

2015 Acts That Affect Counties



South Carolina
Association of Counties

FOREWORD

2015 ACTS THAT AFFECT COUNTIES is an annual report to the membership designed to provide county officials with a good place to begin a search for the law. This publication generally contains a brief description of those acts passed during the 2015 Session of the South Carolina General Assembly that affect county government operations. This publication is not designed to be the final word on the laws passed in the 2015 session that affect county government structure and operations. It is important to consult your county attorney when you have a question regarding the law.

2015 was the first half of the two year 121st General Assembly. All legislation pending action when the 2015 session adjourned will retain its status as it existed when the General Assembly adjourned *sine die*. The General Assembly reconvenes in January of 2016.

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 2015. Underneath and to the right of the act number is the effective date of the act. Please note that some ratified acts have yet to be assigned act numbers and that Joint Resolutions are not assigned act numbers. Act numbers can be obtained by calling SCAC staff.

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

QUICK REFERENCE TO LEGISLATION

<u>Act No. Index</u>		<u>Ratification No. Index</u>		<u>Bill No. Index</u>	
<u>Act No.</u>	<u>Page</u>	<u>Rat. No.</u>	<u>Page</u>	<u>Bill No.</u>	<u>Page</u>
1.....	1	R. 1.....	1	S. 3.....	8
5.....	1	R. 7.....	1	S. 8.....	1
8.....	1	R. 18.....	1	S. 11.....	12
9.....	2	R. 20.....	2	S. 47.....	12
10.....	2	R. 21.....	2	S. 78.....	9
11.....	2	R. 22.....	2	S. 133.....	4
13.....	3	R. 23.....	2	S. 153.....	5
14.....	3	R. 25.....	3	S. 176.....	13
16.....	4	R. 26.....	3	S. 183.....	14
17.....	4	R. 27.....	3	S. 211.....	14
22.....	4	R. 30.....	3	S. 237.....	2
23.....	5	R. 34.....	4	S. 350.....	5
28.....	5	R. 35.....	4	S. 358.....	2
30.....	5	R. 41.....	4	S. 375.....	5
33.....	6	R. 42.....	4	S. 376.....	2
35.....	6	R. 43.....	4	S. 379.....	16
36.....	6	R. 44.....	5	S. 391.....	2
38.....	7	R. 48.....	5	S. 397.....	1
39.....	7	R. 51.....	5	S. 426.....	5
40.....	8	R. 53.....	5	S. 500.....	6
46.....	5	R. 57.....	6	S. 526.....	14
48.....	6	R. 60.....	6	S. 588.....	3
54.....	9	R. 62.....	6	S. 599.....	3
57.....	9	R. 63.....	6	S. 673.....	3
58.....	8	R. 65.....	7	S. 754.....	15
59.....	9	R. 66.....	7	S. 757.....	15
61.....	10	R. 69.....	7	S. 809.....	10
63.....	11	R. 74.....	7	S. 810.....	10
65.....	15	R. 75.....	7	H. 3035.....	1
67.....	16	R. 76.....	8	H. 3083.....	9
68.....	11	R. 79.....	8	H. 3154.....	23
69.....	15	R. 80.....	8	H. 3156.....	10
70.....	12	R. 85.....	9	H. 3168.....	6
71.....	12	R. 88.....	9	H. 3266.....	15
72.....	13	R. 89.....	9	H. 3304.....	6
74.....	14	R. 90.....	9	H. 3324.....	3

<u>Act No. Index</u>		<u>Ratification No. Index</u>		<u>Bill No. Index</u>	
<u>Act No.</u>	<u>Page</u>	<u>Rat. No.</u>	<u>Page</u>	<u>Bill No.</u>	<u>Page</u>
78.....	15	R. 91.....	10	H. 3525.....	23
79.....	23	R. 93.....	10	H. 3547.....	4
82.....	23	R. 94.....	10	H. 3568.....	15
85.....	14	R. 96.....	11	H. 3575.....	6
86.....	14	R. 97.....	11	H. 3583.....	11
87.....	16	R. 99.....	12	H. 3656.....	7
		R. 100.....	12	H. 3658.....	7
		R. 101.....	13	H. 3662.....	4
		R. 103.....	14	H. 3701.....	24
		R. 104.....	14	H. 3725.....	11
		R. 108.....	14	H. 3840.....	7
		R. 109.....	15	H. 3888.....	9
		R. 110.....	15	H. 3900.....	4
		R. 111.....	15	H. 4005.....	23
		R. 112.....	15	H. 4055.....	4
		R. 114.....	16	H. 4076.....	7
		R. 115.....	16	H. 4079.....	16
		R. 116.....	16	H. 4082.....	7
		R. 117.....	23	H. 4106.....	8
		R. 121.....	23	H. 4159.....	8
		R. 126.....	23	H. 4166.....	9
		R. 127.....	24	H. 4230.....	30
		R. 130.....	30	H. 4260.....	16

2015 ACTS
THAT AFFECT COUNTIES

ACT No. 1

R. 1, S. 8

EFFECTIVE DATE: MARCH 5, 2015

Act No. 1 ratifies an amendment to § 7, Article VI of the South Carolina Constitution, approved by voters in the 2014 General Election, that provides for the Adjutant General to be appointed by the Governor upon advice and consent of the Senate.

ACT No. 5

R. 7, S. 397

EFFECTIVE DATE: MARCH 27, 2015

This legislation amends § 12-6-40(A)(1) to update references to the Internal Revenue Code as it was amended through December 31, 2014, and to provide that if the provisions of the Internal Revenue Code are extended, but not amended, by congressional enactment in 2015, then they are also extended for state income tax purposes.

ACT No. 8

R. 18, H. 3035

EFFECTIVE DATE: APRIL 2, 2015

Act No. 8 adds §§ 48-54-10, et seq., to create the “Take Palmetto Pride in Where You Live Commission” to serve as the lead agency for litter removal throughout the state. Section 48-54-10 provides the commission to be lead by the Department of Natural Resources and be comprised of representatives from several other agencies and organizations including the Association of Counties. The commission shall survey the incidence of litter violations in the state and look at existing programs to remove litter from the roadways in the state. Section 48-54-30 requires the commission to develop a “Strategic State Plan for Litter” to provide effective statewide litter removal, reduction and prevention, and litter law enforcement. Section 48-54-40 requires the commission to amend its strategic plan every two years and, starting in 2016, submit a report to the General Assembly by November 16 in even-numbered years.

ACT No. __

R. 20, S. 237

EFFECTIVE DATE: MAY 12, 2015

This Joint Resolution extends the "Study Committee on Expungement of Criminal Offenses," established pursuant to Act No. 323 of 2014, until December 31, 2015.

ACT No. 9

R. 21, S. 358

EFFECTIVE DATE: MAY 7, 2015

Act No. 9 amends § 56-5-70(A) relating to the suspension of certain vehicle requirements during a declared state of emergency. Requirements relating to registration, permitting, length, width, weight, and load are suspended for 120 days for commercial and utility vehicles traveling on non-interstate highways. Service requirements for commercial and utility vehicles traveling on interstate or non-interstate routes are suspended for up to 30 days, unless 49 C.F.R. 390-399 allows for an extended period. The vehicles cannot exceed a gross weight of 90 thousand pounds or exceed a width of 12 feet.

ACT No. 10

R. 22, S. 376

EFFECTIVE DATE: MAY 7, 2015

Act No. 10 adds § 55-1-80 to allow a county aviation commission or like authority to be increased by two members, one must be appointed by the House of Representatives' delegation of the county and one must be appointed by the Senatorial delegation of the county. If the county governing body appoints the aviation commission, then they may add two additional members to the commission. If the county has two municipalities with a population in excess of fifty thousand persons, the mayors of the municipalities shall serve, ex officio, as members of the commission or authority. Section 55-1-80 does not apply to a multi-county aviation authority or commission.

ACT No. 11

R. 23, S. 391

EFFECTIVE DATE: JULY 1, 2015

This Act amends § 59-112-50 to allow veterans who served on active duty for at least 90 days in a Uniformed Service of the United States, their respective Reserve forces, or the National Guard to be eligible for undergraduate in-state tuition at a public institution of higher learning regardless of the length of state residency as long as they enroll within three years of their discharge. Their dependents are also eligible for in-state tuition.

ACT NO. 13

R. 25, S. 588

EFFECTIVE DATE: MAY 7, 2015

This Act amends § 7-7-40 to add five new voting precincts in Aiken County.

ACT NO. __

R. 26, S. 599

EFFECTIVE DATE: MAY 7, 2015

This Act amends Sections 1 and 3 of Act No. 1147 of 1968 by renaming the G. Frank Russell Career Center in Greenwood County the G. Frank Russell Technology Center. The Act also reduces the Center's advisory committee membership from seven to six members.

ACT NO. 14

R. 27, S. 673

EFFECTIVE DATE: MAY 7, 2015

Act No. 14 amends § 4-9-82 relating to a hospital public service district's authority to transfer its assets which is subject to a referendum. The Act provides that the provisions of this code section do not apply to transactions where the district leases any or all of its real property even if the transaction also includes the sale or lease of other assets. The Act further amends § 4-9-82(C) to provide that a referendum is not required if the hospital owns or controls less than 145 beds, as opposed to the previous threshold of 130 beds.

ACT NO. __

R. 30, H. 3324

EFFECTIVE DATE: MAY 7, 2015

This is a joint resolution to establish a state and local level veterans issues study committee comprised of the members of the Joint Legislative Veterans Issues Study Committee created by Act No. 342 of 2010 or their successors. Three members of the committee are appointed by the Governor, and three members appointed by the Adjutant General. The purpose of the committee is to study the various veterans affairs offices of the state, county, and federal government and their relationships, and the responsiveness and effectiveness of the services to South Carolina veterans. The committee shall provide a written report of their findings and recommendations to the Governor and the General Assembly by February 1, 2016.

ACT No. 16

R. 34, H. 3547

EFFECTIVE DATE: MAY 7, 2015

Act No. 16 adds § 25-1-2350 to provide that reemployment rights granted to members of the South Carolina National and State Guard shall apply to a person who is employed in South Carolina but is a member of, and enters state duty, in another state's national or state guard.

ACT No. 17

R. 35, H. 3662

EFFECTIVE DATE: MAY 7, 2015

This legislation amends § 6-9-55(C), relating to Section 501.3 of the 2012 International Residential Code, to remove the provision allowing enforcement of the code after July 1, 2015.

ACT No. __

R. 41, H. 3900

EFFECTIVE DATE: MAY 7, 2015

This Act reapportions the specific election districts from which members of the Spartanburg County School District 5 Board of Trustees must be elected beginning with the 2015 school district elections.

ACT No. __

R. 42, H. 4055

EFFECTIVE DATE: MAY 7, 2015

This Act reapportions the specific election districts from which members of the Spartanburg County School District 7 Board of Trustees must be elected beginning with the 2015 school district elections.

ACT No. 22

R. 43, S. 133

EFFECTIVE DATE: JUNE 1, 2015

Act No. 22 amends §§ 63-19-205 and 17-22-910 to provide for automatic expungements for juveniles who are found not guilty of a criminal charge and a process for juveniles to apply for an expungement if they plead to, or are found guilty of status offenses or nonviolent criminal charges. The court may grant the order if the person has reached the age of 17, completed all sentencing requirements, and has not been charged with another crime and has no charges pending in Family

or General Sessions Court. The Act allows a law enforcement or prosecution agency to object to an expungement.

ACT No. 23

R. 44, S. 153

EFFECTIVE DATE: JUNE 1, 2015

Act No. 23 amends § 12-37-220(B)(3) to expand the property tax exemption for two private passenger vehicles owned or leased by a disabled veteran to exempt one private passenger vehicle owned or leased by a surviving spouse for their lifetime or until remarriage of the surviving spouse.

ACT No. 46

R. 48, S. 350

EFFECTIVE DATE: JUNE 3, 2015

This legislation extends the provisions of the South Carolina Community Economic Development Act (Section 4 of Act 314 of 2000, as amended by Act 248 of 2010) through June 30, 2020. The provisions of the Act were set to expire on June 30, 2015.

ACT No. 28

R. 51, S. 375

EFFECTIVE DATE: JUNE 1, 2015

Act No. 28 amends § 6-5-15 to authorize local governments to deposit all or a portion of surplus funds with a qualified public depository of their choice and the depository arrange for deposits into one or more federally insured banks or savings and loan associations for the account of the local entity such that each deposit is insured by the Federal Deposit Insurance Corporation. The qualified public depository selected by the local entity then acts as custodian for the local entity with respect to each deposit. This is in addition to other investments authorized for local entities.

ACT No. 30

R. 53, S. 426

EFFECTIVE DATE: JUNE 1, 2015

Act No. 30 adds §§ 14-31-10, et seq. to create the “Mental Health Court Program.” Section 14-31-30 provides for pre-adjudicatory, post-adjudicatory, and combination mental health courts. Section 14-31-40 allows a circuit solicitor to establish a mental health court for persons charged with a criminal offense if the person is eligible for a diversion program pursuant to § 16-1-130 and has a diagnosable mental condition. If there is a victim, then proper notice must be made to the victim pursuant to the victim’s assistance statutes. If the solicitor receives state funding to establish a mental health court,

then they must establish at least one in their circuit. Section 14-31-40 (A)(2) protects existing mental health courts that are run through various probate courts as established by an administrative order issued by the Chief Justice of the South Carolina Supreme Court. The Chief Justice also appoints all mental health court judges.

ACT NO. 33

R. 57, S. 500

EFFECTIVE DATE: JUNE 1, 2015

Act No. 33 amends the Uniform Interstate Family Support Act, §§ 63-17-2900 through 63-17-4040, to bring the Uniform Act into compliance with the Federal “Preventing Sex Trafficking and Strengthening Families Act” by addressing international recovery of child support, other family maintenance, and determination of parentage.

ACT NO. 35

R. 60, H. 3168

EFFECTIVE DATE: JUNE 1, 2015

Act No.35 adds §§ 25-9-500, et seq., creating the South Carolina Emergency Management Law Enforcement Act. This Act provides authority for the use of out-of-state officers deployed to South Carolina during a state of emergency or disaster pursuant to the Emergency Management Assistance Compact. To serve as a special law enforcement officer a person must be at least 21 years old, a graduate of an accredited law enforcement academy, and have been a full time law enforcement officer for 2 years. The officer must take an oath prescribed by the Chief of SLED and serve at the Chief’s pleasure. Officers appointed under the Act exercise statewide jurisdiction and the powers and immunities afforded to South Carolina law enforcement officers. Neither the state nor its political subdivisions are liable or accountable for an act or omission of an out-of-state officer.

ACT NO. 48

R. 62, H. 3304

EFFECTIVE DATE: JUNE 3, 2015

This Act adds Article 12 to Chapter 23, Title 23 to the Code of Laws to create the Landrum Fire and Rescue District to consist of areas of Greenville and Spartanburg Counties.

ACT NO. 36

R. 63, H. 3575

EFFECTIVE DATE: JUNE 1, 2015

This legislation amends § 44-96-40(46) by revising the definition of ‘solid waste’ to exclude steel

slag that is sold and distributed for commercial use.

ACT NO. ___

R. 65, H. 3656

EFFECTIVE DATE: JUNE 1, 2015

This Act amends Act No. 205 of 1993, as last amended by Act No. 134 of 2007, by revising the date of election, the filing period for declarations of candidacy, and the time in which board members take office for the District Board of Education of the Chesterfield County School District.

ACT NO. ___

R. 66, H. 3658

EFFECTIVE DATE: JUNE 1, 2015

This Act amends Section 7 of Act No. 1010 of 1968, as last amended by Act No. 134 of 2007, to decrease the number of the local education advisory councils in the Chesterfield County School District from seven to four through consolidation of specific attendance areas, beginning July 1, 2015.

ACT NO. 38

R. 69, H. 3840

EFFECTIVE DATE: JUNE 1, 2015

Act No. 38 amends § 7-7-320 to re-designate various voting precincts in Horry County.

ACT NO. 39

R. 74, H. 4076

EFFECTIVE DATE: AUGUST 1, 2015

Act No. 39 amends § 7-7-360 to revise the boundaries of existing voting precincts in Laurens County.

ACT NO. ___

R. 75, H. 4082

EFFECTIVE DATE: JUNE 1, 2015

This Act amends Section 1A of Act No. 536 of 1986, as added by Act No. 592 of 1992, to reapportion the specific election districts from which members of the Dorchester County School District Four Board of Trustees are elected beginning with school district elections in 2016.

ACT NO. 40

R. 76, H. 4106

EFFECTIVE DATE: JUNE 1, 2015

Act No. 40 amends § 7-7-350 to delete three voting precincts in Lancaster County and add nine new precincts.

ACT NO. __

R. 79, H. 4159

EFFECTIVE DATE: JUNE 1, 2015

This Act amends Section 1 of Act No. 164 of 2003 by reapportioning the nine defined single-member election districts from which the members of the Union County Board of School Trustees are elected, beginning with the 2016 school district elections.

ACT NO. 58

R. 80, S. 3

EFFECTIVE DATE: JUNE 4, 2015

This Act codifies the Domestic Violence Prevention Act by amending various existing code sections and adding new code provisions concerning domestic violence. Sections 16-25-20 and 16-25-65 are amended to change the way domestic violence is penalized by basing the penalty on degrees of injury, with aggravating factors which may enhance the degree. The previous penalty structure was based on number of offenses which becomes just one of many aggravating factors in the new Act.

The Act further amends § 16-25-30 to provide that it is unlawful to possess, receive, ship or transport a firearm or ammunition if the person is convicted of domestic violence or violates an order of protection that relates to domestic or family violence. The firearm ban is automatic if the offense is Domestic Violence of a High and Aggravate Nature (DVHAN), 1st degree DV, or 2nd degree DV with moderate bodily injury and lasts for life, 10 years from conviction or release from confinement, and 3 years from conviction or release, respectively. If the charge is 2nd degree DV with no injury or 3rd degree DV, then the judge has discretion whether to ban firearms and, if so, the prohibition lasts for 3 years from the date of conviction or release from confinement. If the ban is a result of a violation of an order of protection, then the prohibition lasts as long as the order is in effect.

Sections 17-15-30 and 22-5-510 are amended to provide that a bond hearing may not proceed against a person accused of domestic violence until the person's criminal history and incident report are made available to the judge or the arresting law enforcement officer is present. The hearing must be held within 24 hours of arrest. Section 17-15-10 allows a judge to withhold bond if the person is believed to be a danger to an individual as opposed to the community, which was the previous standard. The Act amends § 16-25-120 to require certain factors to be considered by the judge before

setting bond.

The Act adds §§ 16-3-1900 through 16-3-1920 to provide a procedure for the issuance of permanent restraining orders in circuit and family court. Section 22-5-910 is further amended to limit when an expungement may be granted for a person convicted of domestic violence.

ACT NO. 54

R. 85, H. 3083

EFFECTIVE DATE: JUNE 3, 2015

Act No. 54 adds Chapter 130 to Title 44 and creates the South Carolina Overdose Prevention Act. This Act authorizes first responders, prescribers, pharmacists, and caregivers to possess opioid antidotes for administration to a person whom the first responder or other authorized professional believes to be experiencing an overdose. If the first responder or other authorized professional believes in good faith the person is experiencing an overdose, his act or omission is not subject to liability or disciplinary action.

ACT NO. 57

R. 88, H. 3888

EFFECTIVE DATE: JUNE 3, 2015

This Act amends § 7-7-490 to consolidate and rename certain voting precincts Spartanburg County.

ACT NO. ___

R. 89, H. 4166

EFFECTIVE DATE: JUNE 3, 2015

This Act amends Section 2B of Act 779 of 1988, as last amended by Act No. 316 of 2010, by reapportioning the seven single-member districts from which members of the Laurens County School District 56 must be elected.

ACT NO. 59

R. 90, S. 78

EFFECTIVE DATE: JUNE 4, 2015

This legislation adds §12-59-140 to allow a county council to petition the Department of Revenue (DOR) to allow the forfeited land commission (FLC) to establish a revolving fund to pay for the following expenses:

- a) payment in connection with the commission's decision to accept or reject a forfeited land to be held as an asset of the county;

- b) payment in connection with the commission's decision to obtain clear title to a forfeited land;
- c) payment of a commission to a certified realtor or broker not to exceed three percent of the sales price of any forfeited land;
- d) the cost of advertising the sale of forfeited lands; and
- e) the cost of any clean up of a site, including demolition and disposal costs, intended to make the property salable.

A county council may utilize the provisions of this section and petition DOR when the properties in the FLC have either a significant adverse effect on county tax collections, or the properties in the FLC have significant adverse effect on economic development and employment in the county. DOR may authorize an FLC to utilize the provisions for up to 5 years and may authorize 2 one-year extensions.

The legislation also adds §12-59-150 which states that an immediate family member of an FLC member may not purchase land from the FLC on which their relative serves, unless the sale is through a competitive bid process or a listing open to members of the general public which has been made available for at least ten days.

ACT No. __

R. 91, S. 810

EFFECTIVE DATE: JUNE 4, 2015

This Act amends Section 3 of Act No. 250 of 1991, as last amended by Act 170 of 1995, by reapportioning the four single-member election districts from which the trustees of Florence County School District Number Five are elected.

ACT No. __

R. 93, S. 809

EFFECTIVE DATE: JUNE 4, 2015

This Act amends Section 2 (B) of Act No. 84 of 2011 by reapportioning the five single-member election districts and the two multi-member districts from which the nine members of the Florence County School District Number Three Board of Trustees are elected.

ACT No. 61

R. 94, H. 3156

EFFECTIVE DATE: JUNE 4, 2015

Act No.61 creates the Uniform Deployed Parents Custody and Visitation Act by adding §§ 63-15-500 et seq., to address issues of custodial responsibility when one parent in the uniformed services is deployed. The Act sets out the requirements for a temporary custody agreement or order while one

parent is deployed. The deploying parent must notify the other parent of their deployment within 7 days of being notified. The agreement or order concerning temporary custody cannot affect child support obligations. The Act further provides for the dissolution of the temporary order at the termination of the deployment. All agreements must be heard and approved by the family court.

ACT No. 63

R. 96, H. 3583

EFFECTIVE DATE: JUNE 4, 2015

This legislation adds § 11-35-5300 to prohibit any public entity in the state from accepting a proposal from, or procuring goods or services from, a business unless the contract provisions include a representation that the business is not currently engaged, nor will engage, in the boycott of a person or entity based on race, color, ethnicity, religion, or national origin. The provisions of this section do not apply if the business offers to provide the goods and services for at least 20% less than the lowest certifying business or if the contract has a potential value of less than \$10,000.

The Act also amends the Iran Divestment Act of 2014. Section 11-57-320 is amended to state that a company is not prohibited from contracting with the state or its political subdivisions if the company's Iranian investment took place before January 1, 2015. Sections 11-57-330 and 11-57-510 are amended to state that certification of non-Iranian investment is not required for contracts between public procurement units, nor contracts between public procurement units and external procurement activities. Finally, § 11-57-40 is amended to state that the Iran Divestment Act of 2014 does not apply to a procurement or contract valued at \$10,000 or less.

ACT No. 68

R. 97, H. 3725

EFFECTIVE DATE: JUNE 9, 2015

This legislation makes various changes to tax credits given for the revitalization of abandoned buildings. Section 12-6-3535 is amended to clarify that a taxpayer who is allowed a federal income tax credit pursuant to Section 47 of the Internal Revenue Code for making qualified rehabilitation expenditures for a certified historic structure located in this State is allowed to claim a credit against a combination of income taxes and license fees. Additionally, the section is amended to state that a taxpayer may elect a 25% tax credit in lieu of the 10% tax credit, not to exceed one million dollars for each certified historic structure. Finally, the section is amended to state that the tax credits for both the taxpayer who is allowed a federal income tax credit pursuant to Section 47, and the taxpayer who is not allowed a federal income tax credit pursuant to Section 47, must be taken over a 3-year period in equal installments. Previously, the tax credit was required to be taken over a 5-year period.

Section 12-67-120 is added to define "state-owned abandoned building" as an abandoned building and its ancillary service buildings, or a project consisting of one or more abandoned buildings, the aggregate size of which is greater than fifty thousand square feet, that has been abandoned for more

than five years, and, prior to the taxpayer's acquisition of such building, was most recently owned by the State, or an agency, instrumentality, or political subdivision of the State.

Finally, §12-67-160 is added to state that the taxpayer may apply to the municipality or county in which the abandoned building is located for a certification of the abandoned building site. A taxpayer may rely upon the certification in determining the credit allowed.

ACT NO. 70

R. 99, S. 11

EFFECTIVE DATE: JUNE 8, 2015

This Act amends § 30-4-80 and requires agendas for all meetings of public bodies. Once an agenda for a regular, called, special or rescheduled meeting is posted, no items may be added to the agenda without an additional twenty-four hours notice to the public. If a public body has a website, then the agenda must be posted on the website. After the meeting begins, an agenda can be amended by a 2/3 vote if the matter to be added to the agenda is not a final action on the matter. If the matter to be added to the agenda would be a final action, or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given, the body would have to find that an emergency or an exigent circumstance exists and take action by a 2/3 vote.

ACT NO. 71

R. 100, S. 47

EFFECTIVE DATE: JUNE 10, 2015

Section 23-1-240(A) defines body-worn cameras as an electronic device worn on a person's body that records both audio and video data.

Section 23-1-240(C) requires the Law Enforcement Training Council ("LETC") to conduct a study of agencies that currently use or are in the process of implementing body cameras. By December 5, 2015, the LETC must establish guidelines for body camera use and issue them to state and local law enforcement agencies.

Section 23-1-240(D) requires state and local law enforcement agencies to develop policies and procedures for body camera use pursuant to the LETC guidelines. These agencies will have until March 6, 2016, to submit their policies and procedures to LETC for approval. This provides the agencies, at a minimum, 90 days to develop their policies and procedures. The LETC has until June 4, 2016, to submit a report to the General Assembly with any recommendations for statutory changes relating to body camera use.

Section 23-1-240(E) establishes the Body-Worn Cameras Fund ("Fund") within the Department of Public Safety to assist government agencies required to implement body cameras. The Fund and its disbursements to agencies will be managed by the Public Safety Coordinating Council. Once LETC

approves a law enforcement agency's policies and procedures, the agency may apply to the Public Safety Coordinating Council for funding. At a minimum, the disbursement must fund the initial purchase, maintenance, and replacement of body cameras and the ongoing costs associated with maintenance and data storage. No law enforcement agency will be required to implement the use of body cameras until the agency has received full funding. The statute requires Fund disbursements to be fair and equitable.

Section 23-1-240(F) provides that a law enforcement agency may implement and purchase body cameras even before its policies and procedures have been approved or before funding is received. The agency may later apply for reimbursement so long as it's body camera policies and procedures have received LETC approval.

Section 23-1-240(G) makes clear that data recorded by a body camera is not public record under the Freedom of Information Act. Release and request of data is restricted to the following circumstances:

- SLED, the Attorney General, and solicitors may request and must receive data for criminal justice purposes;
- All law state and local law enforcement agencies, the Attorney General, or solicitors may release data in their discretion;
- Law enforcement agencies may request and must receive data if relevant to an internal investigation regarding misconduct or disciplinary action of an officer;
- In addition to the persons listed above, the following persons are entitled to request and receive data pursuant to the South Carolina Rules of Criminal and Civil Procedure or court order:
 - A person who is the subject of the recording;
 - A criminal defendant if the recording is relevant to a pending criminal action;
 - A civil litigant if the recording is relevant to the civil action;
 - A person whose property has been seized or damaged in relation to a crime which the recording is related;
 - A parent or legal guardian of a minor or incapacitated person listed in the first 2 subitems above; and
 - An attorney for a person described in all the subitems above.

ACT NO. 72

R. 101, S. 176

EFFECTIVE DATE: JANUARY 1, 2016

This Act amends § 44-63-74(A) to provide that electronic death certificates must be filed within five days after death. Medical certifications of cause of death must be returned to the funeral home director by a physician within 48 hours of death unless a coroner or medical examiner is conducting an inquiry. If the cause of death cannot be determined within 48 hours, the medical certification must be entered as pending, and the physician, medical examiner, or coroner shall submit a supplemental

report to the state registrar.

ACT NO. 74

R. 103, S. 183

EFFECTIVE DATE: JUNE 8, 2015

This Act amends provisions of Title 16, Chapter 3, dealing with human trafficking. The Act provides that a judge may issue an order disbaring a business from entering contracts with state and local governments if the business aids or participates in human trafficking. Victims of human trafficking who are convicted of prostitution may move to vacate and expunge the conviction.

ACT NO. 86

R. 104, S. 211

EFFECTIVE DATE: JUNE 9, 2015

This legislation amends § 56-2-105 to grant political subdivisions the authority to create golf cart paths along highways, streets, and roads within the political subdivisions' jurisdiction if certain conditions are met.

ACT NO. 85

R. 108, S. 526

EFFECTIVE DATE: JUNE 8, 2015

Act No. 85 adds §12-4-397 to allow DOR to designate an amnesty period during which the department will waive the penalties and interest, or a portion of them, at its discretion, imposed pursuant to Titles 12, 27, and 61 for a taxpayer who voluntarily files delinquent tax returns and pays all taxes owed.

The department shall grant amnesty to a taxpayer who files a request for an amnesty form and:

- 1) voluntarily files all delinquent tax returns and pays in full all taxes due;
- 2) voluntarily files an amended tax return to correct an incorrect or insufficient original return and pays all taxes due; or
- 3) voluntarily pays in full all previously assessed tax liabilities due within an extended amnesty period. The department may set up installment agreements as long as all taxes are paid within this period.

ACT No. 78

R. 109, S. 754

EFFECTIVE DATE: JUNE 8, 2015

This Act amends Article 1, Chapter 23, Title 4 by adding § 4-23-15, which increases the boundaries of the Murrell's Inlet-Garden City Fire District.

ACT No. __

R. 110, S. 757

EFFECTIVE DATE: JUNE 8, 2015

This Act amends Act No. 595 of 1994 by reapportioning the nine single-member election districts from which the trustees of Greenwood County School District 50 are elected.

ACT No. 65

R. 111, H. 3266

EFFECTIVE DATE: JUNE 8, 2015

This legislation adds § 15-82-10 and creates the Trespasser Responsibility Act. Under the Act, a land possessor is subject to liability for physical harm to children or a person with an intellectual disability who are trespassing if certain conditions are met. This Act does not affect any provisions of the South Carolina Torts Claim Act.

ACT No. 69

R. 112, H.3568

EFFECTIVE DATE: JANUARY 1, 2016

This legislation amends §12-36-2120 to add a sales tax exemption for construction materials used by a 501(c)(3) entity to build, rehabilitate, or repair a home for the benefit of an individual or family in need. The bill also creates a sales tax exemption for children's clothing sold to a private charitable organization for the sole purpose of distribution by that organization to needy children.

Section 12-36-2120(52) is amended to extend a sales tax exemption for parts and supplies used by any person engaged in the business of repairing or reconditioning aircraft. Previously, the exemption was only for repairs or reconditioning of aircraft owned by or leased to the federal government or commercial air carriers.

ACT No. __

R. 114, H. 4079

EFFECTIVE DATE: JUNE 9, 2015

This Act amends Section 1B of Act No. 779 of 1988, as last amended by Act No. 316 of 2010, by reapportioning the seven single-member election districts from which members of the Laurens County School District 55 Board of Trustees must be elected.

ACT No. 67

R. 115, H. 4260

EFFECTIVE DATE: JUNE 8, 2015

This Act amends § 7-7-200 by designating map numbers on which the name of the voting precincts in Colleton County may be found.

ACT No. 87

R. 116, S. 379

EFFECTIVE DATE: JUNE 11, 2015

R. 116 is a technical correction bill proposed by the South Carolina Association of Auditors, Treasurers, and Tax Collectors. The legislation does not make substantive changes to the law, but rather makes several technical changes, deleting archaic language or conforming statutes to current practice.

Section 1: This section amends § 12-4-520(4), to state that the DOR "may" examine the books of assessors, auditors, treasurers and tax collectors as opposed to "shall" examine.

Section 2: This section amends § 12-4-530 to state that DOR may prosecute property tax violations.

Section 3: Section 12-37-30 is amended to change the word "State" to "county".

Section 4: Section 12-37-266(A) states that if a trustee holds legal title to a dwelling that is the legal residence of a beneficiary sixty-five years of age or older, or totally and permanently disabled, or blind, and the beneficiary uses the dwelling, the dwelling is exempt from property taxation. This amendment adds language requiring a copy of the trust agreement be provided to certify this exemption.

Section 5: This section amends § 12-37-290 to update the homestead exemption amount referenced in the section to the current \$50,000 amount. The section is also amended to make a grammatical change of "State or Federal" to "state or federal" and changes references from the Comptroller General to the Department of Revenue to conform to current practice.

Section 6: This section amends § 12-37-450(A) to delete references to debt service millage for merchant's inventory. Merchant's inventory has been fully exempt from property taxes since 1987. The amendment also changes the reimbursement allocation to match current practice by changing the reference from the 1987 tax year to the current tax year millage for purposes of reimbursing the local jurisdictions.

Section 7: Section 12-37-710 is amended to remove the archaic reference to "of full age and of sound mind."

Section 8: Section 12-37-715 states that no personal property may be taxed for ad valorem purposes more than once in any tax year. This amendment adds the language, "except as provided for by the provisions of § 56-3-210." This was added to marry this section to § 56-3-210. That section deals with the acquisition of a new vehicle (viz. the transfer of personal property from one person to another) and the transfer of license plates.

Section 9: This section amends § 12-37-760 changing the word "shall" to "may" when discussing the auditor's lists if a person fails to deliver to the auditor a statement of personal property.

Section 10: Repeals § 12-37-850 which reads: "The action of an auditor under § 12-37-780 and §§ 12-37-810 to 12-37-830 must not be interfered with by any court of this State by mandamus, summary process, or any other proceeding, but the taxpayer has the rights, and no others, than those provided by Chapter 60 of this title." This section is repealed because it was replaced by the Revenue Procedures Act, Chapter 60, Title 12.

Section 11: Section 12-37-890 is amended to delete "horses, neat cattle, mules, asses, sheep, hogs, dogs, wagons, carts and other vehicles" and replace that terminology with the word "property." The section is also amended to delete the words "on farm," to update statutory terms to property that is currently taxable. Finally, the section is amended to delete the sentence, "All bankers' capital and personal assets pertaining to their banking business shall be returned for taxation and taxed in the county, city or town in which the banking house is located," because banks are exempt under Code Section 12-37-220(B)(23).

Section 12: Section 12-37-900 is amended to replace "auditor" with "assessor" because real estate is reported to the assessor. It also deletes archaic language regarding the "returns of corn, cotton, wheat, oats, rice, peas . . ."

Section 13: Section 12-37-940 is amended to delete the reference to banks. Personal property of banks is exempt pursuant to § 12-37-220(B)(23).

Section 14: This section amends § 12-37-970 to delete the reference to merchant's inventory. Merchant's inventory has been exempt under § 12-37-220(B)(30) since 1987.

Section 15: Section 12-37-2420 relates to required tax returns of aircrafts. All airline companies operating in the State shall make an annual property tax return on or before the 15th day of April in

each year for the preceding calendar or fiscal year of their flight equipment to the department. This amendment amends the date to the 30th day of April to comport with § 12-37-905.

Section 16: This section amends § 12-37-2610 to specify that "department" is the Department of Motor Vehicles. It also deletes language which references a two-year "license" and changes the language to a two-year "registration."

Section 17: Section 56-3-210 requires a vehicle license to be obtained within 45 days. A property tax return must be made prior to applying for a vehicle license. Therefore, § 12-37-2630 is amended to clarify that you have 45 days to make a property tax return on a vehicle.

Section 18: Section 12-37-2660 requires DMV to furnish to the county auditor a listing of license registration applications. The section is amended to require the listing to be furnished within 60 days and to allow DMV to provide the listing in the form of electronic media.

Section 19: Section 12-37-2725 is amended to allow Form 5051 issued by DMV as a substitute for the license plate and registration certificate in regards to the cancellation of a license plate for a transfer of ownership or owner's residency to another state.

Section 20: Section 12-37-2735 established the Personal Property Tax Relief Fund. In 1999, \$20 million was allocated to this tax relief fund for the exclusive purpose of reducing the ad valorem tax on personal motor vehicles. Since FY 2001-02, the General Assembly has suspended the provisions of § 12-37-2735 in the budget and failed to fund the Personal Property Tax Relief Fund. This section repeals § 12-37-2735.

Section 21: Section 12-39-10 provided that the Governor appointed the County Auditor for a four year term. This code section was superseded by § 4-9-60 which provides that under the council, council-supervisor, and council-administrator forms of government the county auditor shall be elected. Under the council-manager form, the county auditor is elected or appointed as determined by ordinance.

Section 22: Section 12-39-40(A) is amended to change references from the Comptroller General to the State Treasurer. Auditors have been affiliated with the State Treasurer since 2005.

Section 23: Section 12-39-60 is amended to change the due date for returns from April 15 to April 30 to conform to due dates in other statutes, as well as § 12-37-905, which reads, "Notwithstanding any other provision of this title, every person required by law to make a property tax return to the county auditor must file the return with the county auditor on or before April thirtieth for property owned as of the preceding December thirty-first."

Section 24: Section 12-39-120 is amended to replace the word "building" with "any taxable personal property" because the county auditor does not assess real property.

Section 25: This section amends § 12-39-160, changing the word "shall" to "may" because not

all county auditors report to school districts in the same manner.

Section 26: Section 12-39-190 is amended to delete a requirement that the county auditor enter the taxes on the duplicate in the number of columns the department directs. In some counties, the duplicate is kept electronically, and DOR no longer regulates the layout.

Section 27: This section amends § 12-39-200 to change the word "forms" to "types of acceptable format" in referencing the DOR prescribed duplicate format. This will allow for the use of electronic record keeping.

Section 28: Section 12-39-220 is amended to replace auditor with assessor because the section deals with real estate omitted from the duplicate and charging this omitted property would be the function of the assessor. The amendment also strikes "with twenty per cent penalty" and adds "and all applicable penalties" because the 20% penalty is no longer in use. Finally, the section is amended to clarify that an adjustment upon discovering a new structure, addition, or improvement has been placed upon property may only go back three prior years. This conforms to current practice.

Section 29: This section amends § 12-39-260(A) regarding the auditors record of sale and conveyance of real property to change the word "shall" to "may."

Section 30: This section amends § 12-39-270, deleting the last sentence which reads, "The abatement allowed in annual settlements between county auditor and treasurer must be according to the record in the abatement book." The annual settlement sheets are no longer submitted.

Section 31: Section 12-43-220(c)(2)(iv)(B) sets forth the items an assessor may require as proof when granting the 4% assessment ratio on owner-occupant property. Language is added to clarify that acceptable proof for vehicle registrations are those registered at the same address as the 4% domicile.

Section 32: Section 12-45-10 is repealed. That statute provided that the Governor appointed the County Treasurer for a four year term. This code section was superseded by §4-9-60 which provides that under the council, council-supervisor and council-administrator forms of government the county treasurer shall be elected. Under the council-manager form, the county treasurer is elected or appointed as determined by ordinance.

Section 33: Section 12-45-35(A) provides for the appointment of a Deputy Treasurer and that the appointment must be filed with "the department" and the governing body. The amendment changes "department" to "State Treasurer." The Comptroller General relinquished these responsibilities, and they have been accepted by the Office of the State Treasurer.

Section 34: Section 12-45-70(C) requires the county official charged with the collection of taxes to send a list of institutions collecting taxes to the Department of Public Safety. The amendment changes references from the Department of Public Safety to the Department of Motor Vehicles. DMV is the agency that actually requires the information.

Section 35: This section amends § 12-45-90, deleting the last sentence which says, "Jury certificates and per diem of witnesses in the circuit court and all county claims which have been approved and certificates issued by the governing body of the county are receivable for taxes due the county in which the services were rendered or the claims approved, not including school taxes." This is obsolete language which is no longer practiced.

Section 36: Section 12-45-120 is amended to change the word "chattel" to "personal." Throughout Title 12 the word chattel has been changed to "personal" for clarity. Chattel is defined as an item of tangible, moveable or immovable property except real estate and things (as buildings) connected with real property.

Section 37: This section amends § 12-45-180(A), which allows a tax penalty to be waived if a county treasurer determines that the mailing of a tax payment was improperly postmarked, to add language including the tax collector's office because they also receive these payments.

Section 38: Section 12-45-185, which authorizes the county treasurer to waive penalties if a taxpayer provides evidence the taxpayer delivered timely payment, is amended to allow the treasurer to notify the county auditor of the waiver if necessary.

Section 39: Section 12-45-260 requires the county treasurer to report to the chief administrative officer of the county the amount of funds received for and on account of the county on the 15th day of each month. The amendment changes the requirement from the 15th to instead require a monthly report. Due to differing times required to balance the books in each county, and differing local laws, and electronically shared data, this section needed to be more flexible.

Section 40: This amendment deletes a requirement in § 12-45-300 that the treasurer note in a marginal column of the duplicate the reasons why the taxes or charges could not be collected, and that this marginal column represents a "delinquent list" and must be signed and sworn to by the treasurer before the auditor. Books are no longer utilized in South Carolina. The data described in the deleted language is accounted for electronically.

Section 41: This amendment to § 12-45-420 adds that a majority vote of a committee composed of the county auditor, county treasurer, and the county assessor may waive, dismiss or reduce a penalty levied against real or personal property in case of an error by the county. Currently, it is not clear whether a majority or a unanimous vote is required for the committee to waive a penalty. This change makes a simple majority vote sufficient to remove penalties.

Section 42: Section 12-49-10 is amended to reflect that property taxes, assessment and penalties legally assessed are debts payable to the county and not the State.

Section 43: Section 12-49-20 is amended to reflect that the tax collector, and not the sheriff, is responsible for the collection of real and personal property taxes.

Section 44: Section 12-49-85(D) is amended to reflect that both the assessor and the auditor

should remove derelict mobile homes from their records after the removal and disposal of the mobile home.

Section 45: Section 12-49-910 is amended to delete references to the sheriff because the sheriff is no longer involved in the levy, seizure, or tax sale of personal property.

Section 46: Section 12-49-920 is amended to delete references to the sheriff because the sheriff is no longer involved in the levy, seizure, or tax sale of personal property.

Section 47: Section 12-49-930 is amended to delete references to the sheriff because the sheriff is no longer involved in the levy, seizure, or tax sale of personal property.

Section 48: Section 12-49-940 is amended to delete references to the sheriff because the sheriff is no longer involved in the levy, seizure, or tax sale of personal property.

Section 49: Section 12-49-950 requires a mandatory bid by the Forfeited Land Commission at a tax sale of personal property. The amendment removes language that appears to require the Forfeited Land Commission to submit the bid. The official in charge of the tax sale bids on behalf of the Forfeited Land Commission. The Forfeited Land Commission is not present at the sale.

Section 50: Section 12-49-960 is amended to delete references to the sheriff because the sheriff is no longer involved in the levy, seizure, or tax sale of personal property.

Section 51: Section 12-49-1110(14) is amended to clarify the definition of "Tax Title." Only a tax deed is provided for real property and only a bill of sale is provided for personal property.

Section 52: Section 12-49-1150 requires a mortgagee who wants notice of a tax sale to file a list of each mortgage with the tax collector of the county in which the real property subject to a mortgage lies. This amendment requires the tax map number to be on the list. A tax map number is needed to increase accuracy and efficiency on behalf of the taxpayer who relies on their mortgage company to work with the counties to pay their taxes.

Section 53: Section 12-49-1220(C) is amended to replace "auditor" with "department responsible for registering manufactured housing," to reflect that some counties have a different county official handling manufacturer housing.

Section 54: Section 12-49-1270(B) is amended to change the word "auditor" to "assessor," to conform law to reflect the correct county officer.

Section 55: Section 12-51-40(c) is amended to reflect that a mobile home is considered personal property until the owner de-titles the mobile home through the procedures contained in §56-19-510. The section also amends §12-51-40(e) regarding the method of collection of delinquent taxes to cover all statutes that allow collection programs through the Department of Revenue.

Section 56: This section amends § 12-51-55 to delete the last sentence which reads, "If the property is not redeemed, the excess above the amount of taxes, penalties, assessments, charges, and costs for the year in which the property was sold must be applied first to the taxes becoming due during the redemption period." The language is deleted because there are no excess funds in a Forfeited Land Commission bid.

Section 57: The legislation amends § 12-51-80 to change the time the treasurers shall make full settlement of tax sale monies from 30 to 45 days, to match law with current practice.

Section 58: Section 12-59-30 divested title to vacant lands and lands purchased by the land commissions of the State and the former Sinking Fund commissioners of the State and vested title in the forfeited land commissions of the counties. This section is repealed since the State no longer has claim to forfeited land.

Section 59: Section 12-59-40, which deals with land deeded to the forfeited land commission, is amended to add "tax collector" as a party who may bid in for the FLC and removes references to the State.

Section 60: This section amends § 12-59-50 to delete references to delinquent "State" property taxes.

Section 61: Section 61 amends § 12-59-70 to change the word "sheriff" to "tax collector," to conform to current practice.

Section 62: Section 12-59-80 deals with the assignment of the Forfeited Land Commission bid prior to the title deed transfer. The section is amended to add the following language: "The chairman or his designee may accept sealed bids for assignments of the Forfeited Land Commission bids for a designated time period. Assignments not made during this time may then be assigned on a first come, first served basis. A list of available Forfeited Land Commission properties is to be maintained at an assigned location as determined by the county forfeited land commission." This amendment provides a procedure by which the Forfeited Land Commission can offer properties not bid on at the tax sale to potential assignees.

Section 63: This section amends § 12-59-90 to change the word "sheriff" to "tax collector," to conform to current practice.

Section 64: Section 12-59-100 explains how the county treasurer is to dispose of funds after property is sold by the forfeited land commission. The section is amended to delete references to distributions to the State and update to current practice.

Section 65: Section 12-59-110 provided for the compensation of the sheriff for the selling of delinquent property. The section is repealed because the sheriff no longer sells delinquent property.

Section 66: Section 12-59-120 states, "Any agent of the Forfeited Land Commission of the

respective counties shall be allowed free access by the auditors, the treasurers and sheriffs to all executions issued for the collection of taxes by the county treasurer and returned ‘nulla bona’ for any reason or ‘double entry,’ or which are not collected for any reason, to the tax books, and to all records in their respective offices relating to tax matters.” The section is amended to change "sheriffs" to "tax collectors," which conforms with current practice.

Section 67: Section 12-60-1760 deals with the payment of attorney's fees, damages and costs resulting from defending a county officer performing a duty imposed pursuant to Title 12. The amendment removes the auditor as the one who apportions fees and expenses and removes the auditor and treasurer as officials who may make a municipality a party to an action brought under Title 12.

ACT No. 79

R. 117, H. 3154

EFFECTIVE DATE: JUNE 11, 2015

This Act amends § 7-15-10 to comply with the federal voting laws regarding absentee ballots for the military families who are overseas but are registered to vote here. Overseas absentee ballots must be mailed to voters who request them and the absentee ballots must be mailed at least forty-five days prior to an election. These absentee ballots are to be counted as long as they are received by 5:00 p.m. on the day before an election is certified. Candidates for President and Vice President must be certified not later than twelve o'clock noon on the first Tuesday following the first Monday in September to the State Election Commission to ensure that absentee ballots are mailed at least forty-five days prior to an election.

ACT No. 82

R. 121, H. 4005

EFFECTIVE DATE: JULY 1, 2015

This Act amends § 7-7-120 to redesignate the voting precincts in Berkeley County and the map number on which the names of these precincts may be found.

ACT No. 88

R. 126, H. 3525

EFFECTIVE DATE: SEE BELOW

This Act adds §§ 58-23-1610 to 58-23-1720 to set out the regulatory framework for “Transportation Network Companies” (TNC) to operate in South Carolina. Prior to operating within the state, a TNC must comply with all regulations set forth by the bill and retain a permit from the Office of Regulatory Staff (ORS). The regulations cover background checks for all drivers, services checks and records for all vehicles used by a TNC, minimum insurance requirements, and fees to be remitted

to the ORS, municipalities, and counties. Section 58-23-1700 provides one percent of the gross fare for all rides be remitted back to the municipality or county where the ride originates within 60 days of the end of a calendar quarter. This fee is collected by ORS who is authorized to keep one percent of the total fee collection for the costs of administering the fee. Section 58-4-60(B) is amended to provide that the fees collected from TNCs be used to defray expenses borne by ORS. Section 58-23-50 is amended by adding subsection (C) to provide that the statutory provisions concerning the Public Service Commission's regulation of taxis and common carriers do not apply to TNCs. This Act takes effect upon approval by the governor, June 24, 2015, except the provisions dealing with municipal and county fees which take effect 90 days after approval by the governor.

ACT NO. 91

R. 127, H. 3701

EFFECTIVE DATE: JULY 1, 2015

The following are provisos of interest in the 2015-16 Budget bill. Items marked with an asterisk are either new provisos or are previous provisos that have been substantially amended.

Proviso 1.28: 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 1.64: 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: This proviso provides that 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 that the governing authority of each county provide office space and facility service for DHHS employees who determine medicaid eligibility the same as they do for DSS functions under § 43-3-65. 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 Department of Social Services.

Proviso 34.6: This proviso requires each county 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 Fiscal Year 1981. The proviso states that 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 34.30: This proviso was amended to state that if state 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 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 wherein the district is located appropriated at least three hundred dollars to the district from county funds for the same purposes.

*Proviso 50.13. This proviso appropriates \$5 million to the Department of Commerce for Regional Economic Development Organizations. It was amended to allow 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 57.2: This proviso requires counties to provide for 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: This proviso requires counties 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 60.5: This proviso states that 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 bill 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: This proviso states that no county may contribute less money to indigent defense than the amount the county contributed as of July 1, 2001. No county shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year.

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: This proviso states that 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: This proviso allows SLED to charge a fee of eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, or county.

Proviso 62.21: This proviso allows SLED to 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: This proviso requires a municipal, county, or state governmental entity 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 South Carolina Public Safety Coordinating Council.

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: Currently, local jails are 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 by fax 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 84.16. This proviso requires the DOT Commission to maintain the project priority list on the department's website.

*Proviso 91.27: This proviso establishes a study committee to review and study the effects of Act 388 of 2006 on the various classes of property.

Proviso 93.23: This proviso directs the Department of Administration to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 radio system. The proviso directs the Department of Administration to establish the level of required match each year based on the funding provided.

Proviso 98.9: This proviso states that 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 Office of Victim Assistance for the crime victim portion and the chief administrator of the county or municipality of the findings and, if full payment has not been made by the county or municipality within ninety days of the audit notification, the State Treasurer is directed to adjust the authority's aid to subdivisions funding in an amount equal to the amount determined by the State Auditor to be the state's portion. . ."

If an amount due is not specified, proviso 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 101.7: This proviso requires members of the County Board of Voter Registration and County Election Commission to receive a common curriculum on the duties and responsibilities of such boards and commissions. The 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 proviso requires the commission to make the courses available in various locations including the upstate, coastal, and midlands areas of the state.

Proviso 101.8: This proviso states that if a county submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election Management System (VREMS), the State Election Commission may deduct a penalty of 10% of the amount submitted.

Proviso 102.2: The proviso requires counties and municipalities 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 102.5 This proviso directs the Revenue and Fiscal Affairs Office 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 105.4: Section 14-1-210 of the code 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 fifteen (15) of these audits annually. This proviso was moved to the State Auditor's section of the budget and amended to allow the State Auditor to contract with CPA or Accounting firms to conduct the audits.

*Proviso 108.1: This proviso states that 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 4.5% employer premium increase to the State Health Plan with no increase on the employee side. There is no increase in the employee co pay under the plan.

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 Treasurers from across the board cuts mandated by the Budget and Control Board or General Assembly.

Proviso 113.4: This proviso requires counties 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 counties' 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. 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: This proviso requires any appropriation made by a county or city to appear as a separate and distinct line item in the budget. The proviso also 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 was amended to state 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. This proviso states that a political subdivision receiving aid from the Local Government Fund 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 Local Government Fund 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.

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

*Proviso 117.142. This proviso states that no state funds shall be expended to assist in the United States Refugee Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

Proviso 117.51: This proviso is the assessment audit proviso, partially explained in Proviso 97.7 above. This proviso authorizes the State Office of Victim Assistance (SOVA) 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."

Proviso 117.88: This proviso states that 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 117.101: 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 117.106: This proviso states that counties may enter into MOU's in order to provide recreational activities and projects that benefit the citizens of the respective counties.

Proviso 117.110: This proviso requires an agency of this State, including counties, to 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 seventy-two hours after discovery, unless the agency requests and the Attorney General grants, in writing, additional delays of up to seventy-two hours each.

Proviso 117.112: This proviso states that 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 from the political subdivision.

*Proviso 118.14: This proviso allocates \$12.5 million in non recurring money to the Local Government Fund. The remaining \$199.5 million was allocated in the recurring line in this year's budget.

ACT NO. ____

R. 130, H. 4230

EFFECTIVE DATE: JULY 1, 2015

This bill is the Supplemental Appropriations Bill and spends additional general fund revenue for that was certified by the Board of Economic Advisors on May 29, 2015. Included in this spending package is:

1. \$23.5 million for a one time \$800 bonus for state employees who make less than \$100,000;
2. \$216.5 million to the CTC's for use on the state-owned secondary road system for paving, rehabilitation, resurfacing, and/or reconstruction, and bridge repair, replacement, or reconstruction; and
3. \$4,117,162 for 2014 Winter Storm Local Matching Funds.

The funds appropriated for the 2014 Winter Storm are to offset storm cleanup expenses resulting from the winter storms during states of emergency declared by Executive Orders 2014-06 and 2014-11. Expenses eligible for reimbursement are those incurred by county and municipal governments and deemed eligible for reimbursement by the Federal Emergency Management Agency (FEMA), but were not reimbursed due to local match requirements. The amount allowed to be reimbursed is 25% of a local government's total Non-Federal Aid Share. The intent of the General Assembly is for the local government to pay at least 75% of the total Non-Federal Aid Share.