney
Doug Bryson, Spartanburg County Emergency Services Director
James C. Campbell, Sumter County Clerk of Court
Tonia Capers-Jones, Allendale County Detention Center Director
Mario Formisano, Dorchester County Deputy Administrator for Public Safety
Josh Hawkins, Anderson County Emergency Management Director
Brian Hester, Chester County Administrator
John C. Hicks, York County Chief Jail Administrator
Amy McCulloch, Richland County Probate Judge
Timothy L. Nanney, Greenville County Register of Deeds
Bobbi Jo O'Neal, Charleston County Coroner
Keith Smith, Allendale County Probate Judge

SCAC Staff Contact: M. Kent Lesesne

*As of October 6, 2025

2025 Public Safety, Corrections and Judicial Steering Committee

General Statement of Policy

One of the primary responsibilities of government is to protect its citizens from those who threaten their life, liberty, and property. County government resources are being strained to the limit to provide sufficient law enforcement, to deal with the escalating complexities and backlog in the judicial system, and to cope with the crises in jail overcrowding and juvenile crime. Many of these responsibilities fall on the counties as state mandates with either inadequate or no state funding.

County government officials feel that the critical issues facing our counties cannot be solved in a vacuum, but only through partnerships with the federal, state, and local governments; the private sector; volunteer organizations; community groups; and others. The state must take a leadership role in examining the causes of crime so that we do not have to continually build more jails, to find better methods to deal with high recidivism rates, and to make improvements in a judicial system that moves at a less-than-acceptable pace and has not adequately kept up with societal changes. The federal and state governments must not only support these efforts through strong leadership, but sufficient financial support must be provided if we are to solve these issues and improve the quality of life of all South Carolinians.

New Policy Issues

Background Checks for Litter Control Officers

Aiken County has been informed by SLED that the county does not qualify to receive national criminal background check information on their code enforcement officers as they are a "non-traditional law enforcement agency." Aiken County wants these background checks to vet their potential hires as code enforcement officers, so that they do not unknowingly hire someone who has a criminal record in another state.

Bradley Farrar, Aiken County Attorney has requested that SCAC support legislation to amend § 4-9-145(B)(3) to read:

For purposes of this section, "litter control officer" means a code enforcement officer authorized to enforce litter control laws and ordinances and has completed the training required. A code enforcement officer commissioned pursuant to this section is considered to be a "law enforcement officer" if such code enforcement officer is hired by and regularly on the payroll of the State or any of its political subdivisions, is granted statutory authority to enforce all or some of the criminal, traffic, and penal laws of the State, possesses the power to effect arrests for offenses as described in subsection (B)(2) hereinabove, and who has completed the training required and certified pursuant to Chapter 23, Title 23.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to amend § 4-9-145(B)(3) to read:

For purposes of this section, "litter control officer" means a code enforcement officer authorized to enforce litter control laws and ordinances and has completed the training required. A code enforcement officer commissioned pursuant to this section is considered to be a "law enforcement officer" if such code enforcement officer is hired by and regularly on the payroll of the State or any of its political subdivisions, is granted statutory authority to enforce all or some of the criminal, traffic, and penal

laws of the State, possesses the power to effect arrests for offenses as described in subsection (B)(2) hereinabove, and who has completed the training required and certified pursuant to Chapter 23, Title 23.

Code Enforcement Officers Prosecuting Ordinance Violations

During the magistrate judges' conference earlier this year, a discussion about code enforcement officers prosecuting ordinance violations took place. It was opined due to a 2013 Attorney General's (AG) opinion that they did not have authority to prosecute their cases. A few weeks ago, a Berkeley County magistrate kicked every code enforcement officer out of court and refused to go forward with their cases, due to the conclusion that they were non lawyers and were not authorized to prosecute ordinance violations. A recent AG opinion issued on July 22, 2025, stated that magistrates were misapplying the 2013 AG opinion. The 2025 opinion went on to say that they believe a court would likely allow a code enforcement officer to prosecute criminal violations in magistrate's court.

Bart Stegall, Assistant Berkeley County Attorney, has requested that SCAC support legislation to amend §4-9-145 to specifically authorize code enforcement officers to prosecute ordinance violations in magistrate's court and that such authorization does not constitute the unauthorized practice of law.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to amend § 4-9-145(B)(3) to specifically authorize code enforcement officers to prosecute ordinance violations in magistrate's court and to provide that such authorization does not constitute the unauthorized practice of law.

Recording Homeowner's Association (HOA) Documents

Section 27-30-130(D) states that the recording of the rules, regulations, bylaws, and amendments to rules and regulations of a homeowner's association, are not subject to the requirements of witnesses

and acknowledgements required under Section 30-5-30. That means that anyone can file any purported homeowner's association (HOA) documents, and there is no way for a register of deeds to validate any of the information, or to ensure compliance with basic recording principles.

Bradley Farrar, Aiken County Attorney, has requested that SCAC support legislation to repeal § 27-30-130(D).

Status: H. 3447 provides that for the governing documents of a homeowner's association to be enforceable, they must be recorded in the clerk of court's, Register of Mesne Conveyance (RMC), or register of deeds office in the county where the property is located. H. 3447 was referred to the Senate Judiciary Committee.

Steering Committee's Recommended Policy Position:

Support legislation to repeal § 27-30-130(D), and to require HOA documents meet the requirements of § 30-5-30 in order to be recorded.

This issue is likely to come up in the next session and has not been raised by any county or official:

Department of Juvenile Justice (DJJ) Housing Cost

S. 374 was introduced in 2025. The bill removed the $50 per day charge counties were paying to the DJJ for housing juveniles. However, the bill did not delete the fines and fees assessment DJJ received for housing county and municipal juveniles, which in FY 2024 amounted to roughly $85 per day per juvenile. The bill would require DJJ to be responsible for one-third of the daily cost of housing juveniles. The DJJ director testified at a subcommittee hearing on the bill that is cost $400 per day for a juvenile. This would amount to a substantial increase to counties sending juveniles to DJJ. SCAC was successful in slowing the bill down by having senators place their name on the bill on the Senate floor in hopes of negotiating a more reasonable amount.

However, the primary sponsor of the bill placed a proviso in the 2025-2026 budget requiring local governments using the juvenile detention services provided by DJJ to pay a capital expenditure charge of $125 per day per child not to exceed 25 days to DJJ to cover capital expenditures and investments

in the facilities that house such juveniles. This charge is in addition to the per diem charge of $50 that offsets operating expenses. If full funding is not received by the local governments, then the remainder of the funds due shall be transferred to DJJ from the Local Government Fund on behalf of local governments. The transfer to DJJ on behalf of the local government shall be deemed to have been distributed to the local government.

Status: S. 374 would remove the $50 per day charge to counties for housing juveniles at DJJ and requires counties to enter intergovernmental agreements with DJJ for juvenile services. DJJ would be responsible for one third of the costs of housing juveniles.

Steering Committee's Recommended Policy Position:

Oppose S. 374 as drafted, while SCAC continues to negotiate with DJJ to reach a more reasonable per diem rate. As a part of those negotiating efforts, DJJ should be required to disclose its operational cost for housing juveniles.

Carryover Issues

Corrections

Corrections Policy Statement

There must be an equitable relationship between the state and the counties for the growing demands of adult and juvenile incarceration. The "get tough on crime" policies enacted in recent years have compounded the problems of jail overcrowding, insufficient staffing, inadequate funding, and increased violence. Continual expansion and construction of jails are poor and unacceptable answers to jail overcrowding. The state and federal governments must provide financial support and alternatives to incarceration if we are to make any headway in the criminal justice system.

Amending the Safekeeper Statute

Section 24-3-80 of the SC Code of Laws allows the director of the Department of Corrections (SCDC), at the request of the Governor, to admit and detain in SCDC any prisoner tendered by any law enforcement in this state as long as the prisoner was issued an arrest warrant within 48 hours of their commitment. This is commonly referred to as the Safekeeper Statute. This statute allowed local detention centers to house an inmate designated as a high security risk at SCDC. For years this was a great benefit to the counties. However, several years ago, SCDC became concerned that they could be personally held accountable/liable if a county inmate being housed at SCDC under the Safekeeper Statute was injured or killed. Based on their concern, SCDC has refused to admit any county inmates for the last several years. This has created a significant security risk to officers and other inmates in county detention centers who do not have the resources/staff to safely house high security risk inmates.

The detention center and jail administrators request that SCAC support an amendment to

§ 24-3-80 that SCDC has indicated they would not oppose, which would authorize a general sessions court to issue a safekeeper order to transfer an extraordinary security risk prisoner in a pretrial detention facility to the custody of SCDC.

The amendment language is as follows:

SECTION 24-3-80. **Detention of prisoner ~~when authorized by Governor~~ <u>by the Department of Corrections.</u>**

~~The director of the prison system shall admit and detain in the Department of Corrections for safekeeping any prisoner tendered by any law enforcement officer in this state by commitment duly authorized by the Governor, provided, a warrant in due form for the arrest of the person so committed shall be issued within forty-eight hours after such commitment and detention. No person so committed and detained shall have a right or cause of action against the State or any of its officers or servants by reason of having been committed and detained in the state prison system.~~

(a) Whenever necessary to avoid an extraordinary security risk in a pretrial detention facility, the resident circuit court judge or any circuit court judge holding a term of the Court of General Sessions is authorized to order that a prisoner be transferred to the custody of the South Carolina Department of Corrections where the prisoner shall be held for such length of time as the court may direct.

(b) For purposes of this section, a prisoner may be found to pose an extraordinary security risk if the prisoner:

(1) Poses an unusually high escape risk;

(2) Exhibits extremely violent and aggressive behavior that cannot be contained in a pretrial detention facility and warrants a greater level of supervision;

(3) Needs to be protected from other inmates, and a pretrial detention facility cannot provide such protection; or

(4) Otherwise poses an imminent danger to the staff of the pretrial detention facility or to other prisoners in the facility.

(c) This section shall not be utilized as a means to acquire or provide the prisoner with medical or mental health care and services in the Department of Corrections.

(d) The circuit solicitor, at the request of the sheriff or the appointed facility manager of the pretrial detention facility in the county where the prisoner is detained, may petition the Court of General Sessions for a safekeeper order. The petition shall be accompanied by sworn affidavit(s) and by all other admissible evidence demonstrating that the prisoner poses an extraordinary security risk as defined in this section and is thus an appropriate candidate for transfer to the Department of Corrections as a safekeeper. A copy of the petition shall be promptly served on the prisoner and his retained or appointed criminal defense attorney. The prisoner shall be entitled to a hearing to contest that petition. The hearing shall be held within five business days of the filing of the petition unless the court finds that additional time is warranted. A copy of the petition shall also be promptly delivered to the General Counsel for the Department of Corrections, and the Department shall have the right to request and participate in a hearing should the Department wish to contest whether the prisoner is an appropriate candidate for transfer under this section and any terms related thereto. If warranted by the evidence presented, the resident circuit judge or any circuit judge or any circuit court judge holding a term of the Court of General Sessions shall issue a

safekeeper order setting forth the duration of the transfer to the Department of Corrections and such other stipulations as deemed appropriate.

(e) After transfer to the Department of Corrections pursuant to a court order under this section, the prisoner, through his criminal defense counsel, shall have the right to petition the Court of General Sessions for a change in circumstances that would merit a termination of the safekeeper order or an amendment of its terms. The petition shall be accompanied by sworn affidavit(s) and other admissible evidence. If such a petition is filed, a hearing shall be held within thirty days of the filing date unless emergency circumstances warrant an expedited hearing. The circuit solicitor and the Department of Corrections shall each be allowed to participate in such hearing. The circuit solicitor and the Department of Corrections shall each similarly have the right to petition the Court of General Sessions for a change in circumstances that would merit a termination of the safekeeper order or an amendment of its terms. In such instance, the petition shall be accompanied by sworn affidavit(s) and other admissible evidence. Further, a copy of the petition shall be promptly served on the prisoner and his retained or appointed criminal defense attorney, who will have a right to participate in a hearing and contest petition.

(f) The sheriff or the appointed facility manager of the pretrial detention facility in the county from which the prisoner is removed shall be responsible for transporting the prisoner to the Department of Corrections and for returning the prisoner to the pretrial detention facility from which the prisoner was transferred. The return shall be at the expiration of the time designated in the safekeeper order directing the transfer unless the Court of General Sessions, by appropriate order, directs otherwise. The sheriff or appointed facility manager of the pretrial detention facility designated in the court order shall receive and release the custody of the prisoner in accordance with the terms of the safekeeper order.

(g) The sheriff or appointed facility manager of the pretrial detention facility designated in the safekeeper order shall provide the Department of Corrections with all available and pertinent records relating to the prisoner, including but not limited to, any special facts, issues, or circumstances known to the sheriff or appointed facility manager of the pretrial detention facility concerning the particular propensities of the prisoner, the medical records for the prisoner, and any information as to security risks posed by the prisoner.

(h) All medical costs associated with the prisoner held by the Department of Corrections for safekeeping who develops a need for hospitalization or other special medical attention while in the custody of the Department of Corrections shall be the responsibility of the county from which the prisoner is removed.

(i) The sheriff or the appointed facility manager of the pretrial detention facility in the county from which the prisoner is removed shall be responsible for transporting the prisoner to any court hearings and to any scheduled medical appointments. In emergency situations, the Department of Corrections is authorized to provide transportation.

(j) No prisoner transferred to the custody of the Department of Corrections under this section shall have a right or cause of action against the State, its agencies, and political subdivisions, and any of the officers or servants thereof, by reason of having been committed or detained in the Department of Corrections.

(k) This section is applicable only to requests for detention of unsentenced prisoners within the Department of Corrections and is not intended to impact nor to restrict the authority of the sheriff or appointed facility manager of the pretrial detention facility from arranging for the assignment of any such prisoners to a local regional correctional facility which may be created under the provisions of Section 24-3-27, nor from arranging for the temporary placement of any such prisoners in some other local detention facilities, either through mutual agreement or through official contract as indicated in Section 24-3-30(A).

Status: S. 55 would allow an inmate convicted of a "no parole offense" serving time in the custody of SCDC or is serving time in a local detention facility pursuant to a facility agreement authorized by § 24-3-20 or § 24-3-30, and who has had no major disciplinary infractions and has substantially completed a rehab program and reentry program is eligible for early release and community supervision. They must also have served at least 75% of their prison term. (Referred to the Senate Corrections and Penology Committee).

Steering Committee's Recommended Policy Position:

Support legislation to amend § 24-3-80, the Safekeeper Statute, to authorize a general sessions court to issue a safekeeper order to transfer an extraordinary security risk prisoner in a pretrial detention facility to the custody of SCDC.

Assaults on Public Employees

In 2010, the General Assembly rewrote the assault and battery statutes and repealed several sections of state law that provided harsher penalties for assaults on correctional facility employees, emergency medical service providers, firefighters, and home healthcare workers.

S.C. Code §16-3-630, one section repealed, provided that a person convicted of assault upon a state or local correctional facility employee must serve a mandatory sentence of not less than six months nor more than five years. This sentence must be served consecutively with any other sentence the person is serving. By repealing this section, there is no "special treatment" provided to these employees whose jobs continually put them at risk for assault. Similarly, § 16-3-635 was repealed, which provided harsher penalties for assaults on emergency medical service providers, firefighters, and home healthcare workers. These public employees are more at risk for assault because of the nature of their duties.

John Hicks, York County Chief Jail Administrator, has requested that SCAC support legislation to reinstate those repealed sections.

Status: S. 189 would create the offense of assault and battery with bodily fluids if the person

intentionally throws or attempts to throw bodily fluids onto another person without the person's consent. (Referred to Senate Judiciary).

S. 346 provides that a person who unlawfully injures a healthcare worker, or a state or local detention correctional facility employee while engaged in the performance of their official duties, commits the offense of assault and battery of a high and aggravated nature. (Pending second reading on the Senate calendar).

H. 3093 provides that anyone who injures a healthcare worker or an emergency response employee while they are carrying out their official duties commits the offense of assault and battery of a high and aggravated nature. (Referred to the House Judiciary Committee).

H. 3533 provides that the offense of assault and battery of a high aggravated nature occurs when a person injures a federal, state, or local law enforcement officer or corrections officer, a firefighter, or an emergency medical services worker while they are performing their official duties. (Referred to the House Judiciary Committee).

H. 3392 provides that assault and battery of a high aggravated nature occurs when a person injures a healthcare worker or an emergency response employee while they are performing their official duties. (Referred to the House Judiciary Committee).

H. 4336 provides that assault and battery of a high aggravated nature occurs when a person injures a federal, state, or local law enforcement officer or corrections officer, a healthcare professional, healthcare worker, an emergency response employee, or an educational professional while they are performing their official duties. (Referred to the House Judiciary Committee).

Steering Committee's Recommended Policy Position:

Support legislation to reinstate § 16-3-630, dealing with the assault on state and local correctional facility employees, and to reinstate § 16-3-635, dealing with the assault on emergency medical service providers, firefighters, and home health workers.

Cell Phones in Jails

Contraband, particularly cell phones, has been a serious problem in correctional and jail settings. Smuggled cell phones have enabled inmates to conduct criminal activity in jails and prisons such as ordering murders and coordinating escapes and major drug trafficking rings.

State and local corrections officials have been working with federal agencies and phone carriers on how to address this. One solution would be using cell-phone signal jamming devices. However, the Communications Act and Telecommunications Act, both federal laws, only allow federal agencies to use jamming technology, and the FCC and phone carriers are not receptive to changing the laws. Lee County Correctional Facility is currently running a pilot program where it will give all phone carriers a list of phone numbers that are authorized to transmit in or out of the prison. Any other number will be unable to call in or out of the prison. With the passage of Act 137 in 2024 (cell phone ban in the SCDC that will also allow them to use cell-phone signal jamming devices) and the additional funding from the General Assembly, the SCDC will be placing cell-phone signal jamming devices in other correctional facilities.

Horry County requests that SCAC support legislation that would aid in the elimination of cell phone use by inmates.

Status: H. 3147 would prohibit a state, county, or municipal jail, or detention facility from intercepting, recording, monitoring, or divulging any telephonic communication between an inmate and another person unless ordered by a court on an individual basis. (Referred to House Judiciary Committee).

Steering Committee's Recommended Policy Position:

Support legislation to aid in the elimination of cell phone use by inmates.

Juveniles in Local Detention Facilities

Beginning on July 1, 2019, the age of juveniles for criminal justice purposes was raised to include 17-year-olds pursuant to Act 268 of 2016. The Senate Select Committee on Raise the Age studied the implementation of Act 268 of 2016. The Committee produced a report in 2020 with recommendations

to the General Assembly and since that time, several bills were introduced to amend the Constitution to provide for separate confinement of juveniles from "under the age of 17" to "under the age of 18." H. 4151, introduced in 2025, would redefine "juvenile" and certain offenses committed by a juvenile could be remanded to family court at the discretion of the solicitor, while S. 21, also introduced in 2025, would prohibit a person under 18 from being sentenced to death or life imprisonment without the chance of parole for certain crimes.

The jail administrators and detention center facility managers are requesting that SCAC support legislation to amend the Constitution to provide for separate confinement of juveniles from "under the age of 17" to "under the age of 18."

Status: H. 4151would revise the definition of "juvenile" among other things to mean a person 16 or older who is charged with a felony that provides for a term of imprisonment of 30 years or more, the offense of burglary in the first degree as defined in Section 16-11-311, or the offense of attempted murder as defined in Section 16-3-29. A juvenile meeting these criteria may be remanded to the family court for disposition of the charge at the discretion of the solicitor. (Referred to the House Judiciary Committee).

S. 21 would prohibit a person under 18 from being sentenced to death or life imprisonment with no chance of parole for certain crimes and to prohibit them from being placed in solitary confinement. (Referred to the Senate Judiciary Committee).

Steering Committee's Recommended Policy Position:

Support legislation to amend the Constitution to change the age of juvenile offenders from "under the age of 17" to "under the age of 18."

Medicaid Benefits for Former Inmates

Federal law prohibits the use of Medicaid funds for services provided to an "inmate of a public institution," which includes people who are incarcerated in jails, prisons, detention centers, or other correctional facilities. Known as the "Medicaid Inmate Exclusion Policy," this policy has resulted in states terminating or suspending benefits for people who receive care through Medicaid, even if they are incarcerated for a short period of time. Once incarcerated, the individual's health care becomes the responsibility of the state and local governments that run the over 1,800 state prisons and 3,000 local

jails nationwide. Shifting between two systems of health care causes many people to become disconnected from treatment, disrupting their overall health.

Beaufort County requests that SCAC support legislation to authorize the SCDC and local detention facilities to suspend, rather than terminate, Medicaid benefits for inmates so that these benefits can resume immediately upon release, and to provide that any benefit received by a pretrial detainee prior to conviction cannot be suspended until a guilty verdict is rendered.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to authorize the Department of Corrections and local detention facilities to suspend, rather than terminate, Medicaid benefits for inmates so that these benefits can resume immediately upon release, and to provide that any benefit received by a pretrial detainee prior to conviction cannot be suspended until a guilty verdict is rendered.

Operation of Vending Facilities by Commission for the Blind within Detention Centers

Senate Bill 1017 (S. 1017) of 2020, as introduced, would prevent the S.C. Commission for the Blind from operating any vending facility at a local detention center. S. 1017 was amended during the 2020 legislative session to prevent blind persons from operating any commissary services provided in local detention facilities but would allow them to operate vending machines outside of the secured areas of a detention facility, or within the secured areas if those operations began prior to the effective date of the legislation. However, the bill failed to pass.

Horry County requests that SCAC support legislation that encompasses the compromise language of S. 1017 of 2020 that would only allow blind persons to operate vending machines outside of the secured areas of a detention facility or within if those operations began prior to this legislation.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation that encompasses the compromise language of S. 1017 of 2020 to only allow blind persons to operate vending machines outside of the secured areas of a detention facility or within those operations that are currently allowing it.

Judicial

Judicial Policy Statement

The operation of the court system is a function performed by counties in their role as an arm of state government. More than 250,000 cases were pending in circuit and family courts at the end of July 2025. This workload, as well as increased demands on county judicial staff and resources, has put a strain on county government finances. The state must look at methods to address the overload in the judicial system and to stop mandating additional requirements without providing sources of funding. Counties should not be the last in line to receive their portion of fines, fees, assessments, and surcharges.

Deed Standardization

There is a lot of important information listed on deeds as a part of the recording process. Because there is no uniform standard as to where this information is placed on the deed, it is often hard to find. Also, the attorney preparing the deed often fails to leave space for the deed stamps.

Tim Nanney, Register of Deeds for Greenville County, requests that SCAC support legislation to establish some uniform standards for deeds as well as a non-compliance fee if the deed does not meet the proposed statutory requirements.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to establish uniform standards for deeds as well as a noncompliance fee if the deed does not meet the proposed statutory requirements.

Expungement for Pardoned Offenses

Section 24-21-930 of the Code of Laws authorizes the South Carolina Probation, Parole, and Pardon Services Board an order of pardon. A pardon ends the penalties and punishments that resulted from a criminal conviction. It also restores the civil rights of someone convicted of a crime. These rights include the right to vote, the right to serve on a jury, the right to hold most public offices, the right to resume a licensed profession, and the right to testify in court without having evidence presented about the conviction. However, the original conviction remains on a criminal record after a pardon. After receiving a pardon, an individual must still acknowledge their conviction.

Phillip Taylor, Colleton County Council Member, has requested that SCAC support legislation that would allow someone who has received pardon and has had no additional criminal charges to apply for an expungement.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to allow someone who has received a pardon and has had no additional criminal charges for at least five years from the date of the pardon to petition for an expungement.

Probate Judge Qualifications

Probate judges perform an important role in our judicial system. Most of the probate judges in our state are not attorneys. There is a concern that the General Assembly will attempt to pass legislation that would require a probate judge to be an attorney. Amy McCulloch, Richland County Probate Judge, has

requested that SCAC oppose any legislation that would require any person running to become a probate judge to be an attorney.

Status: S. 209 and H. 3071 provide that in order to serve as a probate judge a person must be a U.S. citizen and a citizen of this state, must be 21, must be registered to vote in the county in which they are to be a judge. They must also have a four-year bachelor's degree from an accredited post-secondary institution, or four years' experience as an employee in a probate judge's office in this state (S. 209 was referred to the Senate Judiciary Committee). (H. 3071 was referred to the House Judiciary Committee).

H. 3590 would remove the requirement that a candidate for probate judge must have a four-year bachelor's degree from an accredited post-secondary institution or four years' experience as an employee in a probate judge's office in this state. (Referred to the House Judiciary Committee).

Steering Committee's Recommended Policy Position:

Oppose H. 3590 and any similar legislation to weaken the current requirements for a probate judge candidate and oppose any legislation to require a person running for probate judge to be an attorney.

Public Safety

Public Safety Policy Statement

Public safety services continue to be one of the largest budget items for South Carolina counties. Growth and changes in our communities have necessitated additional expenditures for first-responder services including fire and rescue, emergency management and response, and law enforcement at a time when staff and resources are in short supply. High incidences of crime along with implementation of homeland security safeguards at the federal and state level both have placed additional demands on law enforcement and emergency services personnel.

Continued devolvement of programs at the local level has resulted in more flexibility, but there is insufficient funding to address these critical needs.

911 Charges

Pursuant to South Carolina Code Section 23-47-10, "911 charges" include start-up equipment costs, subscriber notification costs, addressing costs, billing costs, nonrecurring and recurring installation, maintenance service, and network charges. Currently, 911 charges or fees are not adjusted for inflation and cannot be used for replacement telecommunications equipment.

Horry County asks that SCAC support indexing 911 fees for inflation.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

(1) Support adjusting 911 charges for inflation. (2) Support telecommunications equipment being an allowable expense for 911 charge revenue, so long as the equipment is for 911 centers or public safety answering points.

Coroner Qualifications

South Carolina is one of the only states in the country with established educational and/or experience-based qualification requirements for those running for the office of coroner. Medicolegal death investigation personnel are proud of these requirements as this profession has become more specialized, technical, research-based, and scientific. The public has also become more aware of the vital role of coroners.

SC Code Section 17-5-130 details the requirements to run for this important office. Currently, a candidate is considered qualified to run if they are:

"*enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner."*

The medicolegal death investigation profession does not consider someone "enrolled" in the program to be qualified. Also, citizens expect their elected officials to be qualified at the time they take office, not within one year of being elected. Further, there is no process to confirm that an individual is "enrolled" in a program or that they complete the program within one year. There is also no consequence for those who do not follow the law by failing to complete the program within one year of being elected.

Bobbi Jo O'Neal, Charleston County Coroner and Robert Baker, Sumter County Coroner request that SCAC support legislation to delete the provision found in § 17-5-130(A)(2)(e) that qualify a candidate to run if they are "enrolled" in a program. They would also like the legislation to require a background check for candidates for coroner, similar to sheriff candidates.

Status: H. 3048 would delete the provision in § 17-5-130(A)(2) that allows a candidate to run for coroner if they are "enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner." It also would require a candidate to submit a sworn affidavit along with supporting documents at the time of filing certifying that they meet the qualifications to serve as a coroner, and to have a background check performed by SLED. (Referred to the Senate Judiciary Committee).

H. 3072 would provide that candidates for coroner be a resident of the county in which they seek the office of coroner at the time they file for the office of coroner rather than one year before filing. (Referred to the House Judiciary Committee).

Steering Committee's Recommended Policy Position:

Support legislation to amend the coroner qualifications found in § 17-5-130 by: (1) Deleting the provision in § 17-5-130(A)(2) that allows a candidate to run for coroner if they are "enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner." (2) Adding a provision to require a candidate to submit a SLED background fingerprint check as well as a sworn affidavit along with supporting documents at the time of filing certifying that they meet the qualifications to serve as a coroner.

Cremation Permits

South Carolina coroners are mandated by SC Code Section 17-5-600 to issue a permit authorizing a decedent to be cremated. The process for issuing this permit is lengthy, detailed, and costly to county governments. It is an investigative process that ensures that a decedent is not cremated prior to a full medicolegal death investigation by the jurisdictional coroner. Currently, many county coroners charge a nominal fee for this process which is billed to the funeral home requesting the permit, who then passes that cost on to the consumer requesting cremation. In 2022, the Charleston County Coroner's office issued 3064 cremation permits. They currently charge a $35 fee to cover the investigative and administrative time required to complete the permit. It can only be issued by investigative personnel (coroner, deputy coroner, medical examiner, or deputy medical examiner) and not by administrative personnel.

A bill was introduced in 2023 (H. 3017) that would prevent coroners from charging a fee for cremation permits. If a fee is not charged to cover the cost of personnel time, each county government will need to cover this cost. This cost would then be passed on to the taxpayers, as opposed to the consumer who requested the service. This bill did not pass.

Legislation similar to H. 3017 is likely to be introduced this session, and Bobbi Jo O'Neal, Charleston County Coroner, is requesting that SCAC oppose any legislation that would prohibit coroners from charging a cremation permit fee.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Oppose legislation that would prevent coroners from charging a fee for cremation permits.

Hazard Mitigation Cost-Sharing

Hazard mitigation involves long-acting actions to reduce risk and damage in future hazard events. On average, federally funded hazard mitigation saves $4 to $6 for every $1 spent (depends on types of mitigation and type of hazard).

The South Carolina Emergency Management Division (SCEMD) is the state administering entity for the Hazard Mitigation Grant Program (HMGP) funds in South Carolina and currently manages $165 million in federal pre- and post-disaster mitigation funds. It maintains and uses a grants management system that serves as a repository for grant project documentation and supports review and processing of reimbursements in accordance with federal and state regulations and policy.

Local entities in South Carolina use federal mitigation funds to accomplish high-priority projects with the greatest potential return on investment. However, because many local governments struggle to come up with the non-federal share (25%) for mitigation grants, many high-value potential projects are never submitted for funding.

Hazard mitigation saves money in the long run and funding the non-federal match (25%) with state funds will improve South Carolina communities' resilience when hazards like floods, hurricanes, earthquakes, and severe storms occur in the future.

Doug Bryson, Spartanburg County Director of Emergency Services, requests that SCAC support legislation for mitigation cost share with the following language:

> When the President of the United States has declared a major disaster to exist in the state and authorized implementation of the Hazard Mitigation Grant Program (HMGP), matching funds to cover up to 25% in non-federal share of eligible HMGP-funded projects will be provided from state funds. Once the Federal Emergency Management Agency has

awarded an HMGP project and authorized federal funding to the state, reimbursement of non-federal share under this subsection will be administered by the South Carolina Emergency Management Division (SCEMD) concurrent with reimbursement of federal share funds and in accordance with HMGP regulations and policy.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to address mitigation cost share with the following provision: When the President of the United States has declared a major disaster to exist in the state and authorized implementation of the Hazard Mitigation Grant Program (HMGP), matching funds to cover up to 25% in non-federal share of eligible HMGP-funded projects will be provided from state funds. Once the Federal Emergency Management Agency has awarded an HMGP project and authorized federal funding to the state, reimbursement on non-federal share under this subsection will be administered by SCEMD concurrent with reimbursement of federal share funds and in accordance with HMGP regulations and policy.

Increasing Emergency Medical Technicians (EMTs)

Many counties, especially rural counties, are dealing with a shortage of trained EMTs. Not only are they dealing with the challenge of losing EMTs to other counties or private entities that pay more after they have made the investment to have them trained, the technical schools and regional EMS training offices are producing less EMTs.

Charles Stewart, Darlington County Administrator, is requesting that SCAC support legislation to create a study committee composed of the various stakeholders to come up with some recommendations for ways to increase the number of EMTs in our state.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to provide state reimbursement to counties who have paid tuition assistance for EMT and paramedic training.

Law Enforcement Officer Pay/Training

South Carolina often ranks higher than the national average for violent crime. While there are multiple factors that contribute to this, certainly the lack of law enforcement officers is part of the problem. Increasing the number of officers is also challenging due to the low wages. While there have been efforts to increase officer pay, SC ranks near the bottom nationally when it comes to law enforcement officer salaries. Additionally, although the General Assembly has provided an increase for law enforcement retention in the budget for the last several years, local law enforcement has not been included in these increases.

The Chesterfield County Economic Development Office requests that SCAC support legislation to increase law enforcement officer pay as well as providing more training for officers.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to provide state funding to increase local law enforcement pay and to authorize regional local law enforcement training and certification.

Non-Emergency 911 Calls

Florence County is often receiving calls to their 911 dispatchers that are either non-emergency matters or outright false claims of an emergency. For example, someone called in complaining about a health emergency that resulted in an ambulance being dispatched and transporting the person only for them to get the ER and walk away once they got out of the ambulance. It turns out they were simply using

911 to get an ambulance as a means of transportation. In another example, a parent called 911 because they could not get their child to get out of bed to go to school. These calls waste county resources and there should be some type of penalty to discourage them. Section 16-17-725 provides that is unlawful for a person to knowingly make false complaint to a law enforcement officer concerning the alleged commission of a crime by another, or for a person to knowingly give false information to a rescue squad or fire department concerning the alleged occurrence of a health emergency or fire. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than $200 or imprisoned for no more than 30 days.

Florence County Administrator Kevin Yokim is requesting that SCAC support legislation similar to §16-17-225 to make it a criminal offense to knowingly make a non-emergency 911 call.

Status: H. 3531 would make it a misdemeanor offense to text 911 at such a volume that it disrupts the emergency service system. (Referred to the House Judiciary Committee).

Steering Committee's Recommended Policy Position:

Support legislation to make it a criminal offense to knowingly make a non-emergency 911 call.

Working Draft

2025

Revenue, Finance and Economic Development Steering Committee

SOUTH CAROLINA
ASSOCIATION OF COUNTIES

Thursday, November 6, 2025

2025 Revenue, Finance and Economic Development Steering Committee

The responsibilities of the Revenue, Finance and Economic Development Steering Committee include issues relating to the ad valorem tax system, to include assessment, collection, and administrative functions; Local Option Sales Tax and other specific authorizations for local use of sales taxes; business license taxes; service and user fees; franchise fees; State Aid to Subdivisions' Local Government Fund; lease-purchase financing; Fee-in-Lieu-of-Tax Agreements; and economic development incentive programs.

Meeting Dates:

Thursday, September 18, 2025
Thursday, November 6, 2025

Jason P. Phillips, Chairman
Anderson County

Steering Committee Members*

County Representatives:

Ben Connell, Kershaw County Council Chairman
Marvin Bishop Jr., Cherokee County Administrator
Johnny Cribb, Berkeley County Supervisor/Chairman
Johnny Gardner, Horry County Council Chairman
James E. Haigler, Calhoun County Council Chairman
Dr. Roy T. Hollingsworth Jr., Hampton County Council Chairman
C. William Schofield, Florence County Council Chairman

SCAC Board Members:

Daniel Alexander, Barnwell County Council
C. David Chinnis, Dorchester County Council Chairman
Tim Harper, Dillon County Administrator
Charles T. Jennings, McCormick County Council Vice Chairman
Jesica Mackey, Richland County Council Chairwoman
Timothy Spencer, Cherokee County Council Chairman
Phillip M. Taylor Sr., Colleton County Council

President's Appointees:

Vic Carpenter, Fairfield County Administrator
Rick Dolan, Lexington County Assessor
Christy Hubbard, Oconee County Auditor
A. Watts Huckabee Sr., York County Council
Robert McLean, Anderson County Assessor
James H. Messervy Jr., Dorchester County Auditor
Gary M. Mixon, Sumter County Administrator
Barry Spivey, Horry County Administrator
Michelle Stanley, Chesterfield County Administrator
Brad Valentine, Union County Auditor
Kevin V. Yokim, Florence County Administrator

SCAC Staff Contact: Owen A. McBride

* As of October 2, 2025

2025 Revenue, Finance and Economic Development Steering Committee

General Statement of Policy

The South Carolina Association of Counties is committed to the concept of Home Rule. It is only by allowing the citizens of the state's counties and communities to govern themselves by electing their own local governing bodies, that local communities are able to tailor the governmental services available to each community's individual needs and wishes. An integral part of providing services for the community is the ability to both adequately fund and fund in a fair and balanced manner the services provided.

In the same manner that no two communities want or need the same services or level of services, no two communities need or want the same package of revenue-raising measures. The South Carolina Association of Counties is committed to providing a menu of revenue-raising mechanisms to ensure that local governments can provide the services and levels of service that the citizens demand and expect. By allowing each community a range of revenue-producing mechanisms, each community is better able to fund public services in a manner that is fair and balanced for that locality.

The South Carolina Association of Counties believes that no matter what revenue-raising mechanisms are used, the mechanisms must be fair to both the individual taxpayer and the community of taxpayers as a whole. Efficiency, manageability, and stability of the revenue sources used must also be factors in determining the proper method of funding locally provided services.

New Policy Issues

Emergency Medical Technicians into Retirement System

Bradley Farrar, Aiken County Attorney, has requested that SCAC support legislation to add emergency medical technicians to the South Carolina Police Officers Retirement System just as firefighters are in that system. Firefighters and police officers were added when the system was first created in 1962. Since then, probate judges and magistrates have also been added to the system.

Status: No bills were introduced in 2025.

Steering Committee's Recommended Policy Position:

Defer consideration of this issue until November to receive more information.

Rollback Taxes

There have been several bills filed over the past few years to further reduce the application of rollback taxes. This application went from five years to three years a few years ago, with all parties agreeing that three years' worth of rollback taxes was a fair penalty for the conversion of agriculture land. Developers are now pushing to reduce the application to one year.

Steve Hamilton, Calhoun County Assessor, requests that the steering committee support the elimination of rollback taxes while allowing the county millage caps to be exceeded by the average of the amount of funds generated by the last three years of rollback taxes. Steve Hamilton also requests the steering committee consider eliminating multi-lot discounts. Since developers would save on the front end by not having to pay rollbacks, there should not be as much of a need for the multi-lot discount.

Status: H. 3367 was introduced in 2025 to reduce the application of rollback taxes to one year. The bill was referred to the Ways and Means Committee but has not received a hearing.

Steering Committee's Recommended Policy Position:

Oppose legislation that would further reduce the time roll back taxes are applicable.

Remove Restrictive Delivery Requirement

Section 12-51-40(B) and 12-51-120 contain a restrictive delivery requirement for notices sent by certified mail. Anderson County is currently paying $8.40 for their certified mailers to meet these requirements. Since COVID-19, postal officials have stated that they are delivering the mail and allowing anyone to sign, thereby eliminating the need for the requirement.

Jason Phillips, Anderson County Treasurer, requests that the steering committee support legislation to eliminate the restrictive delivery requirement found in §§ 12-51-40(B) and 12-51-120.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to remove the restrictive delivery requirement found in §§ 12-51-40(B) and 12-51-120.

Business Personal Property Tax

There has been a lot of discussion this year of business personal property (BPP) tax and the burden it places on small business both financially and with compliance. A few bills were filed in 2025 to exempt the net depreciated value of business personal property. Both House bills were for all businesses in South Carolina. However, the discussions among members of House leadership have been focused on helping small businesses in South Carolina. S. 151 is a bill that would exempt the first $30,000 of the fair market value of a small business from county, municipal, school, and special assessment real estate property taxes. This bill defines a small business as:

A. A commercial retail service, industry entity, or nonprofit corporation, including affiliates that:
    a. Is registered, incorporated, and headquartered in this state;
    b. The business' ownership is comprised of residents of this state who pay income taxes in this state;
    c. Is independently owned and operated; and
    d. Employs fewer than 100 full-time employees or has a gross annual sales or program service revenues of less than $10 million.

While S. 151 branches beyond the scope of BPP, it is possible that the General Assembly will look at the language, especially the definition of a small business, in their efforts to help small businesses in South Carolina.

John Benca, Anderson County Auditor, requests that the steering committee support legislation exempting startup companies or companies under a certain gross sales or asset amount threshold from BPP tax.

Status: H. 3358 would exempt the first $10,000 of the net depreciated value of business personal property for all businesses in South Carolina. H. 4060 would exempt 42.75% of the net depreciated value of business personal property for all businesses in South Carolina. S. 151 exempts the first $30,000 of all real property tax liability for small businesses. The House bills were referred to the Ways and Means Committee, and S. 151 was referred to the Senate Finance Committee. None of these bills have received a hearing.

Steering Committee's Recommended Policy Position:

Support legislation to streamline the process of filing and collecting business personal property taxes, including standardizing and modernizing this process to make it easier for small businesses, as long as the outcome is revenue neutral for counties.

Elimination of Property Tax

There has been a lot of talk on the national level and among certain states about eliminating property taxes. While currently every state has property taxes, some have significantly reduced them over the years. North Dakota, Florida, Texas, and Pennsylvania have made significant legislative efforts to reform or even eliminate them. South Carolina continues to chip away at property tax liability, and therefore county revenue, every year. Just the past few years, we have seen the General Assembly attempt (and sometimes succeed) in reducing property tax liability on farm structures, business personal property, manufacturing property, and boat taxes. Eliminating property taxes entirely is not likely to occur soon as it would take a Constitutional Amendment championed by strong and unified support from the General Assembly.

Danny Bright, Union County Councilman, requests the steering committee support legislation to develop a plan to eliminate all property tax. Councilman Bright feels that revenue from a larger sales tax, coupled with increases in fee-in-lieu agreements and other business fees and additional revenue from tourism would make this possible without detrimental effects on county finances.

Status: H. 3378 was introduced in the House and would exempt 100% of the property tax value of all property from all property taxes except for millage imposed for the repayment of general obligation debt. Each year, the revenue loss resulting from the exemption would be reimbursed to the political subdivisions in an amount equal to the amount of property taxes collected in 2024. The reimbursement amount would be fixed. The bill was referred to the House Ways and Means Committee but has not received a hearing.

Steering Committee's Recommended Policy Position:

Oppose any legislation aimed at eliminating all property taxes in South Carolina.

Residential Improvement Districts

Dorchester County and the Town of Ridgeville would like to do a single Residential Improvement District (RID) to set up assessments that will help fund transportation projects that will benefit both the county and the city. It is unclear whether current law allows for joint RIDs.

Jason Ward, Dorchester County Administrator, requests the steering committee support legislation to allow for the creation of joint RIDs between a county and a municipality or town, upon the consent of the governing body of both governments.

Status: H. 4246 was introduced in 2025 to allow for the creation of joint RIDs and was referred to the House Medical, Military, Public and Municipal Affairs Committee but has not received a hearing.

Steering Committee's Recommended Policy Position:

Support legislation to allow for the creation of joint Residential Improvement Districts between a county and a municipality or town, upon the consent of the governing body of both governments.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Sales Tax Exemption for Capital Purchases

Capital equipment purchased by local governments is currently subject to applicable sales taxes. Senator Michael Johnson of York and Lancaster counties filed S. 462 in 2025 to exempt the purchase of equipment from sales taxes.

Status: Senator Johnson introduced S. 462 in 2025 to exempt capital equipment from applicable sales taxes. The bill defines "capital equipment" as an article of nonexpendable, tangible, personal property, to include communication software when purchased with a computer, having a useful life of more than one year, and an acquisition cost of fifty thousand dollars or more for each unit. S. 462 was referred to the Senate Finance Committee but has not received a hearing.

Steering Committee's Recommended Policy Position:

Support legislation to exempt capital purchases from sales taxes.

Carryover Issues

Airplane Situs

According to South Carolina law, all aircraft housed in South Carolina are subject to property tax. The Federal Aviation Administration registered address is used to determine the county in which an aircraft is subject to tax. Pursuant to § 12-43-220(f) the statewide assessment ratio on aircraft is 10.5% but many counties have utilized § 12-43-360 to lower this over the years. The lowest assessment ratio allowed by state law is 4%. An issue has arisen over the years where many owners will register their aircraft in one county or even state but maintain a hanger in another county or state where the aircraft may be principally located. This is especially true for airplanes used primarily for business purposes in South Carolina that are owned by out-of-state companies.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to remove the December 31 loophole on aircraft classified as tangible property. Also support legislation to provide a method to prorate the taxes due if the airplane is sold or traded during the property tax year.

Annual Vehicle Registration Fees

The South Carolina Association of Auditors, Treasurers, and Tax Collectors (SCATT) asks the steering committee to support legislation to amend § 56-3-610 to apply the vehicle registration fees imposed by the Department of Motor Vehicles (DMV) annually as opposed to biennially.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support amending § 56-3-610, et seq., to apply an annual vehicle registration fee by the DMV that is revenue neutral and support language requiring all counties to be compliant with the latest version of the County Issuance of Decals and Registration System.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Assessment Ratios

Previous legislative sessions have seen a major push to reduce the assessment ratio on manufacturing and business personal property from 9 and 10.5%, respectively, to 6% and the assessment ratio on second homes and commercial property from 6 to 5%.

Both proposals have ramifications for both property taxpayers and local governments. To the extent that these changes reduce revenue, county and municipal governments would have to find some combination of service cuts and millage rate increases to maintain a balanced budget. Making up the difference caused by assessment ratio changes becomes even more difficult when faced with the millage cap imposed by the General Assembly.

Any increase in the millage rates would shift the tax burden to other classes of tax property, including owner-occupied residences and individual motor vehicles. Thus, the property tax relief programs adopted by the General Assembly in the past several years would be taken away. More likely, because of the millage cap, a reduction in services will become necessary should additional changes in assessment ratios take place.

Status: Several bills were introduced in 2025 that would affect assessment ratios on certain classes of property. H. 4060 would cut the effective rate of business personal property to almost 6%.

Also of note, Senate Finance Committee Chairman Harvey Peeler introduced S. 439 to increase the maximum reimbursement to political subdivisions to $300 million to cover the 42.8571% exemption to the value of manufacturing property.

H. 4060 would exempt 42.75% of the net depreciated value of business personal property for all businesses in South Carolina.

H. 3858, as introduced, would have exempted 50% of the fair market value of boats and eliminated the process of titling boats and motors separately. SCAC staff worked with the sponsor of the bill to minimize the fiscal impact on counties. As passed by the House, the bill would reduce the effective assessment ratio on watercraft to 6%, phased in over three years.

Steering Committee's Recommended Policy Position:

Oppose a reduction in the assessment ratio of classes of property that would negatively impact county finances.

Auditor and Treasurer Qualifications

SCATT requests SCAC support legislation to require certain qualifications for the office of county auditor and county treasurer. These qualifications for office include:

(A) a four-year bachelor's degree from an accredited post-secondary institution; or

(B) at least five years of experience as an employee in the auditor or treasurer's office in this state; or

(C) at least 10 years of experience in the fields of law, finance, or accounting.

SCATT would also like the legislation to include a training requirement for auditors and treasurers to complete once elected or appointed. The auditor or treasurer would be required to attend a 40-hour training session that the Department of Revenue establishes, and failure to complete the courses would result in the auditor or treasurer forfeiting $5,000 of their state salary supplement each year for failure to complete the training.

Status: S. 97 and S. 98 were introduced in 2025 and both bills set forth the above qualifications for county treasurers and auditors, respectively. Both bills remain in the Senate Finance Committee.

Steering Committee's Recommended Policy Position:

Support legislation to require certain qualifications for the office of county auditor and county treasurer. These qualifications for office include:

(A) a four-year bachelor's degree from an accredited post-secondary institution; or

(B) at least five years of experience as an employee in the county auditor, treasurer, or finance office in this state; or

(C) at least 10 years of experience in the fields of law, finance, or accounting.

Also support requiring that an auditor or treasurer attend a 40-hour training session that the Department of Revenue establishes. Failure to complete the course would result in the auditor or treasurer forfeiting $5,000 of their state salary supplement each year until the course is completed.

Capital Project Sales Tax Committee

Under § 4-10-320, the governing body of a county is authorized to create a commission of six members to consider proposals for funding capital projects and to formulate the referendum question that is to appear on the ballot. The commission must be made up of three members appointed by the county and three members appointed by municipalities within the county. This often leads to the lack of a majority on project decisions and the content of the referendum. Kevin Yokim, Florence County Administrator, requests that the steering committee support legislation to amend the composition of the Capital Project Sales Tax Committee to increase the number of county representatives on the committee to ensure that counties acquire a majority of the votes on the committee.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to amend the composition of the Capital Project Sales Tax Committee to increase the number of representatives from six to seven and to provide that the seventh member be appointed by county council from a municipality not otherwise represented on the Committee, if available, or from a region of the county not otherwise represented.

Childcare Tax Credits/Incentives

Childcare costs across the United States have risen dramatically over the years. While this may not seem like a local government issue at first glance, lack of affordable childcare can be a driving factor in a business's decision not to locate to a particular county.

In 2024 Claiborne Linvill, Pickens County Council Member, requested that the steering committee support legislation allowing for property tax incentives to new childcare businesses. To achieve this, Council Member Linvill suggested that the state adjust the threshold requirements to receive certain tax credits or fee-in-lieu-of-taxes. These include but are not limited to jobs created and the amount of capital investment.

Council Member Linvill also suggests supporting continuing the SC BOO$T program which stopped accepting applications in July 2024 due to it being tied to American Rescue Plan dollars.

Status: Several bills were introduced in 2025 to increase statewide incentives for childcare. S. 47 and H. 4016 would increase the tax credit for employee childcare programs from $100,000 to $1,000,000, to increase the maximum taxpayer credit from $3,000 to $12,000 per child and allow the credit to be applied against license and withholding taxes. Neither bill has

passed subcommittee. H. 4394 would require the Department of Social Services and the Department of Employment and Workforce to offer workforce development childcare stipends for unemployed parents and caregivers seeking employment while the parent or caregiver is at a job interview, which pay be used for children under the age of 12. This bill was referred to the House Ways and Means Committee.

Steering Committee's Recommended Policy Position:

Support statewide incentives for childcare centers and oppose unnecessary regulations disincentivizing the operation of childcare centers.

Class Action Lawsuits

Section 12-60-80 of the S.C. Code lacks clarity as to whether or not taxpayers in South Carolina are able to file class action lawsuits against taxing authorities for the refund of taxes. Bradley Farrar, Aiken County Attorney, requests the steering committee support legislation affirming that class action lawsuits against taxing authorities in the state are prohibited.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation affirming that class action lawsuits against taxing authorities in the state are prohibited.

Condemnation Notification

The current condemnation statute does not require that the condemner notify the county tax assessor of each condemnation. As a result, assessors are unaware of the need to remove the property from the tax record unless the parties reach an agreement and a deed is filed, which does trigger notification. This can lead to all types of confusion and problems down the line for the assessor and treasurer offices. Johnathan Bryan, Sumter County Attorney, requests that the steering committee support legislation to require notification to the county tax assessor when property is condemned.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to require notification to the county tax assessor when property is condemned and to have the condemnation notice also filed in the Register of Deeds office of the county in which the property is located.

County Insurance Premium Taxes and Franchise Fees

Municipalities in South Carolina have the authority to impose taxes on insurance premiums, grant franchises and charge for those franchises. Section 38-7-160 allows municipalities to impose insurance premium taxes. Counties do not have this authority. Article VIII, Section 15 of the SC Constitution and § 4-9-30(11) provide counties with the authority to grant franchises in general, but exempt counties' ability to grant them or impose charges for telephone, telegraph, gas and electric utilities, or suppliers, or utilities owned and operated by a municipality. Municipalities have the authority to grant franchises for all of these activities in the Constitution and in § 5-7-30.

Barry Spivey, Horry County Assistant County Administrator, requests the committee to support legislation allowing counties the same authority as municipalities in imposing both insurance premium taxes and franchise fees in the unincorporated areas of the county.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation allowing counties the same authority as municipalities in imposing both insurance premium taxes in the unincorporated areas of the county. Also, support legislation allowing counties to impose franchise fees in the unincorporated areas of the county.

Delinquent Tax Sales Online

Horry County asks the committee to support legislation to allow counties to conduct delinquent tax sales online. Section 12-51-50 currently allows the person officially charged with delinquent tax collection to sell the property at public auction at the courthouse or other convenient place within the county. The statute requires all advertising requirements to be met prior to the sale. Horry County would like to see the section amended to give the official responsible for delinquent tax collection the option of conducting tax sales online.

Horry County also asks the committee to support legislation amending Section 15-39-610, et seq., to give the official responsible for judicial sales the option of conducting sales online.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to allow counties to conduct delinquent tax sales online.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Farm Structures Tax Exemption Relief

Act 236 of 2022 included a provision adding "all farm buildings and agricultural structures owned by a producer in this State used to house livestock, poultry, crops, farm equipment, or farm supplies" to the list of exemptions from property taxes provided for in § 12-37-220(B)(14). SCAC anticipates potential legislation that would help alleviate the financial burden that this provision in Act 236 of 2022 placed on counties.

Status: Sen. Russell Ott introduced S. 538 to require that producers seeking to have their farm structures exempt from property tax under Section 12-37-220(B)(14) must show that the structures are located on agricultural property that meets the requirements of Sections 12-43-220(d), 12-43-230 and 12-43-232 and that property must currently be receiving the agricultural exemption provided for in Section 12-42-220(d)(1). S. 538 was referred to the Senate Finance Committee and has not received a hearing.

Steering Committee's Recommended Policy Position:

Support legislation that would help alleviate the financial burden that the farm exemption in Act 236 of 2022 placed on counties. Such legislation should define who qualifies as a producer in § 12-37-220(B)(14) and ensure that producers file a Schedule F, or an equivalent tax document, with their federal income tax return to report income and expenses of their farming business.

Homestead Exemption

The County Assessors of South Carolina (CASC) requests SCAC support legislation to require that a qualifying dwelling for purposes of the homestead exemption also meet all requirements for the 4% special assessment ratio and be receiving the 4% special assessment ratio. Also, the $50,000 threshold for the 4% special assessment ratio provided by the homestead exemption has been in place for years. Each year there are bills filed to increase the threshold, but no bills have passed yet.

Charlene Wessinger, Lexington County Councilwoman, requests the steering committee support legislation to require a person to be a resident of South Carolina for five years in order to receive the exemption.

John Benca, Anderson County Auditor, requests the steering committee consider eliminating property tax for those over the age of 80 and to raise the homestead exemption to $100,000 after three years of residence.

Status: The following bills were introduced in 2025 to amend parts of the homestead exemption:

H. 3424 - Increase the exemption to first $1,000,000.
S. 223, H. 3419, H. 3427, and H. 3511 – Increase the exemption to first $100,000.
H. 3742 - Increase the exemption to first $75,000.
H. 3380 – Exempt the greater of the first $50,000 or first 33% of fair market value.
H. 3374 – Adds a five-year residency requirement.

All bills discussed above provide that any revenue lost to counties must be reimbursed from the Trust Fund for Tax Relief. None of the bills received a hearing in 2025.

Steering Committee's Recommended Policy Position:

(1) Support legislation to increase the current $50,000 threshold if the outcome is revenue neutral for counties. Also, support legislation to require that a qualifying dwelling for purposes of the homestead exemption also meet all requirements for the 4% special assessment ratio and be receiving the 4% special assessment ratio.
(2) Support a five-year residency requirement for new homestead applicants.

Impact Fees

Sections 6-1-910 through 6-1-2010 of the Code are the Development Impact Fee Act. The statutes contain the restrictions and procedures involved in adopting, implementing, and administering a development impact fee. Currently, the impact fee statutes place cumbersome requirements on local governments which often make it cost prohibitive to explore the possibility of implementing an impact fee. Before an impact fee ordinance may be adopted, a governmental entity must have adopted a comprehensive plan or a capital improvements plan which complies with § 6-1-960(B). Additionally, a governmental entity must prepare a report that estimates the effect of recovering capital costs through impact fees on the availability of affordable housing within the political jurisdiction of the governmental entity.

Prior to adoption of an impact fee, the governing body must enact a resolution directing the local planning commission to conduct a study and recommend an impact fee ordinance. Upon receipt of this resolution, the local planning commission has to prepare and adopt its recommendation in the same manner used in the development of recommendations for a comprehensive plan. The ordinance imposing the impact fee must be approved by a positive majority.

To help offset the economic impact of growth, SCAC has been asked to support legislation allowing South Carolina counties to make impact fees easier to impose and administer.

Status: H. 3165 would remove several of the burdens in the impact fee statute including the requirements that "the amount of the fee must be based on actual improvement costs or reasonable estimates of the costs, supported by sound engineering studies," that the ordinance provide for the termination of the fee, and the twenty year cap on the duration of the projected demand estimate. The bill would also allow for notice of the fee to be posted on the governmental entity's website to meet the requirement. Finally, the bill would extend the time that the funds must be expended from three to seven years. H. 3165 was referred to the Medical, Military, Public and Municipal Affairs Committee.

Steering Committee's Recommended Policy Position:

Support legislation allowing South Carolina counties to broaden the allowable scope of impact fees, and to make them more flexible and easier to impose and administer.

Legal Residence for Foreign Nationals

Florence County asks the committee to support legislation to require a foreign national to have a permanent residence card to qualify for the 4% assessment ratio. Current law is not clear as it relates to foreign nationals applying for legal residence which leads to increased confusion and litigation.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to clarify who qualifies for the 4% assessment ratio when it comes to foreign nationals and legal residency.

License Plates

Kevin Yokim, Florence County Administrator, requests that the steering committee support legislation to require the DMV to put the name of the county where a vehicle is registered on license plates.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to require the name of the county where a vehicle is registered to be placed on license plates issued by the DMV.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Local Government Fund

The Local Government Fund (LGF) is likely the oldest example of state-shared revenue intended as property tax relief. Prior to the adoption of the Home Rule Act, the legislative delegations produced the county budget, or supply bill. When property tax rates across the state began to get high or new services were being adopted across the state, a portion of an existing state tax or some increment of a new tax would be earmarked for "aid to subdivisions." Later, when the various earmarked revenue sources became increasingly difficult to predict, those sources of revenue were converted into a percentage of the State General Fund, and the resulting money was called the LGF. The old statutory formula required the LGF be funded at 4.5% of the State General Fund.

Act 84 of 2019 enacted a new formula for the LGF that mirrored the policy position taken by this steering committee last year. Under the new formula, in any fiscal year in which state general fund revenues are projected to increase or decrease, the appropriation to the LGF for the upcoming fiscal year must be adjusted by the same projected percentage change, but not to exceed 5%.

Status: The General Assembly fully funded the Local Government Fund under the new formula for FY 2025-26.

Steering Committee's Recommended Policy Position:

Support the current Local Government Fund formula with a yearly increase in the fund corresponding with the growth in the State General Fund, up to 5%.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Local Option Infrastructure Funding Limitations

Several chapters within the South Carolina Code of Laws give counties the authority to impose local sales and use taxes. These taxes are subject to a referendum vote, and there are tight restrictions on how the revenue can be spent. Perhaps most constraining are the restrictions on how many pennies can be imposed at one time and even on which taxes can be "stacked" on other local taxes.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to amend the Code to allow for the imposition of local school taxes enacted by the General Assembly and either or both a Capital Project Sales Tax and a Local Transportation Tax enacted by the county.

Local Public-Private Partnership

South Carolina law currently does not provide counties sufficient tools to enter into partnership agreements with private entities for the benefit of its citizens. Previous legislation has been introduced to give counties authority to enter into these agreements. Jesica Mackey, Richland County Council Chairwoman, requests this committee support legislation to provide tools to counties to enter into private partnerships agreements.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to provide tools to counties to enter into public-private partnership agreements.

Local Sales Tax Flexibility

Steffanie Dorn, Greenwood County Treasurer, requests that the steering committee support legislation to provide flexibility to counties in the imposition of a Capital Project Sales Tax (CPST). Specifically, Mrs. Dorn would like the steering committee to support legislation to extend the list of allowable uses of CPST revenue for purchasing capital assets such as fire trucks, street and sanitation equipment, etc. Although § 4-10-330 allows for the purchase of new equipment, this is limited to equipment associated with the construction of new buildings. There have also been discussions regarding potential legislation that would extend the imposition time of the Capital Project Sales tax for up to 12 years.

Status: Proviso 113.8 allows a county that has Capital Project Sales Tax collections in excess of the amount necessary to complete all projects for which the tax was imposed to pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation, as long as the tax has not yet expired. However, the county must first adopt an ordinance specifying the purposes for which the excess funds will be used.

Steering Committee's Recommended Policy Position:

(1) Support legislation to extend the list of allowable uses of Capital Project Sales Tax revenue for purchasing capital assets such as fire trucks, street and sanitation equipment, etc.;
(2) Support amending the definition of transportation facilities set out in § 4-37-30(A)(1)(a)(i) to match the definition set out in the bipartisan infrastructure law what was passed by Congress in 2021 to allow for the revenue of a local Transportation Sales Tax to be used for a broader range of projects; and
(3) Support legislation to extend the imposition time of the Capital Project Sales Tax to up to 12 years.

Local Option Sales Tax Plus Educational Penny

Section 4-10-470(B)(4) of the S.C. Code states that "[n]otwithstanding any other provision of law, if, within a county there is imposed the Education Capital Improvement Sales and Use Tax pursuant to this section, then no other local sales tax may be imposed in that county if the subsequent imposition causes the total sales tax to exceed two % in any portion of the county." This provision precludes counties from raising money for an underfunded educational system that is often considered to be failing the children of this state.

Horry County Council Member Cam Crawford requests that the steering committee support legislation repealing or amending the Code to allow for the imposition of a Local Option Sales Tax in addition to an Educational Sales tax, regardless of the amount of each tax.

Status: H. 3376 would repeal Section 4-10-470 in its entirety thereby removing the restriction on which counties can impose an Education Capital Improvements Sales and Use Tax as well as the two-cent cap on all local taxes in these counties. H. 3376 was referred to the Ways and Means Committee and has not received a hearing.

Steering Committee's Recommended Policy Position:

Support legislation repealing or amending the Code to allow for the imposition of a Local Option Sales Tax in addition to an Educational Sales Tax, regardless of the amount of each tax.

Low Income Reporting Requirements

Section 12-37-220(B)(11)(e) of the S.C. Code provides a property tax exemption for "all property of nonprofit housing corporations or instrumentalities of these corporations when the property is devoted to providing housing to low or very low-income residents" as long as the corporation or its instrumentality satisfies the safe harbor provisions of Revenue Procedure 96-32. These provisions contain income and rent requirements upon acquiring the property. There is nothing in statute that requires property owners to annually report that they continue to meet the qualifications in subsequent years after they acquire the property. Per the statute, the exemption is ongoing unless there is a change in ownership or a change in status that is reported to the Department of Revenue by the taxpayer, residents, concerned citizens or county representatives.

Jeff Anderson, county attorney for Lexington County, is concerned that owners of highly valuable property may be taking advantage of this and are paying no property taxes on properties that have a very high tax value. He hereby requests that the steering committee support legislation requiring yearly reporting by the property owner in order to continue to receive the above property tax exemption.

Status: S. 125 would require reporting by property owners as described above to continue to receive the exemption. The Senate passed S. 125 and the House referred the bill to the Ways and Means Committee.

Steering Committee's Recommended Policy Position:

Support legislation requiring yearly reporting by property owners qualifying for the property tax exemption in § 12-37-220(B)(11)(e) of the Code in order to continue to receive the exemption.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Magistrates' Salaries

Section 22-8-40 provides the amount magistrates are to be paid by county governments and the salary supplements for Chief Magistrates. Currently, magistrates' salaries are based on years of service, education requirements, and the population of the counties in which they serve. In counties with a population greater than 150,000, a magistrate is paid 55% of a circuit judge's salary. In counties with a population range of 50,000 to 150,000, a magistrate is paid 45% of a circuit judge's salary. In counties with a population less than 50,000, a magistrate is paid 35 % of a circuit judge's salary.

Legislation has previously been introduced to provide that all magistrates be paid a base salary of 55% of a circuit judge's salary regardless of the size of the county. The bills also increased the salary supplements for full-time chief magistrates from $3,000 to $10,000, part-time chief magistrates from $1,500 to $5,000 and created two new salary supplements of $5,000 and $2,500 for full-time and part-time associate chief magistrates, respectively. The bills imposed a $15 assessment on all civil filings in magistrate's court to fund the increase. The legislation also required the South Carolina Court Administration to monitor counties' compliance with funding these positions and to report to the legislature by January 20, any noncompliance. Other legislation has been introduced to increase all judges' salaries, which would increase magistrate salaries with no funding provided.

Status: The 2025 budget adopted by the General Assembly included a supplement for magistrates. Full-time magistrates received a $10,000 increase in their base salary. Part-time magistrates received a $2,500 increase in their base salary. These salaries will remain decoupled from the circuit court judge salaries. H. 3642 would create a Class 2 magistrate and set forth their salary schedule but would not change the salaries of Class 1 magistrates. The bill was referred to the House Judiciary Committee.

Steering Committee's Recommended Policy Position:

Support increasing magistrates' salaries as long as the legislation doing so is revenue positive and the salaries remain decoupled from circuit judges' salaries.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Masters in Equity Judicial Retirement

SCAC staff anticipates the Masters in Equity requesting legislation allowing them to participate in the Judges and Solicitors Retirement System (JSRS). As a result, counties with Masters in Equity would be contributing sponsors of the plan and would share the cost and financial risk with the state. With the current unfunded accrued liability of JSRS over $240 million and the funded ratio of the system having decreased significantly, there would be a significant fiscal impact on counties if such legislation were to be enacted.

Status: Act 60 of 2025 added the Catawba Nation to the South Carolina Police Officers Retirement System (PORS). There was an attempt to add Masters in Equity to the bill in a subcommittee hearing, but that language was not adopted due to fiscal concerns.

Steering Committee's Recommended Policy Position:

Oppose legislation allowing Masters in Equity to participate in the Judges and Solicitors Retirement System (JSRS) as a result of the increased financial burden this would place on counties.

Mental Health Funding

South Carolina, like most other states, is currently facing a concerning mental health crisis. While the General Assembly has put money in the budget for mental health programs, the problem currently facing all levels of government in South Carolina is not going to be fixed through modest appropriations in the budgets. Mental health crises are also placing a financial strain on county governments. EMS, sheriffs, 911 operators, jails, and county employees are on the front line dealing with the mentally ill daily. In 2024, the late Michael Vaughn, Chester County Councilman, requested

that the steering committee support legislation to increase the amount of state revenue going to increase mental health awareness and to repair the state's mental healthcare system.

Status: The 2025-26 state budget includes new funding for mental health for several universities, jails, inpatient and outpatient centers. The budget also included $4.5 million in new money to expand the alternative transport program for mental health patients.

Also, several bills were filed in 2025 dealing with mental health including:

H. 3478 – "Mental Health in Schools Act"
S. 31 – Student ID – Suicide Hotline
H. 3947 – Authorizes mental health evaluators in public schools and requires policies
H. 3088 – "Behavioral Health Conditional Discharge Program"

Steering Committee's Recommended Policy Position:

Support legislation to increase the amount of state revenue going to increase mental health awareness and to repair the state's mental healthcare system.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Municipal Capital Projects Sales Tax

The Municipal Association of South Carolina (MASC) continues to push for legislation that would allow municipalities to enact a capital project sales tax only within the boundaries of the enacting city for purely municipal projects. The county and other municipalities would have no input in this process.

There are several problems inherent in this proposal:

- Cities participate in deciding which projects are funded by the countywide sales tax, but no provision is made for county projects or participation in the municipal proposal.

- Unincorporated area residents who would pay sales tax get no vote on the municipal capital projects sales tax.

- If a municipal sales tax were adopted, there would be very little likelihood of getting a countywide sales tax until that municipal tax phased out. This could effectively preclude the unincorporated areas of the county from getting needed infrastructure.

SCAC staff anticipates legislation could be filed to create a Municipal Capital Project Sales Tax.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Oppose legislation creating a Municipal Capital Project Sales Tax.

Online Public Notice

There are several instances throughout the code requiring notice to the public of a public hearing before an action can be taken by a political subdivision. In each of these instances, the political subdivision is required to advertise the public hearing in at least one South Carolina newspaper of general circulation in the area. With almost all newspapers offering online reading and the decreasing demand for printed publications, Kevin Yokim, Florence County Administrator, requests the steering committee support legislation allowing for online publications to meet the requirement for public notice.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation allowing online publications to meet the requirement for public notice.

Out-of-State License Tags

Horry County asks the committee to support legislation to ensure that nonresidents pay their property taxes upon establishing a domicile in this state or operating a vehicle for more than 150 days in South Carolina. Such legislation would prevent people from living in South Carolina but registering in another state, thus evading the property taxes due on the automobile.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to ensure that non-residents pay their property taxes upon establishing a domicile in this state or operating a vehicle for more than 150 days in South Carolina, except for active-duty military.

Protection of Delinquent Taxpayers

Under Section 12-51-130 of the Code, the seller of property at a tax sale is entitled to any overage if the tax sale of an item produces more cash than the full amount due. However, due to inadequate protections in the Code, opportunists are able to purchase delinquent property at the last moment and claim the overage without informing the seller that there is an overage. The sellers are also vulnerable to scams such as overage "finders" where oftentimes non-attorneys act on behalf of the sellers and charge the sellers to collect the overage and people using quitclaim "jackpot" deeds to take advantage of desperate property owners who are unaware that they are entitled to the overage.

Bradley Farrar, Aiken County Attorney, and Johnathan Bryan, Sumter County Attorney, request that the committee support legislation to protect delinquent taxpayers. Such measures could include requiring the seller to sign a statement stating that they are the owner of record and have been advised of their rights and entitlements and have been made aware of their right to appeal. Another measure could be to allow a public body to exempt from disclosure the identity of anyone who bids at a delinquent tax sale unless the bidder consents in writing and until there is a successful bidder.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

(1) Support legislation to amend § 12-51-130 to require a statement signed by the owner of record immediately before the end of the redemption period acknowledging that the owner has been advised that they are entitled to claim any tax sale overage.

(2) Support legislation to add § 30-4-40 (20) allowing a public body to exempt from disclosure the identity or personal identifying information of anyone who bids at a delinquent tax sale unless the bidder consents in writing to the release of such information in a manner satisfactory to the delinquent tax collector who conducted or was responsible for overseeing the conduct of the sale where the bidder's information was obtained; provided, however, that

upon the expiration of the redemption period, the identity of the successful bidder of the sale at issue shall be subject to release.

(3) Support legislation to add § 40-5-400 to clarify that any assistance offered or provided for a fee, consideration, or compensation to anyone in the collection of a tax sale overage shall constitute the practice of law.

(4) Oppose legislation requiring the clerk of court or register of deeds to require an affidavit from a delinquent taxpayer stating the amount, if any, of overage generated by a tax sale and acknowledging that the grantor has either received the overage or has at least been advised of the overage.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Public Deposits in Credit Unions

Public deposits are public funds deposited in a financial institution by the treasurer of a state or local government, or any agency thereof. State and local governments deposit billions of dollars in financial institutions, primarily in banks. Credit unions want the ability to accept these deposits; however, some state credit union acts do not allow credit unions to accept public deposits, and some state laws preclude government entities from depositing funds in credit unions.

Advocates of public deposits for credit unions have asserted that credit unions carry similar levels of deposit insurance as banks; credit unions often pay higher interest rates on deposits than banks; state and local governments want and can benefit from a choice of where they deposit their funds; allowing credit unions to accept public deposits is in the public interest because it could spur competition and lead to higher earnings for public entities.

Credit unions routinely provide depositors and borrowers with substantially and sustainably more attractive interest rates (respectively higher and lower) than commercial banks. Additionally, allowing credit unions to accept public funds could reduce deposit risk for state treasurers by spreading the risk of such deposits over a greater number of financial institutions.

The benefits of allowing public entities to deposit funds in credit unions include more than just better interest rates. There are many very small communities in the United States without a commercial bank, where a credit union is present. For public entities in these communities, the ability to deposit funds in the local credit union is of significant value. Since many of these communities are also low-income areas with special economic challenges, much of the cost of the inefficient public policy of restricting credit unions from participating in the public deposit market falls on those least able to afford it.

Currently there are 25 states that have laws that expressly permit state-chartered credit unions to accept public funds.

Status: S. 60 and H. 3221 were introduced in 2025 to allow local governments to use credit unions for public deposits. S. 60 received a hearing, but no vote was taken. H. 3221 has not received a hearing.

Steering Committee's Recommended Policy Position:

Support legislation to allow local governments to use credit unions for public deposits.

Public Hearing Prior to Referendum

Section 4-37-30(A)(2) requires that, upon receipt of an ordinance for a county to impose a sales and use tax for transportation projects, the Election Commission shall conduct a referendum. After the Election Commission publishes the date and purpose of the referendum, this section also requires a public hearing to be conducted "at least 14 days before the referendum after publication of a notice setting fort the date, time, and location of the public hearing." It is unclear from this language whether the governing body of the county or the Election Commission is required to conduct the hearing. It is also unclear why this requirement is necessary since the ordinance and referendum have already been approved and the notice of the referendum has already been published by the Election Commission.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation to remove the public hearing that is currently required to be conducted prior to a referendum for a local transportation sales and use tax under Section 4-37-30.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Return to Work

For the last several years, the state budget has contained provisos removing the earnings limitation for the South Carolina Retirement System and the Police Officers' Retirement System for certain retired employees to return to work. These provisos have also reduced the amount of time that an employee must be separated from employment before they can return to work. If legislation is filed again, it will likely include language relating to return-to-work earning limitations as well as language affecting the time period an employee must remain out of work before they can return to work.

Status: Proviso 108.12 was adopted in the budget and provides that for Fiscal Year 2025-2026, the earnings limitation does not apply to retired members of the South Carolina Retirement System (SCRS) or the Police Officers Retirement System (PORS) who return to covered employment to participate in the state's public health preparedness and response to the COVID-19 virus.

Proviso 117.128 was adopted in the budget and provides that any Class I law enforcement officers who retired under the PORS on or before December 31, 2017, may return to employment with a public school district as a critical needs School Resource Officer without affecting the monthly retirement allowance that they are receiving from the PORS.

The following bills were introduced to remove the earnings limitation:

H. 3437 – Removes the limitation if out of work for 12 consecutive months after retirement.
S. 119 – Removes the limitation if out of work for 90 consecutive days after retirement.
H. 3542 – Removes the limitation for employees returning to work that retired before January 2, 2026.
S. 107 – Replaces the $10,000 limitation with an amount "equal to the annual retirement earnings test exempt lower amount as set by the Social Security Administration (which was $22,320 in 2024)."
H. 3434 – Exempts school bus drivers from the limitation if they retired before January 1, 2025.

Steering Committee's Recommended Policy Position:

Support legislation removing the $10,000 earnings limitation and reducing the time an employee must remain out of work before they can return to work.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Short Term Rentals

Section 6-1-500, et al. provides that if a county imposes a local accommodations tax by ordinance, then the tax is imposed on every person engaged in the business of furnishing accommodations to transients for consideration. In recent years, several apps and websites have been developed to allow private residences to be posted online to be rented to transients for consideration. These rentals fall under the requirements of the local accommodations tax, but many of these property owners are failing to remit the tax. Additionally, the hosting sites, e.g., Airbnb, Home Away, Vrbo, etc. are refusing to collect the local taxes and remit them to the appropriate taxing authority.

Status: H. 3876 and S. 442 would require the remittance of local accommodations taxes on short-term rentals to counties. The House passed H. 3876 on the last day of session, and the bill will head to the Senate. S. 442 was referred to the Senate Judiciary Committee.

Steering Committee's Recommended Policy Position:

Support legislation requiring the remittance of local accommodations taxes on short term rentals to counties.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

South Carolina Retirement System (SCRS)

County governments and their employees have participated in the state retirement system since its inception. The enabling act (Act No. 157 of 1945) creating the SCRS allowed for the inclusion of county governments as employers and their employees as participants in the system upon application to the Retirement Board. Similarly, Act No. 799 of 1962 allowed any county to become an employer under the PORS upon applying to the board and a majority vote of all persons employed as police officers by the county. County government participation in SCRS and PORS has enabled South Carolina counties and sheriffs to hire and retain excellent employees and deputies. It is important to all counties that the retirement systems remain financially strong and attractive to current and future employees.

Like the General Assembly, county budgets have been significantly impacted by the failure of the system to meet the assumed rate of return on investments. Seventy-one percent of the participating employers in SCRS are comprised of cities, counties and other local subdivisions of government. These entities employ 28% (53,532) of the active system members.

The statutorily mandated increases in employer and employee contribution rates have hit county governments hard. County government's ability to raise revenue is severely limited. To a large degree, counties must rely on property taxes for general operating revenue. This stream of revenue is restricted by the millage cap contained in §6-1-320 (population plus CPI.) Other sources of revenue have either been limited by the General Assembly (Local Government Fund) or are limited by use (for instance the Capital Projects Sales tax, or state grants). The instability of the retirement system requires a greater allocation of property tax revenue to employee benefits, which reduces the ability for counties to improve the services they want to provide to their citizens. Additionally, static salaries combined with increasing employee retirement contributions make it difficult to hire and retain employees, also leading to a reduction in county service packages.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

SCAC understands the dilemma facing the state with regards to the unfunded liability of the retirement system; however, any fundamental change to the system must not affect promises made to current employees and retirees in the existing state pension system. SCAC supports having county government be involved in the administration of any new system. If the state decides to go to a defined contribution plan, SCAC supports county governments being allowed to develop and operate their own independent defined contribution plan.

Tiny Homes

There appears to be a sizable increase in the purchase and movement of "Tiny Homes" into South Carolina. These small living structures are appearing on vacant lots, in backyards, and some Tiny Home communities are being developed.

Unfortunately, there is no general consensus on how to regulate these structures, nor on how they can be, or should be taxed. The industry appears to be marketed as a method to avoid regulation and evade taxation. Recently, the International Building Code published an appendix regarding standards for Tiny Homes. However, if the home is on wheels, does it need to meet that standard, or the standard for manufactured or mobile homes?

There is no statewide consistency in how to tax, what construction standards need to be met, and how to inspect Tiny Homes. Lexington County asks that SCAC support legislation that would standardize the treatment of Tiny Homes for taxation, inspection, and code enforcement.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support legislation that would standardize the treatment of tiny homes for taxation, inspection, and code enforcement.

Titling of Boats and Motors

Under current law, all motorized boats and watercraft and all outboard motors five horsepower and greater and required to be titled separately. A few years ago, there was an attempt in the Senate to amend this section to require titling of boats only. This would potentially cost counties revenue as the motor of a boat is often as much if not more expensive than the boat itself and could be purchased after market or transferred between watercrafts without the county's awareness.

Status: H. 3858, as introduced, would have exempted 50% of the fair market value of boats and eliminated the process of titling boats and motors separately. SCAC staff worked with the sponsor of the bill to minimize the fiscal impact on counties. As passed by the House, the bill would reduce the effective assessment ratio on watercraft to 6%, phased in over three years. While the dual titling language remains in the bill, SCAC staff will work to ensure that the full value of the boat and motor are available to county auditors to ensure the full collection of property taxes.

S. 61 would eliminate the process of titling boats and motors separately but would require registration of boats and motors so that counties and the Department of Natural Resources remain aware when motors are switched or stolen. This will also ensure that the full value of the boat is captured for property tax purposes.

S. 61 remains in the Senate Finance Committee, and SCAC is working to incorporate the beneficial parts of the Senate bill into H. 3858.

Steering Committee's Recommended Policy Position:

Defer consideration of this issue until November to receive more information.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Tort Claims Act

In the past there have been several attempts to increase the limits on damages that can be recovered from governmental entities pursuant to the South Carolina Tort Claims Act (TCA), § 15-78-10, et seq. The TCA was enacted in 1986 and waived sovereign immunity from certain torts committed by governmental entities. In the findings of the Act, § 15-78-20, the General Assembly noted that while total immunity was not desirable, damages owed by tortious governmental actors should be limited because the government must act for the public good. There are also the stringent financial limitations of government entities, and ultimately of taxpayers, which necessitate restrictions on damages owed.

When the TCA was enacted, the limits were set at $250,000 per individual claim and $500,000 per occurrence. In 1988 the TCA was amended to provide a $1 million limit for medical malpractice committed by a physician or dentist employed by a government entity. In a 1997 State Budget Part II proviso these limits were increased to $300,000, $600,000, and $1.2 million, respectively. There have been several attempts over the years to further increase the limits with the most recent attempt coming this past session. S. 82 would increase the limits from $300,000 to $500,000 per individual and from $600,000 to $1 million per occurrence. SCAC was successful in slowing down the bill, but the issue is likely to come up again in the upcoming session. If the limits found in the TCA were increased as proposed by the most recent bill, then that would drastically increase insurance costs for counties and could possibly force county government out of some areas in which it currently provides services.

Status: There were several discussions during the session on tort reform. Specifically, H. 3497 and S. 244 would alter the definition of occurrence to include "continuous or repeated exposure to substantially the same harmful conditions" and to include "multiple acts of negligence occurring without a break in the causal chain that result in substantially the same damages" under the definition of one occurrence.

These bills also included language raising the caps from $300,000 to $500,000 per individual and $600,000 to $1,000,000 per occurrence. Ultimately this language was left out of Act 42 of 2025 when the House and Senate reached a compromise on liquor liability and the Contribution Among Tortfeasors Act.

Steering Committee's Recommended Policy Position:

Although SCAC believes the current tort claims limits are appropriate, SCAC staff will monitor any amendments and ensure county interests are protected to the greatest extent possible.

Volunteer Firefighter Retirement

Florence Country would like the steering committee to support legislation to provide retirement benefits to volunteer firefighters. Full-time firefighters were added to the PORS a few years ago, and while adding volunteers to PORS would create a significant financial burden on counties, there may be other retirement benefits that the state could offer volunteer firefighters. North Carolina offers volunteer firefighters a small pension, as well as other benefits such as a lifetime hunting license. With a shortage of volunteer firefighters across the state, incentives such as these could help counties recruit and retain volunteers.

Status: No legislation was introduced in 2025.

Steering Committee's Recommended Policy Position:

Support statewide incentives for volunteer firefighters, including but not limited to, retirement benefits.

−Notes−

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