

# **2016 Acts That Affect Counties**



**South Carolina  
Association of Counties**

## FOREWORD

**2016 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 2016 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 2016 session that affect county government structure and operations. It is important to consult your county attorney when you have a question regarding the law.

2016 was the second half of the two year 121<sup>st</sup> General Assembly. All legislation which did not pass before the end of the 2016 session is dead and must be filed again when the 2017 session opens in order 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 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 and some local acts are not assigned act numbers. Act numbers can be obtained by calling SCAC staff.

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

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## ACT NO. 132

**R. 134, S. 255**

**EFFECTIVE DATE: MAY 16, 2016**

Act No. 132 amends §17-1-40 to provide that a detention or correctional facility may keep records longer than the current 3 years and 120 days after an expungement order is issued, if litigation is ongoing after the 3 year and 120 day period. The section is further amended to provide that a solicitor may request an individual's criminal record reflect a lesser included offense if the individual pleads to that offense. Section 17-1-40 is also amended to allow violations of Titles 50, 56, and local ordinances imposed pursuant to Titles 4 and 5 to be expunged.

This legislation adds §17-1-60 to provide that it is unlawful for a person or entity to request a person's booking records or photographs if the person or entity knows that the person's booking records or photographs are going to be published on a website or any other publication and that the person will be charged a fee for removal of the booking records or photographs.

Section 17-1-60(E) provides that this section does not apply to local government entities, however, it is unlawful for an employee of a local government agency to provide a person or entity with booking records or photographs if the person knows that the records or photographs will be posted on a website or publication and the person will be required to pay a fee for the removal of the records. Section 17-1-60(F) provides that each violation, except for violations of subsection (D), could result in a fine up to \$1,000 and 60 days imprisonment.

Section 17-1-60(G) provides that a person who suffers loss or harm for violations of this section may file a civil lawsuit against the person or entity who violates this section for damages suffered along with costs, attorney's fees, and any other legal or equitable relief. Section 17-1-60(G)(2) provides that a person who suffers damages because of a violation of this section may not file a lawsuit against a local government agency, but an employee of a local government agency may be held personally liable. A local government agency may not be substituted for an individual employee in a civil lawsuit brought pursuant to this Act.

This legislation amends §17-22-950 to create a new expungement process in summary courts. If a person is fingerprinted for a charge and the charges are subsequently dismissed, discharged, nolle prossed, or the person is found not guilty, then the charges must be automatically expunged at no charge. Upon issuance of the expungement order, the summary court shall obtain all necessary signatures and provide copies of the expungement order to all government agencies which must receive the order. This includes the arresting law enforcement agency, a detention or correctional facility, the solicitor, the clerk of court if the case was remanded to summary court or there was any other general sessions court involvement, and any other summary court involved in disposition of the charges. If a person was not fingerprinted for a criminal violation and the charges were subsequently dismissed, discharged, nolle prossed or the person was found not guilty, then the person may request the charges be expunged at no cost to the person. An expungement pursuant to this section must occur no sooner than the appeal expiration date and no later than 30 days after the

appeal expiration date. A summary court must provide a certified copy of the expungement order to an accused person's counsel of record. Criminal charges must be removed from all internet-based public records no later than 30 days from the disposition date regardless of whether the person applies for an expungement. All other criminal records must be retained or destroyed pursuant to §17-1-40. A prosecution or law enforcement agency may object to a summary court expungement. The expungement hearing must be held before a judge in general sessions court. The prosecution or law enforcement agency's reason for objecting to a summary court expungement must be that the person has other charges pending or that the charges aren't eligible for expungement. The Office of Court Administration shall provide uniform application forms for summary court expungements.

Section 22-5-910(A) is amended to allow a violation of Title 50 to be expunged if the person was found guilty, three years have elapsed since the guilty verdict and the penalty for the violation did not exceed 30 days or a fine of \$1,000, or both. Section 22-5-920(B) is amended to allow a violation of Title 50 to be expunged if the person was sentenced pursuant to Chapter 19, Title 24, Youthful Offender Act, and five years have elapsed since the completion of a sentence and any probation.

Act No. 132 applies retroactively to allow for the expungement of offenses charged, discharged, dismissed, or nolle prossed prior to the effective date of this Act, and persons convicted or found not guilty prior to the effective date of this Act.

### **ACT NO. 138**

**R. 142, H. 4857**

**EFFECTIVE DATE: MARCH 2, 2016**

Act No. 138 adds §58-27-255 to require coal combustion residuals resulting from the production of electricity to be placed in a Class 3 solid waste landfill unless the residuals are located contiguous with the electric generating unit, intended to be beneficially reused, placed into beneficial reuse, or placed in an appropriate landfill which meets DHEC Regulation 61-107 standards and is owned or operated by the entity that produced the residuals.

### **ACT NO. 139**

**R. 143, S. 937**

**EFFECTIVE DATE: MARCH 14, 2016**

Act No. 139 amends §7-7-40 of the 1976 Code of Laws by redesignating the map number for the voting precincts in Aiken County.

### **ACT NO. 141**

**R. 145, S. 1002**

**EFFECTIVE DATE: MARCH 14, 2016**

This Act revises the boundaries of the Murrell's Inlet-Garden City Fire District in Georgetown and

Horry Counties by amending §4-23-10 and repealing §4-23-15. This Act applies to property tax years beginning after 2015 and requires each county to adjust the millage levy appropriately for each taxpayer within the district.

**ACT NO. 144**

**R. 148, H. 3972**

**EFFECTIVE DATE: MARCH 14, 2016**

Act No. 144 adds §6-29-1210 and amends §30-5-30 to allow undeveloped property to be transferred without the submission of a land development plan. A local government may still require the grantee to file a plat at the time the deed is recorded.

**ACT NO. 147**

**R. 151, H. 4666**

**EFFECTIVE DATE: MARCH 15, 2016**

This legislation adds §§16-25-710 through 16-25-750 to require each circuit solicitor to establish inter-agency circuitwide Domestic Violence Fatality Review Committees. The committees are to assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides, and facilitate communication among the various agencies involved in domestic violence cases. The Commission on Prosecution Coordination must develop protocols for domestic violence fatality reviews and guidelines to assist coroners in determining whether a fatality was caused by domestic violence. All meetings of the committees, and any documents acquired during the meetings, are exempt from the Freedom of Information Act. Each Domestic Fatality Review Committee shall make recommendations, when appropriate, to the Domestic Violence Advisory Committee created pursuant to §16-25-310.

**ACT NO. 150**

**R. 155, S. 1076**

**EFFECTIVE DATE: APRIL 21, 2016**

Act No. 150 amends §48-39-130 of the Code to add “individual” to the list of entities which do not need to apply for a permit to dredge a manmade, predominately armored, recreational use or essential access canal.

**ACT NO. 153**

**R. 158, H. 3325**

**EFFECTIVE DATE: JANUARY 1, 2017**

Act No. 153 adds §§15-61-310, et seq., to create the “Clementa C. Pinckney Uniform Partition of Heirs’ Property Act”. This Act sets out all the provisions to be used in circuit court or in actions



heard by masters in equity concerning petitions for partition of heirs' property. Upon a motion or based on evidence in the pleadings, a court must hold a preliminary hearing to determine whether property is heirs' property in any action to partition real property. If the court determines that the property is heirs' property then the action must be governed by this Act, unless all cotenants agree otherwise on the record. The Act applies to partition actions filed on or after January 1, 2017.

### **ACT NO. 154**

**R. 159 , H. 3545**

**EFFECTIVE DATE: APRIL 21, 2016**

Act No. 154 amends several sections that were amended by the "Omnibus Crime Reduction and Sentencing Reform Act of 2010" to clarify that Act. Section two of the Act amends §16-23-500 concerning the disposition of firearms and ammunition confiscated from a person who is not permitted to possess them because they were convicted of a violent felony. The Act requires a law enforcement agency that receives a firearm or ammunition pursuant to this section to release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are final. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with possession by a felon. The law enforcement agency must notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may dispose of the firearm or ammunition as otherwise provided in §16-23-500.

### **ACT NO. 158**

**R. 163, H. 3911**

**EFFECTIVE DATE: APRIL 21, 2016**

This Act amends §56-3-1230(A) by increasing the minimum interval in which the Department of Motor Vehicles must reissue a license plate from six years to ten years. This change does not apply to property carrying or farm vehicles.

### **ACT NO. 296**

**R. 169, S. 985**

**EFFECTIVE DATE: APRIL 29, 2016**

This Act amends Section 4 of Act 250 of 1991 to provide that the Florence County Election Commission shall conduct elections for the members of the Board of Trustees for Florence County School District 5 on the first Tuesday after the first Monday in November of each year.

## **ACT NO. 167**

**R. 173, H. 4712**

**EFFECTIVE DATE: SEE BELOW**

This legislation, which deals with taxation of billboards, amends §12-43-30. New subsection (e)(1) states that for property tax purposes, a billboard must be classified as tangible personal property. The Act also requires the sign owner to file a business personal property tax return annually with DOR based upon the original cost of the sign structure less allowable depreciation.

New subsection (e)(2) states that if the sign site is one-quarter of an acre or less, is leased from an unrelated third party, or the sign is owned by the owner of the site, and the sign owner has filed a business personal property tax return with the DOR, then the real property the sign is on must be assessed at its value before the lease or construction of the sign without regard to the structure, the lease, or lease income. The lease or construction of such property does not constitute an assessable transfer of interest.

Act No. 167 takes effect upon approval by the Governor and first applies to property tax years after 2014. Upon the site owner providing written or electronic notice to the county assessor that his affected property was assessed other than as provided by this Act, county tax officials shall adjust values and assessment ratios to reflect the provisions of this Act, but no refund is allowed.

## **ACT NO. 300**

**R. 176, S. 863**

**EFFECTIVE DATE: MAY 12, 2016**

This Act amends Act 613 of 1986 by reapportioning the four single-member election districts from which the trustees of Richland County School District 1 are elected.

## **ACT NO. 297**

**R. 179, S. 1238**

**EFFECTIVE DATE: MAY 16, 2016**

This local legislation amends Act No. 806 of 1952, relating to Florence County School District Two's annual budget, so as to only require a separate meeting of the citizens if the proposed budget requires a millage increase.

**ACT No. 175**

**R. 184, H. 3343**

**EFFECTIVE DATE: MAY 23, 2016**

This Act amends §47-3-420 to revise the acceptable methods of euthanasia in animal shelters and to prohibit the use of lethal gas. Euthanasia is limited to the use of sodium pentobarbital and its derivatives or other substances recognized by the American Veterinary Association to be humane.

**ACT No. 176**

**R. 185, H. 4705**

**EFFECTIVE DATE: MAY 23, 2016**

Section 7-7-350 is amended by redesignating the map number for the voting precincts in Lancaster County.

**ACT No. 302**

**R. 187, H. 4786**

**EFFECTIVE DATE: MAY 23, 2016**

This Joint Resolution approves regulations relating to Local Emergency Preparedness Standards, designated as Regulation Document Number 4563.

**ACT No. 179**

**R. 189, H. 5009**

**EFFECTIVE DATE: SEE BELOW**

A taxpayer's use of the Textile Communities Revitalization Income Tax Credit was originally limited to 50% when used as a credit against income tax, corporate license fees, or insurance premium taxes. This Act amends §12-65-30 to delete that limitation. The Act first applies to credits claimed for income tax year 2016, regardless of when the credit was earned.

**ACT No. 293**

**R. 190, H. 5066**

**EFFECTIVE DATE: MAY 23, 2016**

Act 589 of 1986 is amended to require candidates seeking election to the Beaufort County Board of Education to submit a statement of candidacy rather than signed petitions.

## **ACT NO. 181**

**R. 192, S. 277**

**EFFECTIVE DATE: MAY 25, 2016**

This legislation enacts the “State Telecom Equity in Funding Act” at Article 21, Chapter 9 of Title 58 of the S.C. Code to require wireless and certain voice over internet protocol (VoIP) providers to contribute to the South Carolina universal service fund and dual relay fund in the same manner that landline telecommunications companies are required to contribute. Local governments cannot impose a fee in addition to the fees and charges provided for in this Act.

## **ACT NO. 182**

**R. 195, S. 1233**

**EFFECTIVE DATE: MAY 25, 2016**

This Act amends §4-10-470 to allow a county that does not meet the \$7 million minimum state accommodations sales and use tax collection requirement to impose a local educational capital improvement tax if the county has not imposed the tax for 20 years or more as of the date the imposition of the education capital improvements sales tax was first proposed in that county in a 2014 referendum.

## **ACT NO. 184**

**R. 197, H. 3193**

**EFFECTIVE DATE: MAY 25, 2016**

This Act amends §8-13-1320 by revising the manner in which campaign contributions are attributable to a primary election and a runoff. In the event of a primary runoff, all contributions made after the day of the primary and through the seventh day after the runoff are attributed to the runoff for the purposes of contribution limits.

## **ACT NO. 185**

**R. 198, H. 3685**

**EFFECTIVE DATE: MAY 25, 2016**

Act No. 185 amends §56-7-20 to allow traffic tickets to be collected electronically by law enforcement and require tickets be transmitted to the Department of Motor Vehicles (DMV) electronically. The tickets must be transmitted pursuant to DMV’s specifications. Section 57-7-30 is amended to require law enforcement to transmit the court’s copy of a ticket to DMV within 3 business days of the ticket being issued. The Act amends §56-7-40 penalizing the intentional failure to electronically transmit the ticket to DMV by up to 6 months in prison and a \$1,500 fine. An unintentional violation is punishable by up to a \$100 fine. Section 56-1-365 is amended to require

the clerk of court or magistrate to send final disposition information and applicable driver's license surrender information to DMV electronically. The section is further amended to require the information be sent to DMV within 5 business days after final court action and that the date of suspension start when a person surrenders their license, not when the clerk of court or magistrate transmits the information.

The Act repeals §56-3-1972, which requires uniform parking tickets to consist of 5 copies, specifically color coded, among other requirements.

### **ACT NO. 193**

**R. 202, H. 4138**

**EFFECTIVE DATE: MAY 26, 2016**

Act No. 193 amends §40-11-270 to provide that a person holding a license in the mechanical contractor subclassification of air conditioning, heating, or packaged equipment must display the license in a conspicuous manner at his principal place of business and must display his license number on all commercial vehicles used in the daily operation of his business and on each invoice and proposal form.

### **ACT NO. 249**

**R. 208, H. 5011**

**EFFECTIVE DATE: JUNE 1, 2016**

This Act adds §4-10-980 to provide for the reimposition of the Local Option Tourism Development Fee. The imposition of the fee may be renewed either by an ordinance adopted at least two-thirds of the members of a municipal council; or the approval of a majority of qualified electors voting in a referendum. The Local Option Tourism Fee may only be adopted by a municipality located in a county in which revenues of the state accommodations tax imposed pursuant to § 12-36-920 have aggregated at least fourteen million dollars in a fiscal year.

### **ACT NO. 197**

**R. 211, S. 139**

**EFFECTIVE DATE: SEE BELOW**

This legislation amends §48-39-130 to exempt the use of certain techniques to protect beach and dune critical areas from the permitting process under an emergency order. The Act also requires DHEC to carry out a forty year policy of retreat from the shoreline including establishing a baseline that may not be moved seaward after December 31, 2017. This Act is effective June 3, 2016, except that §48-39-130 is subject to the repeal provisions of Section 4, Act 141 of 2011.

**ACT NO. 255**

**R. 212, S. 227**

**EFFECTIVE DATE: JUNE 7, 2016**

Section 12-10-88, utilizing the South Carolina income tax withholdings, remits 5% of all South Carolina wages paid to employees of a federal employer at a closed or realigned military installation to the redevelopment authority overseeing the closed or realigned military installation. The amounts of withholding collected and remitted to the applicable redevelopment authority are referred to as "redevelopment fees".

This legislation amends §12-10-88(C), extending the end date for remissions from January 1, 2017, to January 1, 2021, and prohibiting a redevelopment authority from receiving more in remissions than it did in FY 2014-2015.

**ACT NO. 198**

**R. 213, S. 233**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act amends §6-1-160 to make it consistent with a 2014 Supreme Court decision on public body prayer. It defines public invocation as prayer and states that public prayer is permissible by a public body at the beginning of a meeting as long as it does not promote any one particular religion, or coerce participation by every person present during an invocation. It also removes the requirement that prayer be rotated among members of council or religious leaders in the county.

**ACT NO. 201**

**R. 216, S. 338**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act adds §24-13-180 to require that any entity engaged in helping rehabilitate and reintroduce paroled inmates back into the community must provide notice to those communities and hold public hearings before a facility to house these inmates may be opened. The procedure for notice and public hearing is set forth in detail. This Act only applies in an area with no zoning requirements.

**ACT NO. 202**

**R. 217, S. 381**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act amends §§8-11-620(A)(1), 9-1-1140 and 9-11-50 to state that an active member of the State Retirement System or Police Officers Retirement System who is terminated within one year of retirement eligibility has 5 business days after the date of termination to purchase any service credit that the member is otherwise eligible to purchase in order to attain retirement eligibility.

**ACT No. 256**

**R. 218, S. 427**

**EFFECTIVE DATE: SEE BELOW**

Section 1 of this Act amends §12-6-3360 to allow establishments primarily engaged in providing specialized services for air transportation to claim the 5 year jobs tax credit.

The rest of the Act makes several changes in statutes to allow agricultural packaging operations to qualify for economic development incentives.

The legislation amends §12-6-3360 to allow an agricultural packaging operation to claim the jobs tax credit. Agricultural packaging operations may consider seasonal workers as full-time employees; however, seasonal employees only count as a fraction of full-time workers, with the numerator being the number of hours worked a week multiplied by the number of weeks worked, and the denominator being the number one thousand eight hundred twenty.

Section 12-36-2120 is amended to exempt machines used in agricultural packaging from the state sales tax. Finally, the Act adds §13-1-780 requiring the Department of Commerce and the Coordinating Council to consider agricultural businesses when awarding economic development benefits.

The sales tax exemption takes effect July 1, 2016 and the remainder of the Act is effective beginning June 8, 2016.

**ACT No. 259**

**R. 222, S. 685**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act amends §40-22-2 by revising the licensing statutes for professional engineers and land surveyors. The Act continues to allow professional engineers and land surveyors to participate in any procurement system including a procurement system that allows price comparison in the selection process.

**ACT No. 204**

**R. 224, S. 788**

**EFFECTIVE DATE: JUNE 3, 2016**

This legislation amends §48-39-150 to enact the “Managed Tidal Impoundment Preservation Act” to exempt property that has received an Army Corp of Engineers permit from DHEC permitting requirements.

**ACT NO. 260**

**R. 226, S. 908**

**EFFECTIVE DATE: JUNE 3, 2016**

This legislation enacts the "South Carolina Uniform Fiduciary Access to Digital Assets Act" by adding §§62-2-1010, et seq., to the Probate Code to establish a framework by which internet users have the power to plan for the management and disposition of digital assets upon death or incapacitation. This Act applies to fiduciaries acting under a power of attorney or as personal representatives, trustees, and conservatorship proceedings. These provisions do not apply to a digital asset of an employer used by an employee in the ordinary course of business.

**ACT NO. 268**

**R. 227, S. 916**

**EFFECTIVE DATE: SEE BELOW**

This Act amends various sections in Title 63 to provide that, for purposes of being tried in family court, a person is considered a juvenile if they are under 18 years old as opposed to 17 years old. If a person under 17, as opposed to under 16, commits a Class A, B, C or D felony as defined in §16-1-20, they are to be tried in general sessions court. The solicitor has discretion whether to try a 17 year old who commits a Class A, B, C or D felony in family court. Exclusive jurisdiction of the family court lasts until the person is 22 years old as opposed to 21. The court is permitted to keep a person under probation until their 20<sup>th</sup> birthday as opposed to 18<sup>th</sup>. Section 63-19-1440 is amended to provide that a child who is under 18, as opposed to 17, may be held by the Department of Juvenile Justice (DJJ) and that no person under 18 may be confined with adults. Confinement in DJJ may not extend beyond a person's 22<sup>nd</sup> birthday. Conditional release of a juvenile must expire before the person's 22<sup>nd</sup> birthday. These sections of the Act take effect on July 1, 2019, contingent on DJJ receiving funds necessary to implement this Act.

Court Administration shall consult with the Commission on Indigent Defense, Commission on Prosecution Coordination, Department of Corrections, Department of Juvenile Justice, and Department of Probation, Parole and Pardon Services to determine data and statistics that should be collected relevant to determining the fiscal and revenue impact of this Act. All state and local agencies and courts shall collect the relevant data and statistics from July 1, 2016, through June 30, 2017, and transmit the data and statistics to court administration pursuant to court administration's instructions. Court administration shall collect the relevant data and statistics and make a report to the General Assembly by September 1, 2017. This section of the Act takes effect on June 6, 2016.

**ACT NO. 206**

**R. 228, S. 932**

**EFFECTIVE DATE: SEE BELOW**

This Act amends §12-43-220(c)(2)(v)(C)(3), changing the date a member of the Armed Forces must



apply to retain the 4% assessment ratio on a second property while trying to sell the first property. A member of the Armed Forces who is transferred may claim the 4% assessment ratio on two properties as long as the owner attempts to sell the first property within 30 days of acquiring the second property. This Act changes the last date a person could apply from May 15 to the first penalty date for the payment of taxes for the tax year in which the taxes are due.

This Act applies for property tax years beginning after 2013.

### **ACT NO. 273**

**R. 230, S. 973**

**EFFECTIVE DATE: JULY 1, 2016**

This legislation amends §38-7-20 by extending until June 30, 2030, the requirement that 2.25% of insurance premium tax revenues be earmarked for the Forestry Commission and other local government functions. Revenue is redistributed so that 1% is transferred to the Forestry Commission for firefighting equipment, 1% is transferred to the aid for fire districts account to be equally distributed to each fire department in the state for firefighting equipment, and .25% is to be transferred to the aid to emergency medical services regional councils within DHEC to fund EMS training.

### **ACT NO. 274**

**R. 231, S. 980**

**EFFECTIVE DATE: JUNE 15, 2016**

This legislation adds §40-69-300 to provide that all privately operated animal shelters that provide veterinary services must register with and are subject to the regulation of the Board of Veterinary Medical Examiners. Private animal shelters are also required to maintain certain documentation of animal care for annual submission to the Department of Labor, Licensing, and Regulation (LLR). Section 40-69-300(E) provides that local animal shelters are exempt from these requirements, but are subject to LLR inspections for the purposes of regulating the practice of veterinarian medicine. This legislation also amends §40-69-295 to define a mobile veterinary practice and to provide that such practice is prohibited from operating within eyesight of a privately owned veterinarian facility.

### **ACT NO. 208**

**R. 232, S. 1028**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act amends §46-3-280 to create a program within the Department of Agriculture to integrate veterans into the field of agriculture and support veterans currently working in agriculture. The Department of Agriculture, the Division of Veterans' Affairs, the Adjutant General, Clemson University, South Carolina State University, and any other institution of higher learning that offers

agricultural programs shall work in conjunction to recruit and train eligible veterans, and develop and support the program.

**ACT NO. 210**

**R. 234, S. 1035**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act revises statutes in Chapter 47 of Title 40 relating to the practice of medicine to incorporate provisions for telemedicine. Telemedicine is the practice of medicine using electronic communications between a practitioner and a patient in another location. Telemedicine will allow physicians to diagnose and prescribe certain medication for patients in a remote location. This type of practice can benefit inmates in need of medical service at a detention facility that does not have a physician immediately available.

**ACT. NO. 214**

**R. 238, S. 1111**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act amends §56-3-2332 to revise the method by which the vehicle manufacturer license plate fee is calculated and credited. The annual registration fee will be derived by computing the average price of the vehicle manufacturer's fleet times the property tax rates times the average millage for all purposes statewide for the preceding calendar year. The fee for 2017 and 2018 is set at \$789.

**ACT NO. 269**

**R. 239, S. 1122**

**EFFECTIVE DATE: SEE BELOW**

This Act amends §12-37-2820(B) which defines 'gross capitalized cost' when determining the property taxation of motor carriers. For a motor vehicle which is fueled by alternative fuel and is acquired after 2015 but before 2026, the gross capitalized cost is reduced by the differential in cost of a comparable diesel or gasoline powered vehicle, not to exceed 30% of the total acquisition cost of the motor vehicle.

This exempts the difference in cost between a diesel and a compressed gas/liquified gas fueled truck, up to 30%, from property tax for 10 years.

This applies to property tax years beginning after 2015.

**ACT NO. 217**

**R. 244, S. 1212**

**EFFECTIVE DATE: JULY 1, 2016**

This Act amends §7-7-490 by adding the River Ridge precinct to Spartanburg County and redesignating the Mountain View Baptist and Carlisle Wesleyan precincts in Spartanburg County.

**ACT NO. 218**

**R. 245, S. 1252**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act adds §23-9-195 to require the State Fire Marshal to grant a license permitting a community fireworks display using consumer fireworks if certain conditions are met. These conditions are:

- the county has a population of less than 30 thousand;
- the governing body of the unincorporated county or municipality approves the display by ordinance or resolution;
- the sponsor is a volunteer individual, group of individuals, or a community organization;
- the sponsor can document the presence of police and fire rescue at the event;
- the sponsor can provide proof of insurance for the event; and
- the sponsor can demonstrate experience in hosting similar events, using similar volunteers without incident.

The State Fire Marshal, Department of Labor, Licensing and Regulation, may charge and retain a fee equal to the cost of the application fee of other similar filings.

**ACT NO. 275**

**R. 246, S. 1258**

**EFFECTIVE DATE: SEE BELOW**

Section 6 amends §11-43-180 by lowering the threshold of eligible State Transportation Infrastructure Bank (SIB) projects selected after June 8, 2016, from \$100 million to \$25 million. Section 7 requires these SIB projects selected after June 8, 2016, to be ranked in accordance with the prioritization criteria in §57-1-370(B)(8).

This Act also adds §11-43-167 which directs DMV fine and fee revenue to the State Highway Fund for resurfacing projects and to the SIB to be bonded for bridge replacement, rehabilitation projects, and expansion and improvements on existing roads in the State Highway System. The money transferred to the SIB under this section will not require a local match. Lost DMV revenue will be replaced from the State general fund. Section 5 of the Act requires these SIB loans to be approved by the DOT Commission.

This Act also amends the structure of the DOT Commission set forth in §57-1-310, et seq., and the DOT Secretary in §57-1-410, et seq. The Governor will appoint eight commissioners, one from each

congressional district and one at-large. The commissioners will then appoint the DOT Secretary.

Other than Sections 6 and 7 discussed in the first paragraph, the Act takes effect July 1, 2016.

### **ACT NO. 299**

**R. 248, S. 1296**

**EFFECTIVE DATE: JUNE 5, 2016**

This legislation restructures the Kershaw County Transportation Committee.

### **ACT NO. 251**

**R. 250, H. 3313**

**EFFECTIVE DATE: SEE BELOW**

Section 1 deals with calculating roll-back taxes when a local jurisdiction requires the designation of 'green space for conservation' or 'open space' as a condition to develop residential or commercial property. Section 12-43-222 is added to state that the property tax value of property changed from agricultural use that is designated on the recorded development plat of the parcel as 'green space for conservation' or 'open space' if it equals 10% or more of the area development must be valued according to its new 'green space for conservation' or 'open space' use in calculating roll-back tax due on the parcel. 'Green space for conservation' and 'open space' are defined as the meaning provided for those terms by the Environmental Protection Agency. There is a "claw back" provision if the green space is converted to another use in five property tax years. Section 1 takes effect for property changed from agricultural use valuation after 2015.

Section 4 amends §12-43-220(c)(2)(vii) to provide that a bona fide purchaser for value without notice is not liable for the taxes and penalties due if the previous owner was improperly receiving the special 4% assessment ratio. The new section provides that the previous owner would be liable for these penalties. This section applies prospectively and also retroactively to all open delinquent property tax years. No interest is due on any refunds issued pursuant to the retroactive provisions of this section.

Section 5 adds §12-43-370 to authorize a county to allow a taxpayer to receive their property tax bill electronically. A county choosing to utilize this provision must create and publish an application process and maintain proof that the email was sent.

Section 6 amends §12-43-220(d)(3) to allow a new owner to appeal a rollback tax bill and prevail if the roll-back tax was issued solely because a new owner failed to make written application for an agricultural assessment and the use of the property remains agricultural.

Sections 5 and 6 are effective June 7, 2016.

## **ACT NO. 222**

**R. 253, H. 3653**

**EFFECTIVE DATE: JUNE 3, 2016**

Act No. 222 amends §§23-20-10 to 23-20-60 relating to the assignment of officers pursuant to multi-jurisdictional task force agreements and mutual aid agreements. Section 23-20-20 defines “mutual aid agreement” as any agreement entered into on behalf of a law enforcement agency for the purpose of providing public safety functions across jurisdictional lines, including, but not limited to, multi-jurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety, and other emergency service situations. Such agreements must not be permitted for the sole purpose of speed enforcement.

Any county, municipality, or other political subdivision may enter into these agreements and approve agreements entered into by law enforcement agencies under the authority of local governing bodies. However, a law enforcement agency under the authority of a constitutional officer, i.e. a sheriff, does not have to have the agreement approved by a county governing body.

Provided the conditions and terms of the mutual aid agreements are followed, the chief executive officers of the law enforcement agencies in the concerned counties, incorporated municipalities, or other political subdivisions have the authority to send and receive such resources, including personnel, as may be needed to maintain the public peace and welfare. The officers of the law enforcement provider have the same legal rights, powers, and duties to enforce the laws of this State as the law enforcement agency requesting the services.

The Governor, upon the request of a law enforcement authority or in their discretion, may by executive order, waive the requirement for a contractual agreement for law enforcement services required by this chapter during a natural disaster or other emergency affecting public safety.

## **ACT NO. 237**

**R. 254, H. 3710**

**EFFECTIVE DATE: JUNE 6, 2016**

For property tax years beginning after 2013, the multiple lot discount granted in §12-43-225 is extended for an additional year to include property tax year 2016 for those who had the discount provided in §12-43-225(B) on December 31, 2011. For those who received the discount provided in §12-43-225(C) during the period December 31, 2008, through January 1, 2012, that discount is extended through property tax year 2016.

## **ACT NO. 224**

**R. 256, H. 3891**

**EFFECTIVE DATE: JANUARY 1, 2017**

This legislation adds §56-31-60 which imposes a heavy equipment rental fee of 2.5% on the rental of any construction, earthmoving, or industrial equipment. The total amount of the heavy equipment rental fee collected shall be remitted to the Department of Revenue who will distribute the remitted fee to the local jurisdiction where the qualified heavy equipment was rented. The local jurisdiction shall distribute the received funds in the same manner as property taxes.

## **ACT NO. 225**

**R. 257, H. 3952**

**EFFECTIVE DATE: JUNE 3, 2016**

This legislation provides that a person may be involuntarily committed to a hospital or mental institution if lack of commitment may cause them to become gravely disabled. Section 44-23-10 defines “gravely disabled” as a person who, because of their mental illness, lacks the capacity to make responsible decisions concerning their treatment and may harm themselves because of their inability to care for themselves. Section 44-17-410 is amended to provide that for an individual to be involuntarily committed, a person must execute a written affidavit under oath stating that an individual has a mental condition pursuant to §44-23-10(21) and there is a likelihood of serious harm as defined in §44-23-10(13).

Section 44-17-440 is amended to provide that a certificate requiring emergency admission must authorize a state or local law enforcement officer, preferably in civilian clothes and preferably with crisis intervention training, to take the individual into custody and transfer them to a hospital. An emergency medical technician may also transport the person if the emergency medical service (EMS) provider agrees to do so. Local law enforcement, the local governing body, and local EMS provider may agree in writing for alternative transportation plans for emergency commitments. An individual who has been certified for an involuntary emergency admission but not yet admitted to a facility and needs to be transported from a mental health center or an emergency department of a hospital to another facility for admission may be transported by an emergency medical technician.

## **ACT NO. 226**

**R. 258, H. 3999**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act amends §44-66-30, changing the order of priority of the persons who can make health decisions for a person who is unable to give their consent. Where there are multiple persons of equal priority, the Act allows a majority of these persons to make health decisions. For example, if the person has more than one adult sibling, a majority of the adult siblings can make health decisions for that person.

**ACT No. 229**

**R. 262, H. 4416**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act amends §6-1-970 to exempt schools and volunteer fire departments from impact fees. Section 6-1-920(18) is amended to allow impact fee revenue to be used on school facilities.

**ACT No. 232**

**R. 266, H. 4580**

**EFFECTIVE DATE: JUNE 3, 2016**

Section 44-7-263 is added to the Code to provide that DHEC's licensure requirements do not apply to a home or facility that is approved by the Department of Veterans Affairs as a medical foster home for which care is provided to no more than 3 veterans.

**ACT No. 239**

**R. 267, H. 4577**

**EFFECTIVE DATE: JULY 1, 2016**

This Act amends §55-5-280 to provide that in a year where revenue generated by property taxes on airline companies exceeds \$2.5 million but is less than \$5 million, this revenue must be credited to the State Aviation Fund. However, if revenue generated is in excess of \$5 million, the revenue in excess of \$5 million must be split between the general fund and the State Aviation Fund equally.

**ACT No. 276**

**R. 268, H. 4762**

**EFFECTIVE DATE: JUNE 15, 2016**

This legislation amends §6-1-320, the millage rate cap limitation. The Act allows a county with a population of less than 100,000, and containing at least 40,000 acres of national forest land, to exceed the millage cap for the purchase of capital equipment. Counties with populations less than 100,000, and at least 40,000 acres of state forest land were already authorized to exceed the millage cap for the purchase of capital equipment. According to the Revenue and Fiscal Affairs Office, the following counties are affected: Abbeville, Chesterfield, Edgefield, Fairfield, Greenwood, Laurens, McCormick, Newberry, Oconee, and Union.

**ACT NO. 233**

**R. 269, H. 4773**

**EFFECTIVE DATE: JUNE 3, 2016**

This legislation expands the Emergency Medical Services Do Not Resuscitate Order Act by adding provisions for a “do not resuscitate bracelet” that may be worn by the terminally ill. Section 44-78-25 is amended to provide that EMS personnel must not use any resuscitative treatment for a patient wearing the bracelet. Section 44-78-35 is amended to provide that EMS personnel are not liable or subject to disciplinary action for good faith reliance on a do not resuscitate bracelet resulting in the withholding of resuscitative treatment.

**ACT NO. 253**

**R. 270, H. 4877**

**EFFECTIVE DATE: JUNE 7, 2016**

This Act amends §63-3-40 to add two new at-large family court judges.

**ACT NO. 234**

**R. 271, H. 4878**

**EFFECTIVE DATE: JUNE 3, 2016**

Section 23-3-85 is added by this Act and provides that communications between a client and any member of a peer-support team, including other clients involved in the same peer-support process, shall be confidential and privileged as provided by §19-11-95(B).

Section 23-3-85 provides exceptions to the confidentiality. The confidentiality does not apply when:

1. the disclosure is authorized by the client making the disclosure, or, if the client is deceased, the disclosure is authorized by the client's executor, administrator, or in the case of unadministrated estates, the client's next of kin. This provision only applies to statements made by the client;
2. the peer-support team member was an initial responding officer, witness, or party to the critical incident;
3. the communication was made when the member of the peer-support team was not performing official duties in the peer-support process; or
4. the disclosure evidences a present threat to the client or to any other individual, or the disclosure constitutes an admission of a violation of state or federal law.



## ACT NO. 284

**R. 275, H. 5001**

**EFFECTIVE DATE: JULY 1, 2016**

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 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 2016-2017.

Part IA:

### Section 113 Local Government Fund

The General Assembly funded the LGF at \$223.2 million; however \$10.6 million of that total is in non-recurring money from Part IB, Proviso 118.16. The non-recurring revenue is to be distributed on September 30, 2016.

Part IB:

The following are provisos of interest in the 2016-17 General Appropriations Act. 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 1.61: 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 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 DSS.

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 34.30: 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 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 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 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 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 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: The General Assembly allocated \$500,000 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.

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

\* Proviso 84.15: No more than 20% of the funds sent to CTC's may be utilized for ancillary initiatives that improve the areas adjacent to roads under their jurisdiction for economic development or safety purposes. Ancillary initiatives may include, but are not limited to, drainage improvements, signage, lighting, sidewalks and other safety or economic-development related projects.

Proviso 93.22: 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 93.35: 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. SOVA 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.

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 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: 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 102.5: 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 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 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 0.8% 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: 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 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: 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.

\* Proviso 113.9: 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 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 117.87: 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 117.100: 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 117.101: 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 117.104: Counties are authorized to enter into MOU's to provide recreational activities and projects that benefit the citizens of the respective counties.

Proviso 117.107: 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 117.109: If a county or city fails to remit fine and fee money for 2 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 117.118: State employees are given a 3.25% salary increase. The salary increase also applies to the auditor and treasurer state supplement.

Proviso 117.123: 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 117.146: This proviso states that The General Reserve Fund, Capital Reserve Fund, Debt service, Aid to Subdivisions - State Treasurer for 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 118.16: This proviso allocates \$10.6 million in non recurring money to the Local Government Fund. The remaining \$212.5 million was allocated in the recurring line in this year's budget. This proviso also allocates the State and local \$72 million FEMA match for the 2015 flood and \$30 million for beach renourishment.

**ACT NO. 250**

**R. 282, H. 5078**

**EFFECTIVE DATE: JUNE 6, 2016**

This legislation amends §4-10-10 to define 'General Election' for referendums on imposing a local sales tax. 'General Election' is defined as "the Tuesday following the first Monday in November in any year." The Act also amends §4-10-330(C) to provide that if the capital projects sales tax referendum is conducted in an odd-numbered year, and it is the only matter being considered at the general election, then 6 weeks before the referendum, the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects.

**ACT NO. 246**

**R. 284, H. 5118**

**EFFECTIVE DATE: JUNE 6, 2016**

This Act amends §56-2-105 to allow counties with a population at least 150,000 and no more than 250,000, and have barrier islands within their jurisdictions to adopt ordinances that allow golf carts to be operated at night until 2021.

**ACT NO. 247**

**R. 285, H. 5193**

**EFFECTIVE DATE: JUNE 5, 2016**

This Act amends §44-130-40 to expand the dispensation of opioid antidotes to a person at risk of experiencing an opioid overdose. The Board of Medical Examiners and Board of Pharmacy will issue a joint protocol authorizing pharmacists to dispense opioid antidotes without a patient specific order or prescription and to caregivers of overdose patients. This Act also directs DHEC to study (1) the effects that legal cannabis would have on opioid overdose and (2) the extent to which states have latitude by federal law for a Veterans Affairs' physician licensed in the state to provide a written certification that a veteran would benefit from the use of medicinal marijuana rather than an opioid prescription.



## **ACT NO. 294**

**R. 288, H. 5279**

**EFFECTIVE DATE: JUNE 5, 2016**

This Act deals with the Charleston County School District budget. Before the school board can give its proposed budget second reading, it must obtain from the county auditor certification of property tax revenue that the district is expected to receive for the budget.

Also in the Act is the requirement that prior to any vote by the Charleston School District on the closure of any school in the district, the Board of Trustees of the Charleston School District must hold a public hearing on the proposed school closure at the school under consideration for closure.

## **ACT NO. 236**

**R. 289, H. 5299**

**EFFECTIVE DATE: JUNE 3, 2016**

This Act adds §25-1-445 to require the director of the state Emergency Management Division to develop a system by which a person who transports goods or provides services or assists in utility services restoration can be certified to do so in an area subject to a curfew. This Act does not prohibit local officials from denying access to an area in order to protect the health and safety of a person or property.

## **ACT NO. 270**

**R. 292, S. 667**

**EFFECTIVE DATE: JANUARY 1, 2017**

This Act addresses the redrawn boundary separating South Carolina and North Carolina. There are several provisions addressing taxation and property records.

Among the amendments relating to real property records are a deed recording fee or filing fees exemption for those affected solely by the boundary change in §12-24-160. Section 30-5-270 sets forth the notice which the register of deeds must place in the land records for any property affected by the boundary change.

The real property tax provisions include §12-37-140, which requires property moving from North Carolina to South Carolina to be added to property tax rolls with a lien date of January 1, 2017 for that year only. Those properties are to be valued based on the latest reassessment date without regard to the fifteen percent cap for that year only. No agricultural rollback taxes are triggered because of the boundary change. New South Carolina properties must also apply for any exemptions, special valuations, and special assessment ratios.

Personal property tax provisions include §§12-37-145, 12-37-150 and 12-37-155. Vehicles new to

South Carolina because of the boundary change must register and those vehicles that are no longer in South Carolina may apply for a refund.

**ACT NO. 278**

**R. 293, S. 777**

**EFFECTIVE DATE: JUNE 9, 2016**

This Act adds and amends several sections to the Probate Code concerning matters in probate court involving the United States Department of Veterans Affairs (VA). Section 62-5-436 is added to provide additional and alternative requirements for matters involving payment of benefits from the VA. Section 62-1-201 is amended to define the term "VA" for purposes of the Probate Code. The legislation amends §62-5-404 to require the original petition for appointment or protective order to show that the person to be protected has been rated incompetent by the VA and to provide that the petition shall state the name and address of the person to be notified on behalf of the VA. Section 62-5-405 is amended to require service of summons and petitions upon the VA and notice of the hearing. The Act amends §62-5-407 to clarify provisions in cases involving the payment of benefits from the VA. Part 6, Article 5, Title 62 relating to the Uniform Veterans' Guardianship Act is repealed.

**ACT NO. 279**

**R. 294, S. 778**

**EFFECTIVE DATE: JANUARY 1, 2017**

Act No. 279 adds Article 8 to Title 62 to enact the "South Carolina Uniform Power of Attorney Act." The legislation defines necessary terms and outlines the Act's requirements and applicability. The Act further amends §§62-5-500, et seq., to enact the "South Carolina Statutory Health Care Power of Attorney Act." These sections provide execution and witness requirements and the form of a health care power of attorney.

**ACT NO. 272**

**R. 297, H. 3147**

**EFFECTIVE DATE: SEE BELOW**

This Act contains two different income tax provisions. The first amends §§12-6-1170 and 12-6-1171 to increase the income tax deduction for military retirement pay. The increased deduction is phased in beginning with tax year 2016 and the last increase is scheduled for tax year 2020.

The second provision relates to the Textile Communities Revitalization Act found in Chapter 65 of Title 12. Section 12-65-30 is amended to allow greater flexibility in terms of income tax credit carryforward and what level of the individual or business entity the credit may be taken. This change is effective for any project placed in service after December 31, 2014, and all tax years for which

final returns had not been filed as of April 30, 2016.

### **ACT NO. 262**

**R. 300, H. 4090**

**EFFECTIVE DATE: JUNE 9, 2016**

Act No.262 puts the Department of Consumer affairs in charge of regulating pawnbrokers and sets forth guidelines for the regulation. Section 15 of the Act amends §40-39-150 to state that counties may enact ordinances that are in compliance with, but not more restrictive than the provisions in the Act. It also limits the authority of counties to enact ordinances that require the payment of a fee or tax related to a pawn transaction or restricting the hours of operation. A county may require a pawnbroker to obtain a local occupational license.

### **ACT NO. 264**

**R. 303, H. 4387**

**EFFECTIVE DATE: JUNE 9, 2016**

This Act adds §23-1-245 to prohibit a law enforcement agency from requiring its officers to issue a specific amount or meet a quota for the amount of traffic citations they issue during a specific time period. A law enforcement agency may still evaluate an officer's performance based on the number of points of contact. A law enforcement agency employee who files a report with an appropriate authority alleging violation of this section is protected under Article 27, Title 8, relating to employment protection for those reporting violations of state or federal law.

### **ACT NO. 282**

**R. 306, H. 3184**

**EFFECTIVE DATE: APRIL 1, 2017**

This Act is the first of two which address the topic of ethics. Primarily, the Act places the determination of whether there is probable cause for further investigation or hearing of an alleged violation with the State Ethics Commission for all public officials, including members of the General Assembly.

The State Ethics Commission is restructured to accommodate this change by reducing the membership from 9 to 8 members, with half of the members appointed by the governor, a quarter by the Senate, and a quarter by the House.

A procedural change at the State Ethics Commission is found in §8-13-320(10)(j) to make hearings open to the public instead of the former practice to make them closed, unless the respondent requests an open hearing.

Section 8-13-322 was added to the Code to prohibit contacting the members of the Ethics

Commission to influence the outcome of a pending investigation or open complaint.

**ACT NO. 283**

**R. 307, H. 3186**

**EFFECTIVE DATE: JANUARY 1, 2017**

This Act deals solely with the contents of the statement of economic interests which virtually every county official and employee at the department head or higher level must file. Section 8-13-1120(A)(10) is amended to require disclosure of every source of income of the filer or a member of his immediate family. The requirement is for the source of income to be disclosed, not the amount. "Immediate family member" is defined in §8-13-100(18) and is the filer, spouse, child or anyone claimed by the filer or filer's spouse as a dependent for income tax purposes. For purposes of §8-13-1120, income means anything of value received which must be reported on a form used by the Internal Revenue Service, with the exception of retirement, annuity, pension, IRA, disability, or deferred compensation payments received by the filer or filer's immediate family.

As was pointed out during the debate on the Senate floor, anyone filing a statement of economic interests will need their income tax return to refer to in order to correctly file their statement.

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