

## FOREWORD

**2018 ACTS THAT AFFECT COUNTIES** is an annual report to the membership designed to provide county officials with a good place to begin a search for new law. This publication generally contains a brief description of those acts passed during the 2018 Session of the South Carolina General Assembly that affect county government operations. This publication is not designed to be the final word on laws passed in the 2018 session. It is important to consult your county attorney when you have a question regarding the law.

2018 was the second half of the two-year 122<sup>st</sup> General Assembly. Any legislation that did not pass before the end of the 2018 session will need to be filed again in the 2019 session to be considered.

The acts in this report are generally listed in ascending order by ratification number. Each new act is entitled by its assigned act number. Underneath and to the left of the act number are two different citations: the ratification number and a Senate or House bill number. Since the act number is permanent, citing to that number is the proper reference when drafting ordinances pursuant to an act, e.g. Act No. 1 of 2018. Underneath and to the right of the act number is the effective date of the act.

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

The appendix at the end of this publication lists the acts related to voting precinct designations.

## QUICK REFERENCE TO LEGISLATION

### Ratification No. Index

<u>Rat. No.</u>	<u>Page</u>
R. 134.....	1
R. 136.....	1
R. 138.....	1
R. 144.....	2
R. 146.....	2
R. 151.....	2
R. 157.....	3
R. 159.....	3
R. 164.....	3
R. 165.....	3
R. 167.....	4
R. 179.....	4
R. 180.....	4
R. 181.....	4
R. 183.....	4
R. 186.....	5
R. 188.....	5
R. 191.....	5
R. 194.....	6
R. 196.....	6
R. 199.....	6
R. 200.....	7
R. 209.....	8
R. 211.....	8
R. 214.....	8
R. 216.....	9
R. 226.....	9
R. 229.....	9
R. 231.....	10
R. 232.....	10
R. 234.....	10
R. 235.....	11
R. 237.....	11
R. 244.....	11
R. 245.....	12

### Ratification No. Index

<u>Rat. No</u>	<u>Page</u>
R. 246.....	12
R. 248.....	13
R. 250.....	13
R. 252.....	13
R. 253.....	14
R. 254.....	14
R. 261.....	15
R. 263.....	15
R. 265.....	16
R. 266.....	16
R. 272.....	17
R. 273.....	17
R. 277.....	17
R. 278.....	18
R. 281.....	18
R. 293.....	18

**Bill No. Index**

<b><u>Bill. No.</u></b>	<b><u>Page</u></b>
S. 27.....	6
S. 67.....	6
S. 105.....	1
S. 170.....	6
S. 176.....	7
S. 810.....	8
S. 820.....	8
S. 874.....	8
S. 888.....	9
S. 1014.....	3
S. 1038.....	3
S. 1083.....	9
S. 1116.....	9
S. 1126.....	4
S. 1190.....	10
S. 1218.....	10
H. 3139.....	10
H. 3146.....	11
H. 3209.....	11
H. 3653.....	1
H. 3865.....	11
H. 3886.....	12
H. 3895.....	12
H. 3929.....	2
H. 4093.....	13
H. 4117.....	13
H. 4180.....	1
H. 4272.....	2
H. 4411.....	4
H. 4458.....	13
H. 4479.....	14
H. 4486.....	14
H. 4488.....	4
H. 4592.....	4
H. 4644.....	4
H. 4673.....	15
H. 4683.....	5
H. 4698.....	15

**Bill No. Index**

<b><u>Bill. No</u></b>	<b><u>Page</u></b>
H. 4715.....	16
H. 4727.....	16
H. 4832.....	5
H. 4869.....	3
H. 4950.....	18
H. 4951.....	5
H. 4968.....	3
H. 4973.....	17
H. 4977.....	2
H. 4980.....	17
H. 5153.....	17
H. 5154.....	18
H. 5272.....	18

**Act No. Index**

<b><u>Act. No.</u></b>	<b><u>Page</u></b>
Act 130.....	1
Act 132.....	1
Act 134.....	1
Act 139.....	2
Act 142.....	2
Act 149.....	3
Act 154.....	3
Act 155.....	3
Act 167.....	4
Act 168.....	4
Act 170.....	4
Act 173.....	5
Act 175.....	5
Act 178.....	6
Act 180.....	6
Act 183.....	6
Act 184.....	7
Act 191.....	8
Act 193.....	8
Act 196.....	8
Act 198.....	9
Act 208.....	9
Act 212.....	13
Act 214.....	13
Act 215.....	14
Act 221.....	15
Act 223.....	16
Act 224.....	16
Act 233.....	17
Act 236.....	10
Act 244.....	11
Act 245.....	12
Act 246.....	12
Act 248.....	14
Act 250.....	15

**ACT NO. 130**

**R. 134, H. 4180**

**EFFECTIVE DATE: FEBRUARY 7, 2018**

This Act adds §§ 4-3-75 and 4-3-325 to alter the boundary between Beaufort and Jasper Counties. The Act finds that both counties passed resolutions approving the alteration prior to the passage of this Act.

**ACT NO. 132**

**R. 136, H. 3653**

**EFFECTIVE DATE: FEBRUARY 2, 2018**

This Act adds § 31-24-120 to provide circumstances under which a manufacturing and industrial facility may not be considered a nuisance. The facility must be operating in compliance with all federal and state environmental laws and county and municipal zoning and nuisance ordinances and must have commenced operations before the landowner alleging the nuisance acquired, moved onto, or improved the affected property. A facility may reasonably expand its operations or facility as long as it remains compliant. This protection is assignable, alienable, and inheritable as long as the facility continues to operate for the same use.

**ACT NO. 134**

**R. 138, S. 105**

**EFFECTIVE DATE: MARCH 12, 2018**

This Act amends § 1-23-600(H) to change the procedures for lifting an automatic stay in contested cases involving agency actions before the Administrative Law Court (“ALC”). The procedures for initiating an automatic stay remain the same.

One change provides that a party must wait 90 days after a contested case is initiated to file a motion to lift the stay or for a determination of the applicability of the stay. The ALC has 30 days to hold a hearing after the filing of a motion to lift the stay or to determine the stay’s applicability.

Another change makes it more difficult for the filer of a contested case to retain the automatic stay once the stay is challenged. Once a motion to lift a stay is filed, the ALC must lift the stay unless the party that requested a contested case hearing proves: (1) the likelihood of irreparable harm if the stay is lifted, (2) the substantial likelihood that the party requesting the contested case

and stay will succeed on the merits, (3) the balance of equities weigh in favor of continuing the stay, and (4) continuing the stay serves the public interest.

These changes to lift the automatic stay do not apply to contested cases concerning a permit or license involving hazardous waste. The ALC must make a final decision on the merits of the case no later than 12 months after the contested case is filed unless all parties agree to an extension or the ALC finds substantial cause otherwise.

### **ACT NO. 139**

**R. 144, H. 3929**

**EFFECTIVE DATE: MARCH 12, 2018**

This Act adds § 44-1-65 to provide guidelines for DHEC to consider when deciding on a permit, license, certification, or other approval of a poultry facility or the expansion of such a facility. The Act also defines “affected person” for determination of who has standing to contest the permit and lays out the process by which the permit may be contested. The Act also amends § 46-45-80 to implement setbacks and to require a vegetative buffer between the facility and the affected residence.

### **ACT NO. \_\_**

**R. 146, H. 4272**

**EFFECTIVE DATE: MARCH 12, 2018**

This Act extends the Lexington County School District Property Tax Relief Act for an additional 7 years. The Lexington County School District Property Tax Relief Act was originally enacted in 2004 (Act No. 378 of 2004) and imposes a 1 percent sales tax in Lexington County to grant a property tax credit against school debt service and operations within the county.

### **ACT NO. 142**

**R. 151, H. 4977**

**EFFECTIVE DATE: MARCH 15, 2018**

This legislation amends Article 1 of Title 56 to require that beginning with the 2018 General Election, the Governor and Lieutenant Governor candidates shall run on a joint ticket. The candidate for Governor designates the candidate for Lieutenant Governor that is running on the joint ticket. This Act also amends § 7-11-15 to provide that if the March thirtieth date by which a candidate running in the general election must file their statement of intention of candidacy,

party pledge, and filing fees falls on a Saturday or Sunday, the time for filing extends to the next regular business day.

**ACT NO. 149**

**R. 157, H. 4869**

**EFFECTIVE DATE: JULY 1, 2018**

This legislation deletes the notarization requirements in §§ 9-1-1650, 9-9-70, 9-9-100, 9-11-110, and 9-11-170. These sections deal with designation of retirement benefits to beneficiaries in the event of the death of a member of the South Carolina Retirement System (SCRS) or the Police Officers Retirement System (PORS).

**ACT NO. \_\_**

**R. 159, H. 4968**

**EFFECTIVE DATE: APRIL 4, 2018**

This Act amends Act 489 of 1998 to change the way in which Pickens County is to conduct its advisory election to nominate a candidate to the legislative delegation for appointment as the Pickens County Veterans Affairs Officer.

**ACT NO. 154**

**R. 164, S. 1014**

**EFFECTIVE DATE: APRIL 17, 2018**

This Act addresses an issue that arose pertaining to the Spartanburg Regional Healthcare System. It amends § 44-7-2060 to clarify that a regional health district may carry out its functions in a competitive manner, so long as they do not conflict with the antitrust laws of the State or the United States. If such a conflict occurs, the State interest shall prevail.

**ACT NO. 155**

**R. 165, S. 1038**

**EFFECTIVE DATE: APRIL 17, 2018**

This Act amends § 4-10-390 to state that if a county began the reimposition of a capital project sales tax on April 1, 2013, and reimposed the tax at the 2016 General Election then the reimposed tax that commenced on April 1, 2013, is extended until April 30, 2020; and the commencement of the tax that was reimposed at the 2016 General Election is delayed until May 1, 2020, and expires on April 30, 2027

**ACT No. \_\_**

**R. 167, S. 1126**

**EFFECTIVE DATE: APRIL 17, 2018**

This local legislation provides that the elections for the Kershaw County school board of trustees shall be held at the time of the general election in appropriate years.

**ACT No. 167**

**R. 179, H. 4411**

**EFFECTIVE DATE: MAY 3, 2018**

This Act repeals § 48-39-40, thereby eliminating the Coastal Zone Management Appellate Panel, an advisory council to DHEC.

**ACT No. 168**

**R. 180, H. 4488**

**EFFECTIVE DATE: MAY 3, 2018**

This Act amends the South Carolina Prescription Monitoring Act as it relates to the disclosure of prescription data to authorized officials. Section 44-53-1650(D) is amended to allow the Bureau of Drug Control within the Department of Health and Environmental Control to provide prescription data to a coroner, deputy coroner, medical examiner, or deputy medical examiner who is involved in an inquiry into the cause and manner of death of a person.

**ACT No. \_\_**

**R. 181, H. 4592**

**EFFECTIVE DATE: MAY 10, 2018**

This local legislation increases the borrowing limits of the Startex area fire district in Spartanburg County from five hundred thousand to seven hundred fifty thousand dollars.

**ACT No. 170**

**R. 183, H. 4644**

**EFFECTIVE DATE: MAY 3, 2018**

This Act adds § 44-96-85 to establish a Solid Waste Emergency Fund within the Solid Waste Management Trust Fund. Monies from this newly created fund may be used to address a



substantial release or threat of substantial release into the environment of any pollutant or other circumstance which may present an imminent and substantial danger to human health and the environment from a solid waste facility regulated under this chapter. The Act also amends § 44-96-290 to provide that a permit to construct a new solid waste facility or to expand an existing facility may not be issued until the applicant provides documentation from the applicable local government of compliance with local land use and zoning ordinances. Prior to this Act, DHEC was charged with ensuring that the applicant was compliant with these local ordinances.

**ACT NO. 173**

**R. 186, H. 4683**

**EFFECTIVE DATE: MAY 3, 2018**

This Act amends § 48-39-280 to create a policy of beach preservation under which DHEC must establish baselines and setback lines based on certain guidelines. The Act also creates a process by which a landowner or county, municipality, or organization acting on behalf of the landowner may contest the established baseline or setback lines.

**ACT NO. 175**

**R. 188, H. 4832**

**EFFECTIVE DATE: MAY 3, 2018**

This legislation amends § 63-11-710 by adding a subsection which requires in the Fifth Judicial Circuit, the members of one of the local review boards that review cases of children receiving foster care must be appointed by the Kershaw County Legislative Delegation.

**ACT NO. \_\_\_\_**

**R. 191, H. 4951**

**EFFECTIVE DATE: SEE BELOW**

This Act appropriates money from the Capital Reserve Fund for FY 2017-2018. Of interest, \$11 million dollars is appropriated for Beach Renourishment, and \$4 million is appropriated for the Statewide Voting System.

This joint resolution takes effect thirty days after the completion of FY 2017-2018.

**ACT NO. 178**

**R. 194, S. 27**

**EFFECTIVE DATE: SEE BELOW**

This Act amends § 59-3-10, authorizing the Governor to appoint the Superintendent of Education, with the advice and consent of the Senate beginning in January 2023. This provision of the legislation becomes effective on May 15, 2018. However, this authority is contingent upon a successful referendum to amend Section 7, Article VI of the South Carolina Constitution in the 2018 General Election. The Superintendent elected in the 2018 General Election shall serve out their term.

**ACT NO. 180**

**R. 196, S. 67**

**EFFECTIVE DATE: MAY 17, 2018**

Act No. 67 amends § 12-10-88 (A) & (B) to permit redevelopment fees of closed federal installations to be remitted to redevelopment authorities. Prior to this change, redevelopment fees could only be collected from closed federal military institutions. Section 12-10-88(C) is amended to allow redevelopment fees to be remitted quarterly and removes the sunset date of 15 years after the redevelopment authority applies for fee or January 1, 2021. Subsection (E) is amended to change military installation to federal installation and allow the fees to be imposed on installations that are closed until January 1, 2028.

This Act also adds a subsection to § 31-12-70(A) to use the redevelopment fees provided pursuant to § 12-10-88 for the administration and implementation of the redevelopment authority's redevelopment plans.

**ACT NO. 183**

**R. 199, S. 170**

**EFFECTIVE DATE: MAY 17, 2018**

This Act makes several changes as it relates to the duties and funding of coroners and the duties of the Coroners Training Advisory Committee.

The Act creates § 17-5-541 which requires a coroner to schedule a local Child Fatality Review Team to review a child's death occurring in the county in which the coroner serves. The team may be composed of any of the following: the county coroner or his designee, a local law enforcement officer, a State Law Enforcement Division agent, a board certified child abuse

pediatrician, a representative from the county Department of Social Services, and a forensic pathologist.

Section 17-5-542 imposes certain duties on the review team, such as submitting reports of the team's findings to the State Child Fatality Advisory Committee and the Bureau of Vital Statistics.

Section 17-5-140 is added to provide supplemental funding for full-time coroners. This funding is contingent upon the appropriation of state general funds or the financial support from other sources. From the funds disbursed by the State Treasurer, each county treasurer must pay the duly elected coroner at least thirty-five thousand dollars annually. The coroner has the discretion to use these funds as a salary supplement or to use the funds to hire additional staff or for office space or equipment.

After disbursing thirty-five thousand dollars to each coroner in a fiscal year, the State Treasurer will credit any remaining funds that were appropriated under this section to the coroners. These remaining funds are to be disbursed on a formula based on county population. For counties with a population of at least one hundred fifty thousand, each coroner will receive an equal share of fifty-five percent of the remaining funds. For counties with a population of at least fifty thousand but less than one hundred fifty thousand, each coroner will receive an equal share of thirty five percent of the remaining funds. For counties with a population of less than fifty thousand, each coroner will receive an equal share of ten percent of the remaining funds. As of the date of the date of this publication's printing, there were no funds appropriated for this supplement.

Section 17-5-130(G) is created to provide that the Coroners Training Advisory Committee will govern the qualifications of all coroners, deputy coroners, and coroner candidates and has reprimand power over coroners.

## **ACT NO. 184**

**R. 200, S. 176**

**EFFECTIVE DATE: MAY 17, 2018**

This Act restricts the operation of unmanned aerial vehicles ("UAV") within a distance of five hundred feet horizontally or two hundred feet vertically from a prison or jail without written consent of the facility. Violation of this section is a misdemeanor. Any UAV involved in the violation of this restriction may be confiscated by the jail administrator. At the conclusion of any legal proceedings, the UAV is to be returned to an innocent owner. If an owner is convicted, the UAV is to be transferred to SLED. These restrictions do not apply to commercial UAV operators registered with the FAA who conduct UAV operations related to maintaining powerlines, infrastructure, or communication systems and provide notice to the jail prior to such operations.

Jails are required to provide the state Aeronautics Commission a list of designated jail facilities and the aerial boundary restrictions in ARGIS or AutoCAD format by June 16, 2018. The Commission will publish these areas restricted from UAV operations on its website. Though the Act does not expressly state this, it is likely that a jail cannot enforce these restrictions until this data is submitted to the Aeronautics Commission.

### **ACT NO. 191**

**R. 209, S. 810**

**EFFECTIVE DATE: AUGUST 15, 2018**

This Act amends various sections pertaining to the regulation of pawnbrokers. Section 40-39-70 is amended to require pawnbrokers to keep digital photographs in their records at the time of any loan or purchase. The Act amends § 40-39-90 to require pawnshops to provide all records of pledged items by electronic data transfer to a database system accessible by law enforcement and approved by the South Carolina Department of Consumer Affairs. Section 40-39-145 is amended to allow law enforcement to seize property suspected of being stolen for purposes of an ongoing criminal investigation or to return the property to an innocent owner. A law enforcement officer has to retain seized property for ten business days before turning the property over to the owner to allow the pawnbroker to contest the seizure. Section 40-39-160 is amended to provide that if a pawnbroker intentionally violates § 40-39-90 they are guilty of a misdemeanor punishable by a \$500 fine, 30 days in jail, or both.

### **ACT NO. 193**

**R. 211, S. 820**

**EFFECTIVE DATE: MAY 17, 2018**

Act No. 193 cleans up § 61-6-2010(C) which deals with the referendum of Sunday alcohol sales. The code now presents three options regarding the Sunday alcohol sale referendum, either a “on premises” authorization, an “off premises” authorization, or both. If the referendum fails it cannot be put back on the ballot for 48 months.

### **ACT NO. 196**

**R. 214, S. 874**

**EFFECTIVE DATE: MAY 17, 2018**

This Act amends § 56-5-170(A) to add organ procurement organization vehicles to the list of defined emergency vehicles.

**ACT NO. 198**

**R. 216, S. 888**

**EFFECTIVE DATE: MAY 15, 2018**

This Act adds § 59-25-47 to allow a local school district board to adopt a policy providing that all school teachers, media specialists, guidance counselors, and career specialists who earn, but do not use sick and annual leave in excess of ninety days, may receive payment at the end of each fiscal year for earned days in excess of ninety days at the district's established rate of substitute pay.

**ACT NO. 208**

**R. 226, S. 1083**

**EFFECTIVE DATE: MAY 15, 2019**

Act No. 208 amends § 56-3-210 to authorize the SC Department of Motor Vehicles (DMV) to administer a program to regulate temporary license plates for newly acquired vehicles. The Act creates a new subsection (A) to direct the DMV to establish a uniform design of the plates, regulate automobile dealer and lessors, and provide what information the plate must contain about the vehicle. Subsection (A)(5) allows the department to administer an electronic system for county auditor's offices, licensed motor vehicle dealers, leasing companies, and other entities authorized by the department to use in issuing temporary license plates. Subsection (A)(9)(b) allows counties to receive temporary license plates from authorized distributors.

**ACT NO. \_\_**

**R. 229, S. 1116**

**EFFECTIVE DATE: MAY 17, 2018**

This legislation amends Act 432 of 1947 to ratify the actions of the Greenville Health System (GHS), a regional health district providing healthcare services for the residents of Greenville County. GHS established two not-for-profit entities, the Strategic Coordinating Organization which oversees the operation of GHS, and the Upstate Affiliate Organization, which runs the day to day operations of GHS. All three entities entered into Master Affiliation Agreement and a lease and contribution agreement in which GHS leased its assets to the Upstate Affiliate Organization in exchange for Upstate assuming GHS's obligation to provide healthcare services.

The legislation also changes the name of GHS to the Greenville Health Authority. It requires the Greenville Health Authority to be paid \$6,000,000 annually under the lease, with \$4,000,000

being devoted to providing healthcare, research, and education initiatives benefiting the residents of Greenville County of which 25% must be allocated to underprivileged communities, \$1,000,000 to be distributed among the municipalities in Greenville County, and \$1,000,000 payable to Greenville County. The Greenville Health Authority will also make recommendations to the Legislative Delegation of members to serve on the governing board for the Authority. The Greenville Health Authority also has the authority to enter into similar agreements with other not-for profit entities outside of Greenville County.

**ACT NO. \_\_**

**R. 231, S. 1190**

**EFFECTIVE DATE: MAY 17, 2018**

This Joint Resolution directs the Department of Health and Environmental Control to focus the resources of its Dams and Reservoirs Safety Program on regulating the state's high and significant hazard dams only and to reclassify dams when the failure or improper operation of a dam will likely result in loss of life.

**ACT NO. \_\_**

**R. 232, S. 1218**

**EFFECTIVE DATE: MAY 18, 2018**

This Act amends Act 879 of 1954 to alter the method of appointing members to the Lancaster County Natural Gas Authority's Board of Directors. While the nine board members are still appointed by the Governor upon recommendation of the Lancaster Legislative Delegation, the board members are now appointed at large within the boundaries of the authority's service area.

**ACT NO. 236**

**R. 234, H. 3139**

**EFFECTIVE DATE: MAY 17, 2018**

This legislation amends § 61-4-515, allowing a soccer complex to apply for a permit to purchase and sell beer and wine for on-premises consumption. The bill also permits a soccer complex to apply for a biennial license to purchase and sell alcoholic liquors by the drink. A soccer complex is defined as a soccer facility that hosts a professional league soccer team.

Section 61-4-515 already permits a motorsports entertainment complex, a tennis specific complex, or a baseball complex to apply for these permits.

**ACT NO. \_\_**

**R. 235, H. 3146**

**EFFECTIVE DATE: SEE BELOW**

This legislation amends Section 7, Article VI of the South Carolina Constitution to allow the Governor to appoint the Superintendent of Education upon the advice and consent of the Senate beginning in January of 2023 (See Act No. 178) or upon a vacancy in the office after the date of the ratification of this amendment. This legislation becomes effective upon a majority vote as a referendum question on the ballot of the 2018 General Election.

**ACT NO. \_\_**

**R. 237, H. 3209**

**EFFECTIVE DATE: JUNE 27, 2018**

This Act provides for expansion of expungement eligibility. Some examples of expansion include multiple low-level offenses that are closely connected and arose out of the same incident are to be counted as one conviction for the purposes of expungement and first offense possession with intent to distribute is expungable.

**ACT NO. 244**

**R. 244, H. 3865**

**EFFECTIVE DATE: MAY 17, 2018**

This Act amends §§ 1-13-30 and 1-13-80 to provide that an employer must not discriminate against a nursing mother based on her needs to breastfeed or express milk. Section 1-13-30(l) is amended to include lactation as a covered medical condition caused by pregnancy or childbirth that a person can't be discriminated against for having. Section 1-13-30(T) is amended to provide that "reasonable accommodation" must be made for individuals with medical needs arising from pregnancy but does not require the construction of a new facility for the sole purpose of expressing breast milk. Section 1-13-130(T) is also amended to provide for individuals with medical needs arising from pregnancy, childbirth, or related medical conditions by providing more frequent or longer break periods; providing more frequent bathroom breaks; providing a private place, other than a bathroom stall for the purpose of expressing milk; modifying food or drink policy; providing seating or allowing the employee to sit more frequently if the job requires the employee to stand; providing assistance with manual labor and limits on lifting; temporarily transferring the employee to a less strenuous or hazardous vacant position, if qualified; providing job restructuring or light duty, if available; acquiring or

modifying equipment or devices necessary for performing essential job functions; modifying work schedules. Section 1-13-80(A) is amended to preclude an employer from discriminating against a person with a medical condition arising from pregnancy or childbirth by not making reasonable accommodations or not offering job opportunities.

### **ACT NO. 245**

**R. 245, H. 3886**

**EFFECTIVE DATE: MAY 17, 2018**

This legislation amends Title 27 of the 1976 Code by adding § 27-30-110 to create the ‘South Carolina Homeowners Association Act.’ Section 27-30-130 of the Act states that to be enforceable, a homeowner’s association (HOA) governing documents must be recorded in the clerk of court’s, register of mesne conveyance (RMC), or register of deeds office of the county in which the property is located. Any governing documents not recorded prior to the effective date of this Act must be recorded by January 10<sup>th</sup> of the year following the effective date of this Act in order to continue to be enforceable. Any HOA formed after the effective date of this Act or any amendments to the governing documents of an existing HOA must be recorded by January 10<sup>th</sup> of the year following their adoption or amendment to continue to be enforceable. The recording of the rules, regulations, bylaws, an amendment to rules and regulations are not subject to the witness and acknowledgements required under § 30-5-30.

### **ACT NO. 246**

**R. 246, H. 3895**

**EFFECTIVE DATE: JULY 1, 2018**

Act No. 246 makes various technical changes dealing with the creation of the South Carolina Revenue and Fiscal Affairs Office. Of particular interest are sections 4 and 5 in the legislation.

Section 4 amends § 4-10-790 to provide that the Department of Revenue, and not the Revenue and Fiscal Affairs Office, shall furnish data to the State Treasurer and to the applicable political subdivisions receiving revenues for the purpose of calculating distributions and estimating revenues should a county impose the “Local Option Sales and Use Tax For Local Property Tax Credits.” The Revenue and Fiscal Affairs Office is directed to provide technical assistance. This puts this section in conformity with the other local option authorizations.

Section 5 amends § 6-1-50, which provides that counties must submit a financial report to the Revenue and Fiscal Affairs Office. The section is amended to move the submission date from January 15<sup>th</sup> of each year to March 15th.



**ACT NO. \_\_**

**R. 248, H. 4093**

**EFFECTIVE DATE: MAY 18, 2018**

This Act establishes a study committee consisting of 6 members appointed by the executive and legislative branch to study the need for an Employment First Initiative Act, which would create policies supportive of integrating persons with disabilities into the workplace. The Employment First Initiative Act would also create some responsibilities for state agencies and political subdivisions to help ensure that people with disabilities are being integrated into the workforce. The Committee must submit a report of their findings and recommendations to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives on or before May 1, 2019. Upon submission of the report, the committee is dissolved.

**ACT NO. 212**

**R. 250, H. 4117**

**EFFECTIVE DATE: MAY 18, 2018**

This Act amends the South Carolina Prescription Monitoring Act as it relates to the disclosure of prescription data to authorized officials. Section 44-53-1650(D) is amended to allow the Bureau of Drug Control within the Department of Health and Environmental Control to provide prescription data to a presiding judge of a drug court.

**ACT NO. 214**

**R. 252, H. 4458**

**EFFECTIVE DATE: MAY 18, 2018**

This Act amends § 16-11-700 by adding cigarette butts and cigarette component litter to the criminal definition of littering. The Act reduces the fine for littering less than 15 pounds from a minimum of \$200 to \$25. Section 16-11-700(D) is amended to reduce the minimum fine for dumping less than 15 pounds of litter, including cigarette butts, on public or private property from \$1,000 to \$50. Section 16-11-70(E) is amended to create the offense of illegal dumping if the litter weighs more than 15 pounds and to create elevated penalties for committing the offense, including mandatory litter pickup. 16-11-700(G) changes the rate for an offender to purchase community service credits from \$5 dollars per hour to \$15 per hour. The Act adds subsection (J) to § 16-11-700 to include dumping animal carcasses in the definition of litter and illegal dumping, respectively. Subsection (K) provides that local governments can still enforce their local ordinances relating to the upkeep of property and that if this Act conflicts with the Solid Waste Policy and Management Act, the latter controls. Subsection (M) provides that if a

person is injured during unsupervised litter pickup mandated pursuant to this Act, then no cause of action, including a claim under Worker’s Compensation, is granted to the person performing the unsupervised litter pickup.

**ACT NO. 215**

**R. 253, H. 4479**

**EFFECTIVE DATE: MAY 18, 2018**

This Act makes changes to how local and state law enforcement agencies are to handle the investigation and determination of law enforcement officer misconduct (“LEO”).

Section 1 of the Act amends § 23-23-80 to provide that the South Carolina Law Enforcement Training Council (“LETC”) is authorized to appoint attorneys employed by the Criminal Justice Academy (“Academy”) to sit as hearing officers for contested case hearings involving alleged misconduct against a LEO.

Section 2 of the Act creates § 23-23-150 which outlines the procedures involving the reporting of LEO misconduct and the hearing and appeal process for misconduct. Within 15 days of a law enforcement agency’s final action resulting from an internal investigation into misconduct, the agency must report the misconduct to the Academy. A person against whom an allegation of misconduct has been received by the Academy may request a contested case hearing within 3 years after the person is notified of the allegation. After a hearing, the hearing officer’s recommendation is sent to LETC. Any party opposing the recommendation may file a motion in opposition of the hearing officer’s recommendation with LETC. LETC can allow oral arguments from both parties before issuing a final decision.

No person with a pending allegation of misconduct filed against him by a law enforcement agency with the Academy may be employed as a LEO or telecommunications operator or exercise the authority and duties of a LEO until LETC issues a decision stating otherwise.

**ACT NO. 248**

**R. 254, H. 4486**

**EFFECTIVE DATE: MAY 18, 2018**

This legislation enacts the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact Act (“REPLICA”) by adding article 7 to chapter 61, title 44. REPLICA is an interstate compact that allows emergency medical services (“EMS”) personnel to provide services in other states that have also enacted REPLICA. This will allow REPLICA qualified

EMS personnel to cross state lines in performance of their daily duties, to staff planned events, and respond to disasters and emergencies. To date, over a dozen states have enacted REPLICA.

### **ACT NO. 250**

**R. 261, H. 4673**

**EFFECTIVE DATE: MAY 18, 2018**

Section 62-2-507 defines “governing instrument” for the purposes of beneficiary designations executed prior to the divorce or annulment of a marriage. In the case of a revocable designation, § 62-2-507 states that the divorce revokes the designation made in the governing instrument.

Act No. 250 amends the definition of “governing instrument” in § 62-2-507 to state that it does not include a beneficiary designation made in connection with a governmental employee benefit plan established or maintained for employees of the government of the State or a political subdivision. This would seem to indicate that the divorce decree would need to specifically revoke a SCRS or PORS beneficiary designation.

The Act also amends § 30-5-30 to clarify that before a deed or other instrument of writing may be recorded, the deed must be proved by the affidavit of a subscribing witness to the instrument or taken before some officer within this State competent to administer an oath, or the Uniform Recognition of Acknowledgments Act must be complied with. Prior to this amendment, § 30-5-30 seemed to require compliance with both.

### **ACT NO. 221**

**R. 263, H. 4698**

**EFFECTIVE DATE: SEE BELOW**

Section 2 of this Act amends §§ 9-1-1540, 9-9-65, and 9-11-80, relating to disability retirement for members of SCRS, the retirement system for members of the General Assembly, and PORS. The legislation provides that a member is considered to be in service on the date the application for disability retirement is filed if the last day the member was employed in the system occurred not more than one year before the date of filing. The statute previously stated that the date of filing would need to be within 90 days.

The amendment to these sections took effect when the Governor signed the bill on May 18, 2018, but the bill applies to members who retired after December 31, 2016. A member whose one year deadline has expired or will expire in less than ninety days from May 18 has until August 16, 2018 to file an application for disability retirement.

## **ACT NO. 223**

**R. 265, H. 4715**

**EFFECTIVE DATE: JANUARY 1, 2020**

Act No. 223 amends several sections in Titles 50 and 12, SC Code, relating to the taxation and registration of boats and motors. Sections 50-23-11, 70, 340, 345, & 370 are amended to change the registration period for boats from every three years to annually and to require that ad valorem taxes be paid on all boats before their annual registration is renewed with the Department of Natural Resources (DNR). The annual registration fee for dealers is \$30 and the fee for boat owners will be \$10 annually as opposed to the current fee of \$30 every three years.

Section 50-23-370 is amended by adding subsection (B) to require, beginning on January 1, 2020, county auditors to mail the DNR renewal notices to all boat owners no later than 45 days prior to expiration of the existing registration. The auditor will process the returned application, notify DNR if the application is approved, and transmit the renewal and all fees to DNR. County auditors must have access to a DNR database containing all motorboat titling and registration records. DNR may not charge counties for access to the database and if DNR is delayed in mailing out a boat owner's registration, then the boat owner may operate under the paid tax receipt for 30 days.

The Act provides that starting in January 1, 2020, the provisions of the Act will be phased in over a three-year period as current three-year DNR registrations expire. No taxpayer will be liable for more than one tax payment in one tax year. The Act also provides that DNR cannot issue renewed registrations unless all ad valorem taxes are paid every year.

Act No. 223 also adds §§ 12-37-3200 through 3240 to require that taxes on boats and motors be assessed in advance as opposed to arrears. Taxes will be due on the last day of the month that the registration expires. No registration renewal may be issued until all taxes are paid and taxes are payable on a new boat within 120 days of purchase. The county auditor is responsible for determining the assessed value of boats, motors, and watercraft and for calculating the amount of taxes due.

## **ACT NO. 224**

**R. 266, H. 4727**

**EFFECTIVE DATE: JULY 1, 2018**

This Act relates to the South Carolina Conservation Bank and, among other things, amends § 48-59-30(4) to add "a county of this State and any agency, commission, or instrumentality of such county" to the list of eligible trust fund recipients.

**ACT NO. \_\_**

**R. 272, H. 4973**

**EFFECTIVE DATE: JUNE 28, 2018**

This Act amends § 56-3-2150 which deals with special license plates for active and retired public officials such as county council members and coroners. The Act provides that a person who has resigned as a result of an investigation or is convicted of a crime involving dishonesty or moral turpitude, or a crime punishable by at least one year imprisonment may not apply for these types of special license plates. If they have already been issued the special license plate, a person must surrender the plate once convicted of such a crime.

The Act also amends § 56-3-2350 to allow a financial institution, including credit unions, to apply for special registrations and transporter license plates to repossess, transport, service, store, or demonstrate for resale vehicles in which they have a secured interest. Each branch of a financial institution may apply for the special registration and transporter license plates. Transporter plates must not be used to operate wreckers or service vehicles. The use of transporter plates for demonstration purposes is limited to prospective purchasers and limited to seven days. The financial institution must provide the prospective purchaser with a dated demonstration certificate approved by the department.

**ACT NO. \_\_**

**R. 273, H. 4980**

**EFFECTIVE DATE: MAY 18, 2018**

This legislation relates to Renewable Water Resources (REWA) and revises the membership of its governing commission to provide a member from Spartanburg County, and to add the “Enoree Basin” area of Spartanburg County to REWA’s service area.

**ACT NO. 233**

**R. 277, H. 5153**

**EFFECTIVE DATE: MAY 18, 2018**

This Act amends § 42-17-20, relating to certain workers compensation commission hearings, to require that the hearings must be held in the districts in which the injuries occurred instead of the cities or counties in which the injuries occurred, but no greater than 75 miles from the county courthouse of the county in which the injuries occurred. The Act also provides that these districts are to be determined by the commission.

**ACT No. \_\_\_\_**

**R. 278, H. 5154**

**EFFECTIVE DATE: MAY 18, 2018**

This legislation deals with 199 parcels of property that were erroneously believed to be in Horry County but are, in fact, in Georgetown County.

Section 1 provides that upon receipt of resolutions by the governing bodies of Horry and Georgetown counties to request the annexation of these parcels, the Governor shall form a commission to comply with all applicable statutory requirements of annexation.

Section 2 states that upon receipt of the commission's report and compliance with all statutory requirements, an election must be ordered for all qualified voters in the affected area.

Section 3 provides that if approved by two-thirds of the votes cast in this election, the General Assembly, at its next session, shall provide by law for the alteration of the Horry-Georgetown County line.

**ACT No. \_\_\_\_**

**R. 281, H. 5272**

**EFFECTIVE DATE: MAY 18, 2018**

This Act amends Act 185 of 1997 relating to the board of trustees for McCormick County School District No. 4 to revise the filing period for statements of candidacy. The new filing period opens at 12:00 p.m. on July fifteenth of the year in which the general election is to be held or, if July fifteenth falls on Saturday or Sunday, then 12:00 p.m. on the following Monday and shall run until 12:00 p.m. on August fifteenth or, if August fifteenth falls on Saturday or Sunday, no later than 12:00 p.m. on the following Monday.

**ACT No. \_\_\_\_**

**R. 293, H. 4950**

**EFFECTIVE DATE: JULY 1, 2018**

The Appropriations Act generally contains a number of temporary statutory provisions, which are referred to as provisos. Temporary provisos are effective only for the fiscal year addressed in the budget act and appear in Part IB of the Act, hence the label Part I provisos or temporary provisos. Many Part I provisos are adopted every year as part of the budget process with little or no changes, while others are truly temporary in nature and only appear for one or two years. The effective date of all Part IB provisos is the fiscal year in which the act has been passed, which in this case is Fiscal Year 2018 -2019.

**Part IA:**

Part IA contains the appropriation of recurring dollars. This year the General Assembly appropriated \$222.6 million to the Local Government Fund.

**Part IB:**

The following are provisos of interest in the 2018-19 General Appropriations Act.

\*Items marked in **bold** with an asterisk are either new provisos or are previous provisos that have been substantially amended.

Proviso 1.26: This is the school district flexibility proviso. Section 59-21-1030, the EIA local effort requirement, is suspended for the current fiscal year. There is no corresponding suspension of the EFA local effort requirement.

Proviso 1.57: This proviso suspends the requirements of § 59-19-250 which requires the consent of a governing board of a county in order for school trustees to sell or lease school property.

Proviso 27.1: In order to receive the Aid to Counties Libraries Allotment, local library support may not be less than the amount actually expended for library operations from local sources in the second preceding year. The minimum allotment of local library support under this proviso is \$75,000.

Proviso 33.9: This proviso requires the governing authority of each county to provide office space and facility service, in the same manner as they do for DSS pursuant to § 43-3-65, for DHHS employees who determine Medicaid eligibility. Section 43-3-65 requires the governing authorities of each county to provide office space and facility service, including janitorial, utility and telephone services, and related supplies, for its county DSS. This proviso was amended this year to require, by November 1, the Director of the DHHS to provide the governing authority and the legislative delegation of each county with information on the condition of space furnished for this purpose and shall specifically identify any known deficiencies with respect to the accessibility requirements of the Americans with Disabilities Act (ADA). By May 1, the governing authority of any county with an identified ADA-related deficiency must report to its legislative delegation and the Director on its progress in correcting such deficiency.

Proviso 34.6: Each county is required to provide all operating expenses of the local health department other than salaries, fringe benefits, and travel in an amount at least equal to that appropriated for operations for each county in FY 1981. A reduction in the local health

department funding level may be made in the event any county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations.

Proviso 34.29: If funds are made available to DHEC for beach renourishment and maintenance, they may spend up to \$100,000 to support annual beach profile monitoring. Additional excess funds for beach renourishment may be spent for beach renourishment activities that advance the policy goals contained in the State Beachfront Management Plan, R.30-21.

**\*Proviso 34.56: *At the time of the printing of this publication, this proviso was vetoed by the Governor but may be overridden by the General Assembly.* This proviso directs that funds in each county's Hazardous Waste Fund County Account must be released by the State Treasurer, upon the written request of a majority of the county's legislative delegation representing the economically depressed area of the county, to be used for infrastructure within the economically depressed area of that county. "Infrastructure" includes improvements for water, sewer, gas, steam, electric energy, communication and other ancillary services that may be made to a building or land which are considered necessary, suitable, or useful to an eligible project that has a documented impact on economic development.**

**\*Proviso 34.57: This proviso directs DHEC to expend the funds remaining from appropriations to the department for State Beachfront Management and Beach Renourishment in prior fiscal years as follows: \$1,000,000 to the City of Myrtle Beach for the Ocean Water Quality Outfall Initiative, \$1,000,000 to the City of North Myrtle Beach for the Ocean Water Quality Outfall Initiative, and \$187,291 to Horry County for Socastee Creek Flood Control.**

Proviso 47.3: This proviso directs that a proportionate share of funds, at \$15,000 per district, be allocated to each of the state's 46 Soil and Water Conservation Districts for general assistance to the district's programs. Any available funding above \$15,000 for each district will be apportioned by DNR based upon local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be reduced in an amount not to exceed the percentage of each agency's budget reduction. No district shall receive any funds under this provision unless the county or counties where the district is located appropriated at least \$300 to the district for the same purposes.

Proviso 50.13: This proviso appropriates \$5 million to the Department of Commerce for Regional Economic Development Organizations. It allows any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years to be made available to other Regional Economic Development Organizations. If more than one alliance applies for the same funds, the funds will be distributed pro rata.



Proviso 54.5: The Rural Infrastructure Authority shall use the funds allocated for the Statewide Water and Sewer Fund to assist qualified infrastructure projects not eligible for the Rural Infrastructure Fund. The authority will utilize the same procedures and guidelines established for the Rural Infrastructure Fund to select qualified projects for the Statewide Water and Sewer Fund.

Proviso 57.2: Counties are required to provide each circuit court and family court judge residing within that county an office including utilities and a private telephone and requires counties to provide the same for Supreme Court Justices and Judges of the Court of Appeals upon their request.

Proviso 58.2: Counties are required to provide for each Administrative Law Judge residing within that county, upon their request, an office within the existing physical facilities if space is available, including all utilities and a private telephone.

**\*Proviso 59.15: A county or municipality may retain carry forward victim service fine and fee funds, but no more than the greater of \$25,000 or 10% of funds collected in the prior fiscal year. If a county or municipality does not spend at least 90% of these funds during the fiscal year that the funds are received then they are to remit any unspent funds that are greater than the allowed carried forward funds, to the State Victim Assistance Program (SVAP) within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or municipality. The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority one and priority two funds and funds available for competitive bid. *This proviso was inserted last year, and was not substantially amended. The proviso was amended to reflect that the State Office of Victim Assistance was renamed the State Crime Victim Compensation Department and moved from the Office of the Governor to the Attorney General's Office.***

Proviso 60.5: Amounts appropriated in the General Appropriations Act for solicitors' offices are in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services. If a county reduces the amount of support provided to solicitors' offices below the level provided in the prior fiscal year, the Solicitor shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

Proviso 60.8: States that amounts appropriated in the General Appropriations Act for victim assistance programs in solicitors' offices are in addition to amounts presently being provided by

the county for these services and may not be used to supplant funding already allocated for such services.

Proviso 61.1: No county shall be permitted to contribute less money for indigent defense than the amount the county contributed in the prior fiscal year and not less than was contributed as of July 1, 2001.

Proviso 61.7: This proviso requires a person applying for a court appointed attorney in a termination of parental rights (TPR), abuse and neglect, or other civil court action to pay a \$40 application fee. The clerk of court or other appropriate official is required to collect the application fee and remit the proceeds to the Commission on Indigent Defense on a monthly basis.

Proviso 61.12: If a municipality has or elects to have an optional municipal court system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.

Proviso 62.17: SLED may charge a fee of \$8 for a criminal record search for local park and recreation volunteers through a commission, municipality, or county.

Proviso 62.21: SLED may use funds appropriated for Meth Lab Clean Up for the development and implementation of a statewide electronic mandatory reporting system for municipal, county and state governmental entities to report information pertaining to the discovery or seizure of methamphetamine laboratories and dumpsites.

Proviso 62.22: A municipal, county, or state governmental entity is required to report to SLED within 3 days upon finding or seizing a methamphetamine laboratory or dumpsite. If an entity fails to report this information to SLED they are ineligible to receive public safety grants that are funded through the S.C. Public Safety Coordinating Council.

**\*Proviso 62.23: This proviso states that from funds allocated to First Responder PTSD Treatment, SLED is to receive 50% for the S.C. Law Enforcement Assistance Program (SCLEAP) to reimburse law enforcement officers who incur mental injury as a result of a critical incident during the scope of employment for actual out of pocket expenses not covered through workers' compensation claims and/or other insurance, and can also be utilized to provide services through SCLEAP. The State Firefighters Association is to receive the other 50% for the S.C. Firefighter Assistance Support Team to reimburse**

**firefighters and emergency medical technicians for the same purpose. *The General Assembly failed to provide any funds for First Responder PTSD Treatment.***

Proviso 65.19: This proviso is intended to provide funding to expand the capabilities of the Department of Corrections (DOC) to more expeditiously accept and process newly sentenced inmates who are awaiting transfer from local jails. \$1.9 million was placed in the budget to expand the R&E centers at the Kirkland and MacDougall Housing Units. This proviso is intended to provide a solution to DOC not accepting its prisoners from local jails in a timely manner and it recognizes that DOC must comply with its statutory obligations.

Proviso 65.24: Prior to this proviso, local jails were required to transport inmates sentenced to time served (in excess of 90 days) to DOC so they can be booked into DOC's system prior to release. This proviso allows counties, through a written agreement with DOC, to transmit the booking records to DOC electronically so that inmates sentenced to time served may be released directly from the local jail. DOC employees assigned to the court are to perform the DNA sampling required for all felonies. The \$250 DNA fee required of these inmates shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

Proviso 84.10: This proviso requires DOT to maintain the project priority list on its website.

**\*Proviso 84.17: This proviso authorizes DOT to transfer a portion of the proceeds of the motor fuel user fee received from § 12-28-310(D) to satisfy the donor bonus for County Transportation Committees outlined in § 12-28-2740(H). Section 12-28-310(D) is the phased-in 2 cent per year motor fuel increase, which is directed in statute to the Infrastructure Maintenance Trust Fund.**

**\*Proviso 84.18: Allows DOT to use its federal-aid road and bridge program funds for the relocation of public water and sewer lines in accordance with federal guidelines.**

Proviso 93.18: The Department of Administration (DOA) is to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 radio system. DOA is to establish the level of required match each year based on the funding provided.

Proviso 98.9: If the State Treasurer receives an audit report from a county that contains a significant finding related to court fine reports to the State Treasurers Office, the requirements of proviso 117.51 shall be followed if an amount due is specified. Proviso 117.51 is the assessment audit proviso. The requirements of 117.51 are as follows:

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

If an amount due is not specified, proviso 98.9 authorizes the State Treasurer to withhold 25% of all state payments to the county until the estimated deficiency has been satisfied. Additionally, the proviso states that if a county is more than 90 days delinquent in remitting monthly court fines, the State Treasurer shall withhold 25% of state funding for that county until all monthly reports are current. After 90 days, the funds being held by the Treasurer's Office will be made available to the State Auditor to conduct an audit of the entity for determining an amount due, if any.

***\*Proviso 100.21: At the time of the printing of this publication, this proviso was vetoed by the governor but may be overridden by the General Assembly. This proviso authorizes the Emergency Management Division to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that is eligible under the FEMA Public Assistance Program for Hurricane Irma.***

**The proviso also directs the Emergency Management Division to use existing fund balances for the 2015 Flood disaster to reimburse counties and municipalities with unreimbursed non-federal cost share from the 2014 Ice Storm disaster. Counties and municipalities must submit an application for such funds by July 31, 2018.**

**Finally, the proviso directs the Emergency Management Division to use \$500,000 of existing fund balances to provide grants to non-profit entities, not to exceed \$50,000 each, for materials to renovate homes affected by the 2015 flood disaster. Non-profit entities must submit a grant application by December 1, 2018.**

Proviso 101.2: This proviso sets the per diem for managers and clerks of state and county elections at \$75.00 for a day of work. The per diem for training and paperwork is \$60.00.

Proviso 101.7: County Board of Voter Registration and County Election Commissioners are to receive a common curriculum on the duties and responsibilities of such boards and commissions. The State Election Commission must withhold the stipend of members if they do not complete the training and certification program or fail to complete at least one training course in a year.

Additionally, the Commission shall make the courses available in various locations including the upstate, coastal, and midlands areas of the state.

Proviso 101.8: If a county submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election Management System, the State Election Commission may deduct a penalty of 10% of the amount submitted.

Proviso 102.2: Counties and municipalities are required to release GIS data to the Revenue and Fiscal Affairs Office in order to assist in election file merges. Counties that do not release GIS data may have 10% of state aid payments withheld until the data is provided. GIS data includes, but is not limited to, road centerlines; orthophotography; parcel boundaries; address points; political boundaries; and administrative boundaries.

Proviso 102.4: The Revenue and Fiscal Affairs Office is to ensure that any new plans or proposed amendments to existing E911 plans maintain comprehensive coverage for the full Public Safety Answering Points area as well as improve cost effectiveness. The proviso further states that no new plans or amendments may be considered by Revenue and Fiscal Affairs that do not include the written agreement of all jurisdictions affected by the new plan or proposed change.

Proviso 102.7: This proviso authorizes the Revenue and Fiscal Affairs Office to use up to \$150,000 of the funds from the 58.2 percent compliance cost portion of the wireless 9-1-1 fund for costs associated with the further planning, development, and implementation of the comprehensive statewide NG9-1-1 system as outlined in the South Carolina NG9-1-1 strategic plan.

Proviso 105.4: Section 14-1-210 allocates \$250,000 to the State Auditor to conduct audits of county and city fine money collections. This proviso requires the State Auditor to perform a minimum of 15 of these audits annually. The State Auditor may contract with CPA's or Accounting firms to conduct the audits.

Proviso 108.1: If a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are eligible to participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as determined by the Public Employee Benefit Authority.

**\*Proviso 108.6: The General Assembly adopted a 7.4% employer premium increase to the State Health Plan with no increase on the employee side.**

**\*Proviso 109.11: This proviso allows in any municipality in Horry County that has a Tourism Development Fee, up to fifty percent of the accommodations tax allocation designated under Section 6-4-10(3) (special fund to be used only for advertising and promotion of tourism) may be set aside and used for direct policing purposes related to tourism. Direct policing purposes include temporary personnel, equipment, and the installation and maintenance of infrastructure related thereto. These funds may not exceed sixty-five percent of the total new funds dedicated to the additional policing purposes implemented.**

**\*Proviso 109.12: States that if a taxpayer other than an individual files a written protest pursuant to Section 12-60-2120 (appeal of property tax assessment), the department shall notify any affected county and school district of the written protest.**

Proviso 113.3: This proviso, which provides for the salary supplements for clerks of court, probate judges, coroners, sheriffs, registers of deeds, auditors, and treasurers, states that a county can reduce the expenditures in the operation of these officials' offices, after consultation with the officer, without any required corresponding reduction in the county's state aid to subdivisions distribution. This proviso also exempts the salary supplements for clerks of court, probate judges, sheriffs, registers of deeds, coroners, auditors, and treasures from across the board cuts mandated by the Budget and Control Board or General Assembly.

Proviso 113.4: Counties are required to provide office space and appropriations for the operation of the county legislative delegation office in the amount determined by the legislative delegation. If a county council fails to appropriate the demanded funding level, then the shortfall must be deducted from the county's aid to subdivisions allocation and an additional 25% of the remaining Aid to Subdivisions allotment must be forwarded to the legislative delegation for its "administrative costs."

Proviso 113.5: This proviso suspends §§ 6-27-30 and 6-27-50. Section 6-27-30 requires 4.5% of general fund revenues of the latest completed fiscal year be appropriated to the Local Government Fund (LGF). Section 6-27-50 states that the Aid to Subdivisions Act, which includes the LGF, may not be amended or repealed except in separate legislation solely for that purpose.

Proviso 113.6: Any appropriation made by a county or city to an entity must appear as a separate and distinct line item in the budget. The proviso requires the county or city to require any entity that receives an appropriation from the local government to provide a detailed description of the purposes for which the appropriation was used. This proviso also states that a political subdivision may not accept any funds from organizations as defined in Agenda 21, adopted by

the United Nations in 1992 at its Conference on Environment and Development, without posting certain information regarding the funding on the political subdivision's website for 10 days.

Proviso 113.7: A political subdivision receiving aid from the LGF may reduce its support to any state mandated program or requirement by up to a percentage equal to the percentage reduction in the actual amount appropriated to the LGF as compared to the amount required to be appropriated pursuant to § 6-27-30. Excluded from reductions are Administrative Law Judges and their offices, Court of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters in Equity and their offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and their offices. The proviso was amended this year to also exclude the assessment for indigent medical care pursuant to Section 44-6-146.

Proviso 113.8: A county shall have its portion of LGF withheld if the county imposes any additional requirements for an agricultural use exemption for a landowner's timberland beyond what is required by § 12-43-230(a) and § 12-43-232.

Proviso 117.20: The mileage reimbursement rate for state employees is the current rate established by the Internal Revenue Service.

**\*Proviso 117.51: This proviso is the assessment audit proviso, partially explained in Proviso 97.7 above. This proviso authorizes the State Department of Crime Victim Compensation to perform an audit on any entity that receives victim assistance money, to ensure that victim fine money is spent in accordance with the statute. The proviso states that guidelines for the expenditure of funds shall be developed by the Victims Services Coordinating Council. However, the proviso further states that the council shall develop these guidelines "to ensure any expenditure which meets the parameters of Title 16, Article 15 is an allowable expense." *The proviso was amended to reflect the State Office of Victim Assistance is now the State Department of Crime Victim Compensation.***

Proviso 117.87: If a state or local government employee is personally sued for civil conspiracy based in part upon a personnel or employment action or decision, the court must, prior to trial, make a final determination whether the action was made by the employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of their official duty, then the government must not expend funds to defend the claim. If the court finds the government employee was acting within the scope of their official duty, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim.

Proviso 117.99: This proviso prohibits the use of taxpayer funds received from the LGF to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

Proviso 117.100: This proviso prohibits the assessment of S.C. Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a governmental entity violates this prohibition it shall have its Aid to Subdivisions allocation reduced by the amount of the impact fee.

Proviso 117.102: Counties are authorized to enter into MOU's to provide recreational activities and projects that benefit the citizens of the respective counties.

Proviso 117.105: An agency of this State, including counties, must disclose any breach of the security of any computer or data system following discovery or notification of the breach, to the person whose information was acquired by an unauthorized person. The notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer compromises the investigation. A delay in notification shall not exceed 72 hours after discovery, unless the agency requests and the Attorney General grants, in writing, additional delays of up to 72 hours each.

Proviso 117.107: If a county or city fails to remit fine and fee money for two consecutive months in a fiscal year, or if the finance director fails to certify by July 1 that the county and/or city has remitted all funds, the Criminal Justice Academy may withhold services to the political subdivision.

**\*Proviso 117.114: State employees are given a 0% salary increase.**

Proviso 117.116: No state funds shall be expended to assist in the U.S. Refugee Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

Proviso 117.128: This proviso states that The General Reserve Fund, Capital Reserve Fund, Debt service, the Local Government Fund, and Tax Relief Trust Fund shall be excluded from the calculation of any across the board base reduction mandated by the Department of Administration, Executive Budget Office or the General Assembly and shall not be subject to any such reduction.

Proviso 117.134: This proviso states that any improvements made to real property or personal property used as a residence, such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015 or Hurricane Matthew of 2016, after the event and before June 30, 2018, is not considered an improvement and does not require a re-appraisal. This provision only applies if as a result of the catastrophic weather event, the



improvements made to the property were funded by the United States Department of Housing and Urban Development Block Grant - Disaster Recovery program. This provision also applies if, at the discretion of the county and using qualifications determined by the county, the improvements were made with the assistance of a volunteer organization active in disaster, or a similar volunteer organization.

The property tax value of these properties shall remain the same unless an assessable transfer of interest occurs. No refund is allowed on account of values adjusted as provided in this provision.

**\*Proviso 117.139: This proviso is intended to direct funding to offset some of the costs of the required local government employer retirement contribution. The proviso directs that funds appropriated to PEBA for the South Carolina Retirement System Trust Fund and the Police Officers' Retirement System Trust Fund shall be credited towards the contributions due from participating employers in SCRS and PORS.**

**Each employer's credit shall be determined at the same rate as calculated by PEBA for the pension funding allocation credit for Fiscal Year 2017-18.**

No credits shall be issued for:

- covered employees of special purpose districts, joint authorities, or non-profit corporations; (Except the South Carolina State Ports Authority and the South Carolina Public Service Authority);
- covered employees of hospitals; (Except the Medical University Hospital Authority);
- covered employees of participating associations or service organizations as defined in Section 9-1-10(11)(e); and
- covered state employees who are funded with federal funds.

**\*Proviso 117.164: This proviso authorizes state agencies, state institutions, and political subdivisions to obtain state and national criminal history background checks and investigations performed by the State Law Enforcement Division (SLED) and the Federal Bureau of Investigation (FBI) on all employees and contractors with access to federal tax information. SLED is authorized to conduct fingerprint-based state and national background checks for state agencies, state institutions, and political subdivisions which have access to federal tax information.**

**The proviso also states that an employee or contractor of a state agency, state institution, and political subdivision with access to, or that uses federal tax information must:**

- (1) agree to a national background check and the release of all investigative records to the state agency, state institution, or political subdivision for the purpose of verifying criminal history information for non-criminal justice purposes; and**
- (2) supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the SLED, and then submit to a national criminal history background check to be conducted by the FBI.**

**Costs associated with these background checks are to be paid by the state agency, state institution, or political subdivision. The cost can be passed onto the contractor. Additionally, state agencies, state institutions, or political subdivisions must establish written policies concerning the implementation and use of the background checks and investigations conducted pursuant to this provision.**

**\*Proviso 117.168: This proviso requires SLED to publish an Immigration Compliance Report (ICR). SLED may conduct investigations necessary to ensure the accuracy of information provided by counties and municipal governments within the ICR. The ICR shall contain a list of county and municipal governments that SLED has certified to be compliant with sections 17-13-170(E) and 23-3-1100, as well as compliance with any federal laws related to the presence of an unlawful person in the United States in the previous fiscal year. The ICR must be provided to the General Assembly, the Governor, and the State Treasurer by December thirty-first of the current fiscal year. The State Treasurer shall withhold any remaining disbursement from the Local Government Fund to any county or municipality that is not certified as "compliant" in the ICR.**

## **Appendix**

The following Acts changed the voting precincts for various counties as follows:

### **ACT NO. 128**

**R. 132, S. 680**

**JULY 1, 2017**

This Act amends § 7-7-260(B) to redesignate the map number on which the names of the voting precincts for Florence County may be found and to update outdated references from the Office of Research and Statistics to the Revenue and Fiscal Affairs Office. According to the Act, the effective date for this legislation is July 1, 2017.

### **ACT NO. 133**

**R. 137, H. 4268**

**JULY 1, 2017**

This Act amends § 7-7-320 to redesignate the voting precincts for Horry County and redesignate the map number on which the names of these precincts may be found in the Revenue and Fiscal Affairs Office.

### **ACT NO. 136**

**R. 140, S. 884**

**MARCH 12, 2018**

This legislation amends § 7-7-290 to rename certain voting precincts for Greenwood County.

### **ACT NO. 137**

**R. 141, S. 885**

**MARCH 12, 2018**

This legislation amends § 7-7-420 to eliminate the Prosperity Precinct in Newberry County and add the Prosperity City Precinct and the Prosperity Outside Precinct in Newberry County.

**ACT No. 150**

**R. 158, H. 4870**

**APRIL 4, 2018**

This Act amends § 7-7-420 by adding one voting precinct in Lancaster County.

**ACT No. 151**

**R. 160, H. 4981**

**APRIL 4, 2018**

This Act amends § 7-7-530 by adding one voting precinct in York County.

**ACT No. 157**

**R. 168, S. 1144**

**APRIL 17, 2018**

This legislation amends § 7-7-420 by eliminating the Midway precinct in Newberry County.

# Index

			litter	13
			Local Government Fund	19, 26, 28, 30
			Local Option Sales and Use Tax	12
	<b>A</b>			
Aid to Counties		19		
alcohol sales.		8		
automatic stay		1, 2		
	<b>B</b>			
beach		5, 20		
Beaufort		1		
boats		16		
	<b>C</b>			
capital project sales tax		3		
Child Fatality Review Team		6		
coroner		4, 6, 7		
	<b>D</b>			
Dams		10		
	<b>E</b>			
emergency medical services		14		
expungement		11		
	<b>G</b>			
Georgetown		18		
Greenville		9		
	<b>H</b>			
Homeowners Association		12		
Horry		18, 20, 25		
	<b>J</b>			
Jasper		1		
	<b>K</b>			
Kershaw		4, 5		
	<b>L</b>			
Lancaster		10		
law enforcement		6, 8, 14, 22, 28		
Lexington		2		
LGF		26, 27		
license plates		9, 17		
			<b>M</b>	
			McCormick	18
			<b>N</b>	
			nuisance	1
			<b>P</b>	
			pawnbrokers	8
			<b>PEBA</b>	29
			Pickens	3
			PORS	3, 15, 29
			<b>R</b>	
			redevelopment fees	6
			referendum	6, 8, 11
			retirement	3, 15, 29
			<b>S</b>	
			SCRS	3, 15, 29
			<b>SLED</b>	7, 22, 23, 29, 30
			Solid Waste	4, 13
			Spartanburg	3, 4, 17
			<b>T</b>	
			taxation	16
			<b>U</b>	
			unmanned aerial vehicles	7
			<b>V</b>	
			<b>Victims</b>	27
			<b>W</b>	
			workers compensation	17
			<b>Z</b>	
			zoning	1, 5