

2020 Acts That Affect Counties



South Carolina
Association of Counties

FOREWORD

2020 ACTS THAT AFFECT COUNTIES is an annual report to the membership designed to provide county officials with a good place to begin a search for new law. This publication generally contains a brief description of those acts passed during the 2020 Session of the South Carolina General Assembly that affect county government operations. This publication is not designed to be the final word on laws passed in the 2020 session. It is important to consult your county attorney when you have a question regarding the law.

2020 was the second half of the two-year 123rd General Assembly. Any legislation that did not pass before the end of the 2020 session will need to be filed again in the 2021 session to be considered. The General Assembly reconvenes in January of 2021.

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. 116 of 2020. Underneath and to the right of the act number is the effective date of the act.

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

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

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ACT NO. 126

R. 128, H. 3695

EFFECTIVE DATE: MARCH 24, 2020

This Act amends § 12-37-2680 to provide that if specific high mileage adjustments for motorcycles or motorcycle three-wheel vehicles are not reasonably available from a specific source, the high mileage threshold requirements for motorcycles, or motorcycle three-wheel vehicles are deemed to be two-thirds of the average of such adjustments for other private passenger motor vehicles for which such information is available.

ACT NO. 116

R. 129, H. 4014

EFFECTIVE DATE: MARCH 19, 2020

This Act appropriated \$45 million to be expended by the South Carolina Department of Health and Environmental Control to aid in the response to COVID-19. The appropriated funds were distributed for the following: \$14,598,670 for additional staffing at DHEC to support COVID-19 disease surveillance and contact investigation, laboratory testing, and information phone lines; \$14,806,800 for personal protective equipment for DHEC's healthcare workers to prevent spread of infection; \$5,282,420 for operating costs such as technology, lab supplies and reagents, travel, and facility cleaning; \$2,500,000 for an education campaign to include TV/Radio airtime and printed materials; \$1,703,580 for the cost to quarantine and support indigent patients; \$1,394,958 for transportation costs to courier lab samples and distribute items from the Strategic National Stockpile; and \$5,000,000 in contingency funds for unanticipated costs or changing assumptions based on disease spread.

ACT NO. 132

R. 137, H. 4743

EFFECTIVE DATE: APRIL 10, 2020

This Act adds § 4-3-312 so as to alter the county lines of Horry and Georgetown Counties by annexing a certain portion of Georgetown to Horry County.

ACT NO. 133

R. 138, S. 635

EFFECTIVE DATE: MAY 12, 2020

This Act implements changes regarding absentee ballots cast during COVID-19 that will sunset on December 31, 2021. Beginning at 9:00 a.m. on the day preceding an election, Act 133 allows absentee ballots to be examined to ensure they are properly signed and witnessed and allows the outer sealed returned-address envelope to be removed. Beginning at 9:00 a.m. on Election Day, the absentee ballots may be tabulated. Results of the tabulation may not be reported until the polls closed. This Act also has a provision, which sunset on July 31, 2020, that allows anyone living in an area that has been declared to be

in a state of emergency by the Governor with less than 46 days before the election to vote by absentee ballot.

ACT No. 135

R. 140, H. 3411

EFFECTIVE DATE: MAY 18, 2020

This Act is the continuing resolution (CR) that appropriates revenues to meet the ordinary expenses of state government for the fiscal year beginning July 1, 2020, because the General Assembly did not enact a new general appropriation bill this year. The resolution allows for the Department of Administration to procure professional grant management services for oversight and compliance of funds received from the federal government in response to COVID-19 and establishes the Coronavirus Relief Fund to receive all federal appropriations. The CR also prohibits Santee Cooper from entering contracts with a duration longer than one year and creates a Santee Cooper Oversight Committee to approve contractual decisions undertaken by Santee Cooper.

The CR appropriates \$175 million from the State's FY 2018-2019 Contingency Reserve Fund to a newly created COVID-19 Response Reserve account under which the Governor may direct funds to be used for reimbursements to local government entities and hospitals for expenses related to COVID-19 response. Expenses include, but are not limited to, emergency needs for hospitals to prevent closure or violation of bond covenants, with priority given to expenses related to the participation of first responders. It also allows \$15 million from this account be used for protecting the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections.

SECTION 9 of the CR suspends the increase in the employer contribution rate imposed by § 9-1-1085 and § 9-11-225 for FY 20-21. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year 2020-2021, expressed as a percentage of earnable compensation, shall remain at the same rate imposed for Fiscal Year 2019-2020.

The CR specifically deletes the following Part IB provisos for FY 20-21:

- Proviso 112.1: Excess Debt Service
- Proviso 117.112: State Employee 2% Salary Increase
- Proviso 117.155: Higher Education Tuition Mitigation
- Proviso 118.16: Nonrecurring Revenue

Additionally, any proviso contained in Act 91 of 2019 (The Budget) not specifically deleted but that conflict with the contents of the CR are superseded by the CR.

The following Part IB provisos of interest from Act 91 of 2019 are extended for FY 20-21 until a new general appropriation is enacted:

Items marked in **bold with an asterisk were either new provisos or are previous provisos that were substantially amended in 2019.*

***Proviso 1.25:** 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. *The proviso was amended to delete a provision allowing deviation from professional staffing ratios and to require school districts to report their student to teacher ratios to the Department of Education at the 90 and 180 day mark.*

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

***Proviso 1.86:** This proviso was amended to provide that funds allocated to the Department of Education for the School Safety Program and School Resource Officers may be used to hire school resource officers for school districts that are unable to do so. The Department may use carry forward funds in addition to other appropriated funds to meet the requirements of this proviso.

***Proviso 1A.84:** In conjunction with Proviso 1.86, this proviso sets the criteria for determining which school districts are eligible to apply for funding from the Department of Education for school resource officers. Districts with the lowest index of taxpaying ability will receive priority consideration. In making awards, the Department will provide funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer that will serve as a full-time school resource officer.

***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 \$100,000.

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

***Proviso 33.22:** This proviso authorizes the Department of Health and Human Services to use appropriated funds to incentivize the development of primary care access in rural and underserved areas by leveraging federal funds that are available. The Department will also use teaching hospitals, such as MUSC, to ensure rural physician coverage in counties with a demonstrated lack of adequate health care access.

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 34.8:** This proviso requires state funds appropriated to DHEC for Emergency Medical Services to be spent on improving and upgrading the EMS system throughout the state. Funds allocated to counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services. *The proviso was amended to provide that 50% of unexpended funds must go to the South Carolina EMS Association to promote more efficient service delivery. In previous years, all carryforward funds remained with the program for administrative and operational costs and for temporary and contract employees.*

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

Proviso 34.55: This proviso directs that funds in each county's Hazardous Waste Fund County Account must be released by the State Treasurer, upon the written request of a majority of the county's legislative delegation representing the economically depressed area of the county, to be used for infrastructure within the economically depressed area of that county. "Infrastructure" includes improvements for water, sewer, gas, steam, electric energy, communication and other ancillary services that may be made to a building or land which are considered necessary, suitable, or useful to an eligible project that has a documented impact on economic development.

***Proviso 34.59:** This proviso requires DHEC to distribute equally funds appropriated for Ocean Outfalls to the City of Myrtle Beach and the City of North Myrtle Beach as state matching funds for Horry County Ocean Water Quality Outfall Initiatives. DHEC may retain and carry forward these funds into the current fiscal year. Any interest generated by the account must be retained and deposited into this account, to be used as state matching funds for either local or federal funding, and utilized for Ocean Water Quality Outfall Initiatives in Horry County.

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

Proviso 50.13: This proviso appropriates \$5 million to the Department of Commerce for Regional Economic Development Organizations. It allows any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years to be made available to other Regional Economic Development Organizations. If more than one alliance applies for the same funds, the funds will be distributed pro rata. *The proviso was amended to delete allocations of \$140,000 to Berkeley County and \$60,000 to Lancaster County. These allocations were distributed to the Southern Carolina Alliance and the I-77 Alliance, respectively. Also, fund recipients are now required to provide electronic copies of the annual report to the General Assembly by November first. The Department of Commerce will post these reports on their website.

***Proviso 50.21: This proviso authorizes the Department of Commerce to use the Rural School District and Economic Development Closing Fund for economic development, water and sewer infrastructure, and school building infrastructure. The fund must be used to facilitate economic development and infrastructure improvements in counties that contain a school district that has been defined by the Department of Education as having a poverty rate greater than or equal to 86%. The counties in which these funds will be spent must meet each of the following criteria: (1) one of the top twelve counties in South Carolina with the highest population decline (by percentage) since 2010; (2) one of the top twelve counties with the highest average unemployment rate for 2018; and (3) according to the US Census 2017 - a county with a poverty rate in excess of twenty percent. Once a project is committed, the funds may be utilized to finish that specified project, even if the county does not remain an eligible county in subsequent years. Of the funds transferred to the fund, up to \$15,000,000 may be used in any county that is contiguous to an eligible county as long as that contiguous county has one county-wide consolidated public school district. Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes. Proviso 112.9 adds \$65 million in excess debt service to this fund.**

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

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

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

Proviso 59.15: A county or municipality may retain carry forward victim service fine and fee funds, but no more than the greater of \$25,000 or 10% of funds collected in the prior fiscal year. If a county or municipality does not spend at least 90% of these funds during the fiscal year that the funds are received then they are to remit any unspent funds that are greater than the allowed carried forward funds, to the State Victim Assistance Program (SVAP) within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or municipality. The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority one and priority two funds and funds available for competitive bid. *The proviso was amended to provide that a county or municipality may be exempt from the remittance requirements of this proviso upon submission of a plan to the State Crime Victim Compensation Department that meets the statutory requirements for the use of funds. A county or municipality must submit the report within 60 days after the end of the fiscal year. The State Crime Victim Compensation Department will review the submitted plan and advise the county or municipality of plan compliance with statutory requirements

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 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. A total of \$1.9 million was placed in the budget to expand the R&E centers at the Kirkland and MacDougall Housing Units. This proviso is intended to provide a solution to DOC not accepting its prisoners from local jails in a timely manner and it recognizes that DOC must comply with its statutory obligations.

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

***Proviso 67.14: The Department of Juvenile Justice must use carry forward funds to implement Act 268 of 2016, which raises the age for juvenile confinement from 17 to 18. The department must contract with local child-serving non-profit organizations and Judicial Circuit Solicitor's offices for community-based diversion and intervention services. The department will give preference to multi-agency and**

organizational collaborations that include stakeholders from the Family Court, Department of Education, Public Defenders' Offices, the Department of Mental Health, the Department of Social Services, and community based non-profits that utilize best practices

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

Proviso 84.15: This proviso authorizes DOT to transfer a portion of the proceeds of the motor fuel user fee received from § 12-28-310(D) to satisfy the donor bonus for County Transportation Committees outlined in § 12-28-2740(H). Section 12-28-310(D) is the phased-in 2 cent per year motor fuel increase, which is directed in statute to the Infrastructure Maintenance Trust Fund.

***Proviso 86.1: This proviso provides that the requirement of § 13 of Act 40 of 2017 for increased funding to the County Transportation Committees shall come from the proceeds of the increase in the Motor Fuel User Fee, and shall be used exclusively for repairs, maintenance, and improvements to the state highway system.**

Proviso 93.14: The Department of Administration (DOA) is to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 radio system. DOA is to establish the level of required match each year based on the funding provided.

Proviso 98.9: If the State Treasurer receives an audit report from a county that contains a significant finding related to court fine reports to the State Treasurers Office, the requirements of Proviso 117.50 shall be followed if an amount due is specified. Proviso 117.50 is the assessment audit proviso. The requirements of 117.50 are that if the error is determined to have been made by the county or municipal treasurer's office, the State Auditor shall notify the State Department of Crime Victim Compensation for the crime victim portion and the chief administrator of the county or municipality of the findings and, if full payment has not been made by the county or municipality within ninety days of the audit notification, the State Treasurer is directed to adjust the authority's aid to subdivisions funding in an amount equal to the amount determined by the State Auditor to be the state's portion.

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

***Proviso 100.21: This proviso authorizes the Emergency Management Division to utilize existing fund balances to provide the non-federal cost share to state and local**

government entities for work that is eligible under the FEMA Public Assistance Program for Hurricane Florence.

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

Finally, the proviso directs the Emergency Management Division to use \$500,000 authorized by Proviso 100.21 in Act 264 of 2018 for grants for non-profit entities. These funds were allowed to be carried forward and used for the same purpose in Fiscal Year 2019-20.

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

Proviso 101.7: County Board of Voter Registration and County Election Commissioners are to receive a common curriculum on the duties and responsibilities of such boards and commissions. The State Election Commission must withhold the stipend of members if they do not complete the training and certification program or fail to complete at least one training course in a year. Additionally, the Commission shall make the courses available in various locations including the upstate, coastal, and midlands areas of the state.

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

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

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

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

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

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

***Proviso 108.6: The employer premium contributions to the State Health Plan will not increase for FY 2019-2020.**

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

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

***Proviso 109.14: This proviso prohibits a private, third party entity from assessing or collecting business license taxes or requiring a business entity to remit confidential business license tax data to that private third party on behalf of counties or municipalities. This proviso does not prohibit a county or municipality from contracting with a third party entity in assisting in the collection of business license taxes. Assisting in the collection of business license taxes is defined as identification of businesses that do not have a business license, providing that identification to a county or municipality and/or providing by United States mail official municipality or county business license forms, along with a self-addressed envelope containing the county or municipality address, to identified businesses on behalf of the county or municipality; but does not include collecting personal or proprietary information from the identified business. A third party assisting in the collection of business license taxes as defined in this proviso is prohibited from any further contact with the business. This proviso shall not prohibit a county or municipality from contracting with a third party entity solely for the purpose of providing payment processing services for the acceptance of business license tax payments. The proviso also establishes a study committee to study reform and implementation of a third party collection system.**

Proviso 113.3: This proviso, which provides for the salary supplements for clerks of court, probate judges, coroners, sheriffs, registers of deeds, auditors, and treasurers, states that a county can reduce the expenditures in the operation of these officials' offices, after

consultation with the officer, without any required corresponding reduction in the county's state aid to subdivisions distribution. This proviso also exempts the salary supplements for clerks of court, probate judges, sheriffs, registers of deeds, coroners, auditors, and treasures from across the board cuts mandated by the Budget and Control Board or General Assembly.

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

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

Proviso 113.6: Any appropriation made by a county or city to an entity must appear as a separate and distinct line item in the budget. The proviso requires the county or city to require any entity that receives an appropriation from the local government to provide a detailed description of the purposes for which the appropriation was used. This proviso also states that a political subdivision may not accept any funds from organizations as defined in Agenda 21, adopted by the United Nations in 1992 at its Conference on Environment and Development, without posting certain information regarding the funding on the political subdivision's website for 10 days.

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

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

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

Proviso 117.50: This proviso is the assessment audit proviso, partially explained in Proviso 98.9 above. This proviso authorizes the State Department of Crime Victim Compensation

to perform an audit on any entity that receives victim assistance money, to ensure that victim fine money is spent in accordance with the statute. The proviso states that guidelines for the expenditure of funds shall be developed by the Victims Services Coordinating Council. However, the proviso further states that the council shall develop these guidelines "to ensure any expenditure which meets the parameters of Title 16, Article 15 is an allowable expense."

Proviso 117.86: 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 117.98: 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 117.99: 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 117.101: Counties are authorized to enter into MOU's to provide recreational activities and projects that benefit the citizens of the respective counties.

Proviso 117.103: 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 117.105: If a county or city fails to remit fine and fee money for two consecutive months in a fiscal year, or if the finance director fails to certify by July 1 that the county and/or city has remitted all funds, the Criminal Justice Academy may withhold services to the political subdivision.

Proviso 117.114: 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 117.124: This proviso states that The General Reserve Fund, Capital Reserve Fund, Debt service, the Local Government Fund, and Tax Relief Trust Fund shall be excluded from the calculation of any across the board base reduction mandated by the Department of Administration, Executive Budget Office or the General Assembly and shall not be subject to any such reduction.

***Proviso 117.128: This proviso states that any improvements made to real property or personal property used as a residence, such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015, Hurricane Matthew of 2016, or Hurricane Florence of 2018 after the event and before June 30, 2020, is not considered an improvement and does not require a re-appraisal. This provision only applies if because of the catastrophic weather event, the improvements made to the property were funded by the United States Department of Housing and Urban Development Block Grant - Disaster Recovery program. This provision also applies if, at the discretion of the county and using qualifications determined by the county, the improvements were made with the assistance of a volunteer organization active in disaster, or a similar volunteer organization.**

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

***Proviso 117.131: This proviso is intended to direct funding to offset some of the costs of the required local government employer retirement contribution. The proviso directs that funds appropriated to PEBA for the South Carolina Retirement System Trust Fund and the Police Officers' Retirement System Trust Fund shall be credited towards the contributions due from participating employers in SCRS and PORS.**

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

No credits shall be issued for:

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

***Proviso 117.133: This proviso amends the Opioid Abuse Prevention and Treatment Plan to authorize the Department of Health and Human Services to provide up to**

\$500,000 to a county with a disproportionately high number of opioid-related overdoses and deaths for the development of a local continuum of substance and behavioral health service coordination within the target county.

Proviso 117.142: This proviso authorizes state agencies, state institutions, and political subdivisions to obtain state and national criminal history background checks and investigations performed by the State Law Enforcement Division (SLED) and the Federal Bureau of Investigation (FBI) on all employees and contractors with access to federal tax information. SLED is authorized to conduct fingerprint-based state and national background checks for state agencies, state institutions, and political subdivisions which have access to federal tax information.

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

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

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

Proviso 117.144: This proviso requires SLED to publish an Immigration Compliance Report (ICR). SLED may conduct investigations necessary to ensure the accuracy of information provided by counties and municipal governments within the ICR. The ICR shall contain a list of county and municipal governments that SLED has certified to be compliant with sections 17-13-170(E) and 23-3-1100, as well as compliance with any federal laws related to the presence of an unlawful person in the United States in the previous fiscal year. The ICR must be provided to the General Assembly, the Governor, and the State Treasurer by December thirty-first of the current fiscal year. The State Treasurer shall withhold any remaining disbursement from the Local Government Fund to any county or municipality that is not certified as "compliant" in the ICR.

***Proviso 117.152: This proviso directs the Department of Commerce to transfer any funds remaining from the appropriation it received through Act 97 of 2017 for 2015 - Non-CDBG - Disaster Recovery to the Department of Administration which shall utilize these funds for any disaster recovery program.**

***Proviso 117.157: This proviso provides that the salary for a magistrate must be calculated using the circuit judge's salary that was in effect for fiscal year 2018-2019.**

***Proviso 117.158:** This proviso transfers the funds for the purchase of a new voting machine system and for refurbishment of the current voting system from the State Election Commission to the Department of Administration.

***Proviso 117.165:** This proviso directs the Department of Motor Vehicles (DMV) to consult with the Department of Revenue (DOR) and any association representing taxpayers subject to, or entities imposing, the road use fee to determine the most efficient manner to implement a standardized system whereby the DMV collects all fees owed by commercial motor vehicles operating solely intrastate, including fees imposed by local government. The system must allow a payment plan option to allow these commercial motor vehicles to pay the infrastructure maintenance fee in multiple installments. The plan must include a fiscal impact statement, prepared by the Revenue and Fiscal Affairs Office, detailing the costs associated with the plan. The Department of Motor Vehicles shall submit the plan for the standardized system by December 1, 2019, to the General Assembly.

ACT No. 136

R. 141, H. 3967

EFFECTIVE DATE: MAY 14, 2020

This Act adds § 24-13-35 and details if or when a pregnant inmate may be restrained, provides for the method of restraint when restraint is permitted, and provides for other considerations for pregnant inmates. The other considerations provide that local detention facilities must not conduct invasive body cavity searches of a known pregnant inmate unless reasonable; must provide sufficient food, dietary supplements and feminine hygiene products to known pregnant inmates; must not assign known pregnant inmates to any bed more than three feet from the floor; and must limit bodily inspections of female inmates by male officers when practical. Pursuant to this act, indigent inmates must be provided hygiene products at no cost. This act also limits a detention facility's liability if the facility is unaware that a female inmate is pregnant.

ACT No. 137

R. 142, H. 3998

EFFECTIVE DATE: MAY 14, 2020

This Act adds § 12-6-3795 and enacts the "Workforce and Senior Affordable Housing Act." This Act provides a tax credit for those who develop low-income housing.

ACT No. 139

R. 144, S. 455

EFFECTIVE DATE: MAY 26, 2020

This Act enacts the "Armed Services Members and Spouses Professional and Occupational Licensing Act" by allowing active duty military personnel and their spouses to be exempt from state occupational licensing requirements if they maintain a valid occupational license

in another state. The following code sections were added or amended to achieve this goal: §§ 25-1-170; 40-1-630; 40-1-640; 40-33-20; and 40-33-34.

ACT NO. 141

R. 146, H. 3200

EFFECTIVE DATE: JULY 25, 2020

This Act adds § 41-1-130 and enacts the “South Carolina Lactation Support Act.” Pursuant to this Act, employers shall provide employees with reasonable break times (paid or unpaid) to express breast milk. Further, employers are required to make reasonable efforts to provide certain areas where employees may express breast milk; however, the employer would not be required to make structural changes to the facility in order to accommodate the employee.

ACT NO. 142

R. 148, H. 5202

EFFECTIVE DATE: JUNE 25, 2020

This Act authorizes the expenditure of federal funds disbursed to the State from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Through the CARES Act, the United States appropriated \$1.996 billion to South Carolina for COVID-19 related expenses incurred between March 1 - December 30, 2020. Governor Henry McMaster created accelerateSC to help determine how the funds should be allocated throughout the state.

This Act provides for Phase I of CARES Act authorizations. Pursuant to this Act, the Executive Budget Office within the Department of Administration was authorized to provide \$270 million to state and local governments. Further, the Office of Regulatory Staff was authorized to receive \$50 million to secure a vendor for the development of a broadband statewide county-by-county mapping plan and to secure a vendor for the development of a statewide broadband infrastructure plan.

ACT NO. 143

R. 149, H. 5305

EFFECTIVE DATE: SEPTEMBER 16, 2020

This Act allows a person to use COVID-19 as an excuse to vote by absentee ballot in the 2020 general election. Completed applications for absentee ballots must be received by the county board of elections and voter registration before 5:00 p.m. on Saturday, October 24, 2020, if submitted by mail; 5:00 p.m. on Friday, October 30, 2020, if submitted in-person, or by a voter’s authorized representative; or 5:00 p.m. on Monday, November 2, 2020, for a voter who appears in-person to vote absentee at the county office of elections and voter registration. If a voter is admitted to a hospital as an emergency patient from Friday, October 30, 2020, through Tuesday, November 3, 2020, an immediate family member may obtain an application for absentee ballot on Election Day, complete it, deliver it to the

patient to vote, and then personally carry it back to the county office. County offices must allow for in-office absentee voting beginning on October 5, 2020.

In addition, this Act allows county boards of election and registration to begin the process of examining the return-addressed envelopes at 7:00 a.m. on Sunday, November 1, 2020. They can then begin tabulating absentee ballots on Tuesday, November 3, 2020, at 7:00 a.m. However, the results of the absentee ballot tabulation must not be publicly reported until after the polls are closed. The Election Commission is charged with establishing an aggressive voter education program regarding these provisions. The provisions of H. 5305 will only apply to the 2020 general election.

ACT NO. 145

R. 151, S. 207

EFFECTIVE DATE: SEPTEMBER 28, 2020

This Act amends §§ 12-43-220 and 12-37-220 to allow a person who is receiving the four percent owner-occupied assessment ratio and becomes a patient of a nursing home or community residential care facility to retain the four percent assessment ratio while they are a patient of the facility. The person must intend on returning to their home and may not rent the home out for more than seventy-two days in any calendar year. Further, a property tax exemption is created for all property of nonprofit housing corporations or instrumentalities of these corporations, including leasehold interests in and improvements to the property, as long as the property is devoted to providing housing to low income or very low income residents; however, the safe harbor provisions of Revenue Procedure 96-32 issued by the IRS must be satisfied to qualify for the exemption. The definition of “redevelopment project” is updated to include affordable housing projects where all or a part of new property tax revenues generated in the tax increment financing district are used to provide or support publicly and privately owned affordable housing in the district or is used to provide infrastructure projects to support publicly and privately owned affordable housing in the district.

ACT NO. 146

R. 152, S. 217

EFFECTIVE DATE: SEPTEMBER 28, 2020

This Act amends § 6-1-730 to allow all local governments to use hospitality taxes for flooding issues. Due to interruptions and delays in local government operations caused by COVID-19, a local government that has a comprehensive plan due December 31, 2020, may delay submission of that plan until December 31, 2021.

ACT NO. 163

R. 153, S. 259

EFFECTIVE DATE: SEPTEMBER 29, 2020

This Act enacts the “Disaster Relief and Resilience Act” and creates the South Carolina Office of Resilience by adding Chapter 62 to Title 48 of the Code. The Office of Resilience

will be governed by a Chief Resilience Officer and must develop, implement, and maintain the Statewide Resilience Plan with a goal of coordinating statewide resilience and disaster recovery efforts with federal, state, local and non-governmental entities. The Act also establishes the South Carolina Disaster Relief and Resilience Reserve Fund that will be used to maintain the Statewide Resilience Plan and for disaster relief assistance, hazard mitigation, and infrastructure improvements.

This Act also creates the South Carolina Resilience Revolving Fund, which will be governed by the Disaster Recovery Office within the Office of Resilience. These funds will be used to provide low interest loans to counties and other governmental entities to buy out homes that have sustained repetitive damage from floods. Damages must be more than \$1000 per occurrence to qualify for the fund. The fund also has certain incentives for relocating residents in areas outside of the floodplain for a specific period. The acquired properties must be turned into open space and some type of floodplain restoration must be conducted on the properties.

Another notable component of the Act requires an additional element that must be included in a local comprehensive plan under Section 6-29-510(D) of the SC Code relating to resiliency. The additional element must consider the impacts of flooding, high water, and natural hazards on individuals, communities, institutions, businesses, economic development, public infrastructure and facilities, and public health, safety and welfare. This includes an inventory of existing resiliency conditions, promotes resilient planning, design and development, and is coordinated with adjacent and relevant jurisdictions and agencies. "Adjacent and relevant jurisdictions" and agencies means those counties, municipalities, public service districts, school districts, public and private utilities, transportation agencies, and other public entities that are affected by or have planning authority over the public project. "Coordination" means written notification by the local planning commission or its staff to adjacent and relevant jurisdictions and agencies of the proposed projects and the opportunity for adjacent and relevant jurisdictions and agencies to provide comment to the planning commission or its staff concerning the proposed projects. Failure of the planning commission or its staff to identify or notify an adjacent or relevant jurisdiction or agency does not invalidate the local comprehensive plan and does not give rise to a civil cause of action. This element shall be developed in coordination with all preceding elements and integrated into the goals and strategies of each of the other plan elements.

ACT NO. 147

R. 155, S. 545

EFFECTIVE DATE: SEE BELOW

This Act amends § 12-39-70 by requiring a county auditor to use a specific form relating to the appraisal and assessment of personal property. This Act also updates the reference of the Internal Revenue Code. Businesses receiving loans under the Paycheck Protection Program (PPP loans) would have the loans excluded from gross income for state income tax purposes as well as mirror state deductions with any allowable federal deductions of expenses associated with the forgiven PPP loans.

This Act takes effect upon approval by the Governor but will apply to property tax returns due after December 31, 2020. The Governor signed this bill into law September 28, 2020.

ACT NO. 149

R. 158, S. 753

EFFECTIVE DATE: SEPTEMBER 28, 2020

This Act amends § 38-7-20 by transferring one percent of the revenue from insurance premium taxes to the V-SAFE program run by the Office of the State Fire Marshal and under the administration of the Department of Labor, Licensing and Regulation. The Act also requires the State Treasurer to transfer any funds in the aid to fire districts account that are attributable to insurance premium taxes to the V-SAFE Program.

ACT NO. 168

R. 165, S. 1071

EFFECTIVE DATE: JULY 1, 2021

This Act adds § 23-9-197 to establish a supplemental insurance policy for a firefighter diagnosed with cancer. To qualify for the supplemental insurance, a firefighter must have served in a South Carolina fire department for at least 5 continuous years and been in active service within 10 years of the diagnosis. The policy provides for up to \$12,000 annually to a firefighter for any out of pocket medical expenses to include deductibles and copayments; a one-time benefit of \$20,000 upon the firefighter's initial diagnosis; and a \$75,000 death benefit. This supplemental policy is contingent upon funding.

ACT NO. 154

R. 170, H. 3210

EFFECTIVE DATE: SEPTEMBER 25, 2020

This Act provides for Phase II of CARES Act authorizations for reimbursements of expenditures made between July 1, 2020 and December 30, 2020. Pursuant to this Act, the Executive Budget Office within the Department of Administration is authorized to provide:

- State and local governments and independent colleges and universities: \$115,000,000
- Unemployment Trust Fund: \$420,000,000
- DHEC – Statewide COVID-19 Testing and Monitoring: \$73,022,613
- MUSC – Statewide COVID-19 Testing: \$20,150,000
- Non-profit Relief Programs – Grants: \$25,000,000
- Minority and Small Business Relief: \$40,000,000 (Small business is defined as a business with 25 or fewer employees)

Pursuant to this Act, counties are required to submit applications for reimbursement on or before November 15, 2020. Counties should coordinate expenditure reimbursements through, and in consultation with, the Department of Administration and the grant manager by submitting information “sufficient to identify other COVID-19 related funding that they

are receiving, regardless of the source, and provide a detailed accounting of how the funding is being used.” Additionally, the Executive Budget Office may provide any leftover funds to county governments based on a priority list. Pursuant to this Act, for FY 2020-21, the earning limitation does not apply to SCRS or SCPORS retirees who return to covered employment in response to COVID-19.

ACT No. 173

R. 174, H. 3596

EFFECTIVE DATE: SEE BELOW

This Act amends §12-43-220 by reducing the amount of rollback taxes due when agricultural property is changed to another use from five years to three years. This Act only applies to property changes from agricultural use after 2020.

This Act was signed by the Governor on September 29, 2020, and will take effect January 1, 2021.

ACT No. 174

R. 175, H. 3755

EFFECTIVE DATE: SEPTEMBER 30, 2020

This Act extends the twelve-month redemption period to redeem property sold at a delinquent tax sale in 2019 by another twelve months. Pursuant to this Act, if the property is redeemed during the twelve-month extension, additional interest shall accrue in the same manner and rate as interest accrues in the original redemption period as provided in § 12-51-90(B).

ACT No. 175

R. 176, H. 3780

EFFECTIVE DATE: SEPTEMBER 29, 2020

This Act adds Article 25 to Chapter 9, Title 58 to enact the “Broadband Accessibility Act.” This Act encourages South Carolina’s electric cooperatives to offer high-speed internet by partnering with private telecommunication businesses to finance and build the necessary lines. The Act allows broadband affiliates to offer retail broadband services using existing electric cooperative easements and existing infrastructure to over 1.5 million citizens across rural areas of the state. The Office of Regulatory Staff is also vested with the authority and jurisdiction to make inspections, audits, and examinations to ascertain compliance with all administrative guidelines contained in the Act.

ACT No. 176

R. 180, H. 4431

EFFECTIVE DATE: SEE BELOW

This Act adds Article 3 to Chapter 1, Title 6 to enact the “South Carolina Business License Standardization Act.” Business license tax due dates, collection methods, processes for appeal, and implementation are all standardized pursuant to this Act.

Those paying a business license tax may now use an online payment portal administered by the South Carolina Revenue and Fiscal Affairs Office (RFA). A standardized business license schedule shall be adopted by taxing jurisdictions by December 31 of every odd year. The schedules will be recommended by the Municipal Association and approved by the RFA; however, taxing jurisdictions may still adopt some sub-classifications. Further, taxing jurisdictions may contract with a third party to assist in the collection of business license taxes. Any such contract may include a contingency fee based on a percentage of taxes collected; however, the third party is subject to oversight from the Department of Consumer Affairs.

Section 6-1-420 of this Act dealing with contracting with third parties became effective on September 30, 2020. The remainder of the Act will take effect January 1, 2022.

ACT No. 178

R. 187, H. 4945

EFFECTIVE DATE: SEPTEMBER 29, 2020

This Act amends § 48-39-290 by allowing for certain erosion control structures to have the damage assessment based on a single distinct continuous seawall or bulkhead rather than on a lot by lot basis.

ACT No. 179

R. 190, H. 4262

EFFECTIVE DATE: SEPTEMBER 29, 2020

This Act adds Article 5 to Chapter 11, Title 58 to enact the “Small Wireless Facilities Deployment Act,” which is intended to accelerate the placement of small cell technology in South Carolina. Small cells “boot strap” off cellular towers to provide greater capacity to users within a dense community. Therefore, this Act is aimed at allowing wireless providers to readily place this technology in municipalities. Generally, the more rapid placement of technology in dense communities allows the providers to then move this technology into rural areas. Additionally, small cell technology allows less stress to be placed on existing cellular towers, which should enhance the ability for these towers to serve communities outside municipalities. Local governments may prohibit the installation of small cell technology within their jurisdiction if certain guidelines contained in the bill are met. The Act requires small cell facilities to pay for the relocation costs of poles and structures when the county engages in a road widening or repair project.

Appendix

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

ACT No. 122

R. 124, S. 919

EFFECTIVE DATE: MARCH 15, 2020

This Act amends § 7-7-110 by adding the New River, Palmetto Bluff, and Sandy Pointe voting precincts and by redesignating the voting precincts in Beaufort County.

ACT No. 123

R. 125, S. 920

EFFECTIVE DATE: MARCH 15, 2020

This Act amends § 7-7-330 by adding the Hardeeville 3 and the Okatie 2 voting precincts and by redesignating the voting precincts in Jasper County.

ACT No. 124

R. 126, S. 1003

EFFECTIVE DATE: MARCH 15, 2020

This Act amends § 7-7-360 by eliminating the Brewton and Princeton voting precincts and to establish the Brewton-Princeton voting precinct.

ACT No. 130

R. 135, H. 4944

EFFECTIVE DATE: MARCH 15, 2020

This Act amends § 7-7-490 by redesignating the voting precincts in Spartanburg County.

ACT No. 153

R. 169, S. 1263

EFFECTIVE DATE: SEPTEMBER 28, 2020

This Act amends § 7-7-340 by merging the East Camden-Hermitage precinct with the Camden 6 precinct into one Camden 6 precinct and to merge the Gates Ford precinct with the Buffalo precinct to create one Buffalo precinct in Kershaw County.

ACT No. 159

R. 182, H. 5149

EFFECTIVE DATE: JANUARY 1, 2021

This Act amends § 7-7-480 by redesignating the voting precincts in Saluda County.

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