

2022 Acts That Affect Counties



South Carolina
Association of Counties

FOREWORD

2022 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 2022 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 2022 session. It is important to consult your county attorney when you have a question regarding the law.

2022 was the second half of the two-year 124th General Assembly. Any legislation that did not pass before the end of the 2022 session will need to be filed again in the 2023 session to be considered. The General Assembly reconvenes in January of 2023.

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 2022. 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. 118

R. 121, S. 865

EFFECTIVE DATE: JANUARY 26, 2022

This Act adds § 7-19-45 to the 1976 South Carolina Code of Laws (Code of Laws) to establish new boundaries for the seven congressional districts based on the 2020 Census.

ACT NO. 119

R. 119, S. 525

EFFECTIVE DATE: JANUARY 27, 2022

This Act amends § 44-96-40 and § 44-96-50 of the Code of Laws by updating definitions relating to solid waste to define necessary terms pertaining to advanced recycling and advanced recycling facilities. Advanced recycling is a manufacturing process where post-use polymers and recovered feedstocks are converted into basic hydrocarbon raw materials, such as waxes or lubricants, through pyrolysis gasification and other similar technologies. Advanced recycling is further defined so that it is not considered to be incineration, combustion, energy recovery, or treatment. The Department of Health and Environmental Control (DHEC) is given regulatory authority over this new type of facility.

This Act also amends § 44-96-250 to further define financial responsibility mechanisms to include insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposits, financial tests, and corporate guarantees as determined by DHEC.

This Act also amends § 44-96-290, relating to solid waste facilities, to require that advanced recycling facilities must demonstrate financial responsibility as a condition of permitting. To demonstrate financial responsibility, these facilities must establish a cash trust fund under the control of DHEC or obtain a surety bond for which DHEC is the sole beneficiary. The financial assurance must be sufficient to meet all reasonably foreseeable costs of clean up, environmental remediation, firefighting, ground water or surface water contamination, public health impacts, relocation costs, and any other reasonably foreseeable costs associated with the operation, management, or abandonment of any pyrolysis or gasification facilities. DHEC must also issue a report to the General Assembly on or before the second anniversary of the effective date of this Act. The provisions of sections two and three terminate on the fifth anniversary of the effective date of this Act.

Another notable component of this Act is that it amends § 48-1-50 by requiring DHEC to submit regulations within 120 days after the effective date of the Act. These regulations will guide all South Carolinians invested in selling, installing, or using solar panels and energy storage system batteries regarding the management of the end-of-life of such components and the decommissioning of solar projects that are in excess of 13 acres. DHEC is required to collaborate with stakeholders and must consider certain criteria when developing the regulations.

ACT NO. 128

R. 136, H. 3821

EFFECTIVE DATE: APRIL 4, 2022

This Act repeals the “Uniform Gift to Minors Act” and adds § 63-5-601 et seq. to the Code of Laws to enact the “South Carolina Uniform Transfers to Minors Act.” This Act expands the types of properties that may be transferred for the benefit of a minor to include real estate, paintings, royalties, and patents, among other items. The property becomes available to the minor at the age of majority as established in the state.

ACT NO. 132

R. 142, H. 3730

EFFECTIVE DATE: APRIL 11, 2022

This Act amends § 56-5-2710 of the Code of Laws by providing additional circumstances that require a driver to stop a vehicle when approaching a railroad grade crossing to include the presence of other on-track equipment in addition to a railroad train.

ACT NO. 134

R. 144, H. 4618

EFFECTIVE DATE: APRIL 11, 2022

This Act amends § 56-5-2720 of the Code of Laws by requiring all drivers or operators of buses transporting passengers, as well as other specified types of vehicles, to stop at railroad grade crossings. The term bus is defined, for the purposes of this section, as a motor vehicle designed or used to transport more than eight passengers for compensation, or a motor vehicle designed or used to transport more than 15 passengers without compensation.

ACT NO. 135

R. 145, H. 4904

EFFECTIVE DATE: APRIL 11, 2022

This Act amends § 47-3-420 of the Code of Laws to authorize an animal shelter or governmental animal control agency to obtain sodium pentobarbital or a derivative or tranquilizing agent by direct licensing. The animal shelter or governmental animal control agency must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from DHEC. If an animal shelter or governmental animal control agency is issued a certificate by the DEA and a registration by DHEC pursuant to this subitem, the animal shelter or governmental animal control agency director or his designee are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter or governmental animal control agency and its certified euthanasia technician are subject to inspection and audit by DHEC and the DEA regarding the recordkeeping, inventory, storage, and administration of the controlled substances used under the authority of this Act.

ACT NO. 141

R. 155, H. 3105

EFFECTIVE DATE: APRIL 25, 2022

This Act adds § 1-33-10 et seq. to the Code of Laws, relating to the "South Carolina Religious Freedom Act," so as to provide that religious services are deemed an essential service during a state of emergency and must be allowed to continue operations throughout the state of emergency.

ACT NO. 142

R. 156, H. 3126

EFFECTIVE DATE: APRIL 25, 2022

This Act adds § 11-1-130 et seq. to the Code of Laws to prohibit the state or any political subdivision, including school districts, from requiring a COVID-19 vaccine mandate for any employee or student, unless there is a federal requirement to do so. Under the Act, if there is a federal requirement for a COVID-19 vaccine mandate for employees or COVID-19 testing, then an employer may allow testing in lieu of the vaccine. The DHEC and the Medical University of South Carolina shall partner with state and local government employers to provide COVID-19 testing. This Act specifically includes and defines first responders as a law enforcement officer, firefighter, emergency medical technician, or paramedic who is paid from public funds. A religious exemption or medical exemption must be honored regarding any COVID-19 vaccine or booster requirement. Additionally, an employee who is fired for failure to get vaccinated may receive unemployment benefits if the employer has no alternative than to terminate the employee or forfeit federal funds.

The Act also adds § 8-15-80 to prohibit the state or any political subdivision from terminating, suspending, or otherwise reducing the compensation of any person employed as a first responder if the first responder does not undergo a COVID-19 vaccination. Section 10 of this Act reenacts Act 99 of 2021, for all actions arising between March 13, 2020, and December 31, 2023. Act 99 of 2021 established a safe harbor from coronavirus claims for businesses, governmental entities, healthcare facilities, and their employees from March 13, 2020, through June 31, 2021. This safe harbor only applies if public health guidance is followed. This Act extends this safe harbor through December 31, 2023. All provisions of this Act are repealed on December 31, 2023, unless reauthorized by the General Assembly.

ACT NO. 144

R. 158, H. 3524

EFFECTIVE DATE: SEE BELOW

This Act amends § 58-7-10 of the Code of Laws by extending the current moratorium on intrastate, unregulated, for-profit pipelines from attempting to exercise the use of eminent domain as granted under § 58-9-2030 through June 30, 2024. This Act took effect on April 25, 2022, and the sunset provision will remain in effect until June 30, 2024, unless the General Assembly reinstates the language of § 58-7-10(B) or otherwise extends the sunset before that date.

ACT NO. 145

R. 159, H. 3773

EFFECTIVE DATE: APRIL 25, 2022

This Act amends § 44-23-10 and § 44-23-430 of the Code of Laws by allowing individuals found unfit to stand trial, but who are likely to become fit in the foreseeable future, to undergo restoration treatment provided by the Department of Mental Health (DMH) for up to 180 days. This Act also gives DMH the discretion to provide restoration treatment at a hospital or detention facility if an individual is detained, or in a hospital or outpatient basis if the individual is out on bond. Subject to the provisions of § 44-23-460, individuals facing criminal charges and hospitalized while undergoing the restoration treatment provided for under this Act, shall have all the rights and privileges of other involuntarily hospitalized persons. A detention center has the option of whether or not to allow a detained individual to receive the restoration treatment while in the detention facility.

ACT NO. 149

R. 164, S. 11

EFFECTIVE DATE: OCTOBER 1, 2022

This Act adds § 8-11-150 to the Code of Laws to define terms and provides circumstances for paid parental leave for eligible state employees due to birth, adoption, or foster care of a child. Any person employed by the state, its departments, agencies, or institutions who gives birth to a child is entitled to six weeks of paid parental leave. Two weeks of paid parental leave will also be provided for the co-parent of a newborn. The Act also amends § 8-11-155, relating to the use of sick leave to care for an adopted child, to provide two weeks of paid parental leave for the placement of a child with the employee for adoption or foster care.

ACT NO. 150

R. 165, S. 108

EFFECTIVE DATE: SEE BELOW

This Act adds § 7-13-25 to the Code of Laws to provide a two-week period of no-excuse early voting prior to an election, including two Saturdays. County boards of voter registration and elections have the discretion to determine the location of early voting locations in each county but can have no more than seven locations based on the population of the county. For the 2022 statewide elections, each county board of voter registration and elections must identify each early voting center it intends to utilize and provide the locations to the State Election Commission Executive Director as follows: (1) for the primary election, no later than May 24, 2022; and (2) for the general election, no later than July 1, 2022. The Executive Director must approve any additions or changes to these early voting centers and may direct the movement of early voting centers to ensure proper distribution throughout each county. For statewide general elections, the early voting centers must be open from 8:30 a.m. until 6:00 p.m. on each day of the early voting period. For any election that is not a statewide general election or primary runoff election, the early voting centers must be open Monday through Friday from 8:30 a.m. until 5:00 p.m. during the early voting period. For any primary runoff election, the early voting centers must be open on the Wednesday

through Friday immediately preceding the election and must be open from 8:30 a.m. until 5:00 p.m. (Section 1)

Additionally, the Act provides for several election provisions such as no fusion voting (Section 2), a witness requirement for absentee ballots (Sections 3 and 6), qualifications for persons to vote absentee (Section 4), applications for absentee requests (Section 5), return and tabulation of absentee ballots (Section 8), a statewide voter registration database (Section 19), public reporting hotline (Section 22), election law challenges (Section 24), election results audits (Section 25), penalties for election offenses (Section 26), membership of the State Election Commission (Sections 27 and 28), and voter education program (Section 35). All sections shall take effect on May 13, 2022, except as provided in Section 2 (January 1, 2023) and Sections 3, 6 and 8 (July 1, 2022).

ACT. NO. 157

R. 200, H. 3325

EFFECTIVE DATE: JULY 1, 2022

This Act amends § 44-63-74 of the Code of Laws to remove physicians who certify fewer than 12 deaths per year and funeral homes that perform fewer than 12 funerals per year from the mandatory electronic filing of death certificates exemption list. All physicians and funeral homes will now be required to electronically file death certificates with DHEC's Bureau of Vital Statistics.

ACT NO. 164

R. 217, H. 4601

EFFECTIVE DATE: MAY 13, 2022

This Act adds § 6-1-2020 et seq. to the Code of Laws to require the governing body of each county to ensure that at least one licensed ambulance service is available within the county. The service may be provided by the county directly, by a license or franchise to a company, by a contract with another entity, by an intergovernmental agreement with one or more local governments, or by an agreement with a health care facility. Also, each local governing body may adopt and enforce reasonable regulations to control a private or non-profit ambulance service.

ACT NO. 166

R. 166, S. 152

EFFECTIVE DATE: MAY 16, 2022

This Act adds § 4-10-1010 et seq. to the Code of Laws to create the "County Green Space Sales Tax Act." This Act allows a county's governing body to impose a sales and use tax by ordinance, subject to a referendum at the time of the next general election in an even-numbered year, within the county areas for preservation procurements. Revenues collected pursuant to the Act may be used to defray debt service on bonds issued to pay for preservation procurements authorized in the Act and the authorization is in addition to any other locally imposed sales and use taxes.

ACT NO. 180

R. 185, S. 1103

EFFECTIVE DATE: MAY 16, 2022

This Act adds § 59-3-35 to the Code of Laws to require the State Department of Education (SDE) to provide in-home fingerprint and DNA identification kits to all school districts and open-enrollment charter schools. The identification kits must be distributed upon request to the parent or legal custodian of any kindergarten, elementary, middle, or high school student. The SDE shall not expend funds to procure identification kits unless such funds are expressly appropriated by the General Assembly.

ACT NO. 183

R. 199, H. 3271

EFFECTIVE DATE: MAY 16, 2022

This Act amends § 15-49-10 and § 15-49-20 of the Code of Laws to provide that a name change petition cannot be filed until a petitioner has resided in South Carolina for at least six months, with certain exceptions. A court may waive the six-month residency requirement if the petitioner provides evidence that they are a victim of domestic abuse, dating violence, harassment, sexual offenses, stalking, or other similar offenses. A petitioner's name change petition can also be sealed by the court upon request, if the court finds that the safety of the petitioner seeking the name change or the safety of the petitioner's child warrants sealing the file.

ACT NO. 188

R. 206, H. 3795

EFFECTIVE DATE: JANUARY 1, 2024

This Act enacts the "Sign Language Interpreters Act" by adding Chapter 84 to Title 40 of the Code of Laws. Certain governmental agencies such as county detention or correctional facilities, police stations, and courts must use sign language interpreters that have recognized certification. The Act defines recognized certification as certification in sign language interpretation as approved by the South Carolina Association of the Deaf, the South Carolina Registry of Interpreters for the Deaf, or the National Registry of Interpreters for the Deaf.

ACT. NO. 189

R. 209, H. 3948

EFFECTIVE DATE: MAY 16, 2022

This Act adds § 4-37-60 and amends § 4-37-40, § 4-10-310 and § 4-10-315 of the Code of Laws to allow a county which has imposed, by ordinance, a Transportation Penny Tax pursuant to Chapter 37, Title 4 to also conduct a referendum to impose a one percent Capital Project Sales Tax. This Act deletes the restriction that the area of the county can only be subject to one of those authorizations. The Act also adds § 4-10-315 and amends § 4-10-310 to allow counties with the Capital Project Sales Tax to conduct a referendum to impose the Transportation Penny Tax.

ACT NO. 196

R. 222, H. 4889

EFFECTIVE DATE: MAY 16, 2022

This Act adds § 40-79-215 to the Code of Laws to prohibit an alarm business or contractor from being fined or assessed a penalty by a local government for a false alarm not attributed to improper installation, defective equipment, or operational error by the alarm business contractor.

ACT NO. 199

R. 225, H. 4999

EFFECTIVE DATE: MAY 16, 2022

This Act amends § 44-56-200 of the Code of Laws, relating to hazardous waste cleanup, so as to provide standards for conducting certain cleanup, removal, remediation, or other responses. The requirements under this Act exempt any unit of local government that acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquired a title by virtue of its function as sovereign. The exemption does not apply to any local government that voluntarily acquires a facility or has caused or contributed to the release or threatened release of a hazardous substance from the facility.

ACT NO. 200

R. 226, H. 5000

EFFECTIVE DATE: MAY 16, 2023

This Act amends § 44-63-140 of the Code of Laws by allowing a person eighteen years of age or older who was born in the State of South Carolina and who has had his original certificate of birth sealed due to an adoption to, upon written request to the state registrar, receive a copy of his original birth certificate and any evidence of the adoption held with the original record, regardless of the date on which the adoption was finalized. The individual may receive the copy if a biological parent has completed a form consenting to the release of the original birth certificate or has provided notarized written consent to the release of the original birth certificate; or the adoptee brings to the registrar's office a certification from DHEC or an office of vital records in another jurisdiction certifying that a biological parent is deceased. This Act applies retroactively, regardless of the date on which the adoption was finalized.

ACT NO. 202

R. 228, H. 5075

EFFECTIVE DATE: SEE BELOW

This Act amends § 12-6-3795 of the Code of Laws by restricting the allocation of the state low-income housing tax credit (LIHTC) to \$20 million annually and defining specific areas and types of housing that must receive at least a minimum number of credits. The total amount of state LIHTC allocated to qualified developments using the federal nine percent LIHTC cannot exceed 40 percent of the \$20 million limit. Of those, not less than 50 percent of the state LIHTCs must be allocated to qualified developments in eligible rural areas, with the remainder allocated to developments serving elderly persons or individuals with special needs, workforce development,

and other qualified developments. State LIHTCs allocated to developments using the federal four percent LIHTC are subject to the availability and allocation of the state ceiling.

Provisions of the Act are effective for allocations of the state ceiling beginning January 1, 2022. For the first year of the Act's implementation, the state authority may adopt such special procedures as deemed necessary to affect the requirements of the Act.

ACT NO. 203

R. 229, H. 5144

EFFECTIVE DATE: MAY 16, 2022

This Act amends § 12-37-220(B)(10) of the Code of Laws to extend the property tax exemption given to telephone companies and rural telephone cooperatives to include property used in providing telephone services in rural areas, including mixed-use property, without regard to the extent to which such property is used in providing services in addition to telephone service in rural areas. The Act also extends the exemption to these companies regardless of the technology used including, but not limited to, the provision of broadband over a high-speed internet connection that allows the customer to access basic voice grade local service from the service provider of the customer's choice. The exemption provided by this Act applies to property tax years after 2021.

Act No. 212

R. 240, S. 1025

Effective Date: May 23, 2022

This Act amends § 44-63-80 of the Code of Laws to allow the Department of Social Services (DSS) to obtain certified copies of a birth certificate from DHEC without court orders or other third-party records, pursuant to the terms of a written agreement entered into between the two departments.

ACT NO. 213

R. 241, S. 1031

EFFECTIVE DATE: JUNE 22, 2022

This Act adds § 30-5-5 to the Code of Laws to provide that in order to hold the office of register of deeds, a person must be a U.S. citizen, must be a qualified elector of the applicable county, and must hold a four-year bachelor's degree or have four years of experience in law, real estate, accounting, or as an employee in a register of deeds office. They must also not have a pattern of failing to record documents in the office in the time and manner prescribed by law. Any register of deeds serving prior to the enactment of this Act is grandfathered from these requirements. The Act applies to both elected and appointed registers of deeds and allows an action to be brought by the Attorney General to remove a register of deeds who does not meet the qualification requirements or who has a pattern of not recording documents in a timely manner. This Act also amends § 30-5-90 to clarify that the register of deeds must record all documents within thirty days after their lodgment.

ACT NO. 215

R. 243, S. 1092

EFFECTIVE DATE: MAY 23, 2022

This Act amends § 23-23-60 of the Code of Laws to require a detention or correctional officer to be at least 18 years of age at the time of employment. The provisions of this Act do not apply to correctional officers employed by the Department of Juvenile Justice.

ACT NO. 218

R. 246, H. 3050

EFFECTIVE DATE: SEE BELOW

This Act amends § 23-23-40 of the Code of Laws to provide that beginning on July 1, 2022, a non-certified law enforcement officer shall only perform his duties while accompanied by a certified enforcement officer. The Act also amends § 23-23-150 to provide that failure by an officer to intervene when observing another officer physically or psychologically abusing members of the public or prisoners falls under the definition of "misconduct." The Act amends § 23-23-250 regarding the use of a "chokehold" and provides that such a method of restraint would be limited to justifiable uses only. The Law Enforcement Training Council shall develop and implement curricula and standards to address the justifiable lawful use of chokehold. The Act also adds § 23-23-85 to provide that the Law Enforcement Training Council will be responsible for establishing required minimum standards for all law enforcement agencies, including policies relating to "no-knock" warrants, implementation of body-worn cameras, vehicle pursuit standards, and more.

This Act adds § 23-23-160 to establish a Compliance Division to inspect, at least once every three years, the policies and procedures for every law enforcement agency. In addition, the Act amends § 23-23-100 to provide for civil fines if an agency is non-compliant and allows for the suspension of certification of every officer within an agency until the agency becomes compliant with the relevant policies and procedures. The Act amends § 23-23-60 to provide that candidates for law enforcement certification must submit evidence that they have signed an attestation form committing to ethical policing.

Finally, the Act amends § 16-23-20(1) to allow retired commissioned law enforcement officers to carry a handgun. Provisions to sections 4 and 5 of the Act regarding the Law Enforcement Training Council and the Compliance Division take effect on January 1, 2023, while the other sections took effect upon approval by the Governor on May 23, 2022.

ACT NO. 221

R. 249, H. 4075

EFFECTIVE DATE: MAY 23, 2022

This Act amends § 23-3-430 of the Code of Laws, relating to the sex offender registry, to amend the tiers currently provided for in law and to provide for the possibility of removal from the registry for individuals, including certain juveniles, under certain circumstances.

ACT NO. 222

R. 250, H. 5182

EFFECTIVE DATE: MAY 23, 2022

The Act adds § 11-58-10 et seq. to the Code of Laws to establish the "South Carolina Opioid Recovery Act." This Act is part of the requirement of the opioid lawsuit settlement for this state and the 46 counties and 43 municipalities that were a part of the lawsuit. The Act creates the Opioid Recovery Fund account within the State Treasurer's office. A Discretionary Subfund and a Guaranteed Political Subdivision Subfund are established within the Opioid Recovery Fund.

The Act also adds § 11-58-70 to create the South Carolina Opioid Recovery Fund Board which will administer and distribute appropriations from the Recovery Fund and the above mentioned Subfunds. The Board will be composed of nine members, five of which will be appointed by the Governor, Speaker of the House, and President of the Senate from a list provided by the South Carolina Association of Counties (SCAC), with at least one member selected from each of the South Carolina public health regions as defined by DHEC. One member will also be appointed by the Governor from a list provided by the Municipal Association of South Carolina (MASC).

Act No. 225

R. 256, S. 968

Effective Date: June 17, 2022

This Act adds § 25-11-85 to the Code of Laws to establish the "Veterans Service Organization Burial Honor Guard Support Fund" as a new fund created in the State Treasury. Revenues of the fund may include gifts, grants, federal funds, donations, and appropriations from the General Assembly. These funds are to be used to offset costs paid by organizations that provide honor guard burial details at the funerals of qualifying South Carolina veterans. In order to be a qualifying veteran, the individual must have served on active duty or been released from service in a manner other than dishonorable discharge. The South Carolina Department of Veterans' Affairs further indicates that a qualifying South Carolina veteran is a veteran who was a resident of South Carolina for at least five years. The Secretary of the South Carolina Department of Veterans' Affairs (Secretary) may disburse from the fund, in an amount not less than \$50, but not exceeding the per funeral cap established annually by the Secretary, for the purposes described in this section.

ACT NO. 227

R. 258, S. 1077

EFFECTIVE DATE: JUNE 17, 2022

This Act adds § 58-27-1100 et seq. to the Code of Laws to allow the Public Service Commission (PSC) to authorize an electric utility's issuance of securitized bonds to offset and reduce costs incurred for storm recovery activity. The PSC will be responsible for reviewing securitization mechanisms to determine approval, which may only be granted if the electric utility's use of this mechanism provides quantifiable net benefits to customers and will result in the lowest storm recovery charges. The Act further establishes the processes for the authorization of these bonds, and as part of the requirements, electric utilities will be required to provide functional exhibits and workpapers to the PSC and to the Office of Regulatory Staff (ORS) supporting any petitions,

testimony, and exhibits. A storm is defined in the legislation to mean individually or collectively, a named tropical storm or hurricane, a tornado, ice storm or snowstorm, flood, an earthquake, or other significant weather or natural disaster.

Act No. 228

R. 259, S. 1087

EFFECTIVE DATE: JUNE 17, 2022

This Act amends various sections of Chapter 6 of Title 12 of the Code of Laws to enact the "Comprehensive Tax Cut Act of 2022." The Act lowers the individual income tax marginal tax rate for the current four percent, five percent, and six percent brackets to three percent. The Act also lowers the current seven percent tax bracket to six and one-half percent in tax year 2022 with additional triggers that will lower the rate over time to six percent. This Act also amends § 12-6-1171(A) to exempt military retirement income from state income tax and applies to tax years beginning after 2021.

This Act also amends § 12-37-220(52) to codify a manufacturing property tax exemption by increasing the property valuation exemption to over 42 percent, effectively reducing the manufacturing property tax for qualified properties from nine percent to six percent. Any revenue loss to local governments resulting from the manufacturing property tax exemption will be reimbursed to political subdivisions from the Trust Fund for Tax Relief. Reimbursements to political subdivisions will be capped at \$170 million per year. In any year in which reimbursements are projected by the Revenue and Fiscal Affairs Office to exceed the reimbursement cap, the exemption amount shall be proportionally reduced so as not to exceed the cap. This exemption on manufacturing property applies to all property tax years beginning in 2022.

Act No. 234

R. 268, H. 4775

EFFECTIVE DATE: JUNE 17, 2022

This Act adds § 48-60-05 et seq. to the Code of Laws to establish a new statewide "Manufacturer Electronic Waste Recovery Program" for covered televisions and computer monitor devices, commonly referred to as E-Waste. Under the old program, manufacturers had to recycle 80 percent of the pounds sold, leaving counties to shoulder the cost of recycling any covered devices that remained at county facilities. The new program, as outlined in § 48-60-05 et. seq., requires manufacturers to recover all covered television and computer monitor devices from participating counties, providing significant cost savings to local governments associated with disposing of these devices.

Pursuant to § 48-60-57, beginning in program year 2023, the designee of a county including, but not limited to, a representative of a solid waste authority serving one or more counties, may elect to participate in the program by filing a written notice with the manufacturer electronic waste program and DHEC by August 1, 2022, and by May first each year thereafter for the upcoming program year.

The program requires participating manufacturers to collect all covered devices from their assigned coverage area. Manufacturers may meet this requirement through one day collection sites

or by establishing a number of permanent collections sites based on population thresholds within each participating county in their coverage area.

Pursuant to § 48-60-55(J)(1), local governments that receive recycling services from stewardship programs participating in the representative organization's plan to recycle covered television devices and covered computer monitor devices must not charge the manufacturer or the representative operating the stewardship program for collection costs and shall offer the manufacturer or its representative other covered devices collected by a participating local government at no cost.

Pursuant to § 48-60-62, the Act also provides protection to counties from financial liability once covered devices leave a county facility, which addresses issues that have occurred in the past where counties were sued for devices that were stored offsite. All stakeholders involved in the program will reconvene on June 1, 2026, to assess how the program is working and whether there need to be changes or updates to the program going forward. The Act provides for a sunset of the program in 2029.

Act No. 236

R. 252, S. 233

Effective Date June 22, 2022

Section 1 of this Act amends § 12-37-220(B)(1) of the Code of Laws to provide that a qualifying spouse of a totally and permanently disabled veteran, law enforcement officer, or firefighter may qualify for a property tax exemption in an instance where they do not own the house. The statute previously required that the house be transferred to the surviving spouse. The Act also provides the exemption to surviving spouses of those killed in action and to any structures owned by an otherwise qualified surviving spouse even if those structures are located on heirs' property.

Section 2 of the Act amends § 6-1-300(6) of the Code to provide that a service of user fee is valid if:

- (1) the revenue generated is used to the benefit of the payers, even if the general public also benefits;
- (2) the revenue generated is used only for the specific improvement contemplated;
- (3) the revenue generated by the fee does not exceed the cost of the improvement; and
- (4) the fee is uniformly imposed on all the payers.

This section amends § 6-1-330(A) to provide that any county that repealed their road use fee, raised property taxes in response, and subsequently reimposes their road use fee, will be required to lower property taxes by the amount previously raised. Counties must also post on the county website the amount of the fee and the amount of revenue collected annually by the fee. Notwithstanding § 8-21-30, et. seq, no public officer shall be personally liable for any amount charged pursuant to § 6-1-300(6) of the 1976 Code of Laws. This section applies retroactively to any user fee imposed after December 31, 1996.

Section 3 of the Act amends § 12-39-250(B) to require an adjustment in assessed value for real property and improvements which have sustained damage as a result of flooding or a hurricane,

provided that the application for correction of the assessment is made prior to payment of the tax. Wind events such as hurricanes and tornadoes are also included.

Section 3 also amends § 12-37-220(B)(14) of the Code to exempt all farm buildings and agricultural structures owned by a producer in this state that are used to house livestock, poultry, crops, farm equipment, or farm supplies from property tax beginning in tax year 2022. Currently, all farm machinery and equipment, excluding motor vehicles licensed for use on the highways, are exempt.

ACT NO. 239

R. 271, H. 5150

EFFECTIVE DATE: JULY 1, 2022

The Appropriations Act generally contains a number of temporary statutory provisions, which are referred to as provisos. Temporary provisos are effective only for the fiscal year addressed in the budget act and appear in Part IB of the Act, hence the label Part I provisos or temporary provisos. Many Part I provisos are adopted every year as part of the budget process with little or no changes, while others are truly temporary in nature and only appear for one or two years. The effective date of all Part IB provisos is the fiscal year in which the act has been passed, which in this case is FY 2022 - 2023.

Part IA:

Part IA contains the appropriation of recurring dollars. This year the General Assembly increased funding to the Local Government Fund (LGF) by \$12,583,080 statewide. This represents full funding to the LGF under the statutory formula. The budget also includes \$12 million for the rural stabilization fund, \$2 million more than was allocated last year.

Other funding of note in part 1A includes:

- \$72 million to cover a 3 percent base pay increase for all state employees, including county auditors and county treasurers, including \$45 million for a one-time \$1,500 bonus;
- \$37 million to cover the state's share of the 1 percent retirement contribution increase;
- \$101 million for the state's share of the state health plan, including expanded well visits;
- \$250 million to County Transportation Committees;
- \$750,000 for PTSD treatment for first responders;
- \$3.5 million for the Firefighter Cancer Benefit Plan;
- \$3 million to fund the V-SAFE program;
- \$850,000 for to the Department of Labor, Licensing and Regulation for EMT training
- \$373,000 for a mental health for incarcerated individuals pilot program;
- \$15 million for destination specific tourism grants;
- \$4 million in additional funds for regional tourism advertising;
- \$100,000 for a statewide housing needs study;
- \$10 million to the State Treasurer for a disaster trust fund;

- \$20 million to the Department of Public Safety for grants to fund local law enforcement body cameras and vests;
- \$1.6 million to coroners to fund the local child fatality review team program;
- \$1 million to supplement the Council of Governments (COGs);
- \$617,550 to supplement the clerks of court;
- \$617,550 to supplement the sheriffs; and
- \$617,550 to supplement the Probate Judges.

Part IB:

Items marked in **bold with an asterisk are new provisos and language in **bold** added to existing provisos are previous provisos that were substantially amended in 2022.*

Proviso 1.24: 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 1.54: This proviso suspends § 59-19-250 which requires the consent of a governing board of a county for school trustees to sell or lease school property.

Proviso 27.1: 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 increased from \$100,000 to \$150,000.***

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 Fiscal Year (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.

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 34.51: 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 34.54: 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 34.58: This proviso directs DHEC to submit regulations relating to the end-of-life management of solar panels and energy storage batteries on solar projects and to offer guidance on the proper methods for decommissioning solar projects that are in excess of 13 acres. The proviso also requires DHEC to collaborate with stakeholders regarding the solid waste classification, preferred management methods, and necessary infrastructure that may be needed to develop cost-effective means of transporting solar panels and energy storage system batteries for refurbishment, recycling, or disposal. In addition to quarterly reports, DHEC would be required to submit a final report with findings, including stakeholder input, to the Chairman of the Senate Judiciary Committee and the Chairman of the House Labor, Commerce and Industry Committee no later than June 30, 2023.

Proviso 34.59: This proviso extends the expiration and any associated vested right of a critical area permit or navigable water permit issued by DHEC for the construction of a dock until June 30, 2023, provided the permit is valid on July 1, 2021, or at any time during the previous 18 months.

Proviso 38.23: For Fiscal Year 2022-23, the Director of the Department of Social Services shall create and fund Internal Child Fatality Review Committees (internal committees) pursuant to the

authority granted in Sections 43-1-60(3), 43-1-80, and 63-7-910(E) of the 1976 Code to allow for the rapid and expeditious review of reported child fatalities that are reported to the Department of Social Services on suspicion of abandonment, child abuse, neglect or harm as defined in Section 63-7-20. This review process will enable the department to respond to the safety needs of any surviving siblings and will lead to improvement in the department's efforts to prevent child fatalities caused by abandonment, child abuse, neglect or harm. Internal committees shall have access to information and records maintained by a provider of medical care regarding a child whose death is being reviewed by the internal committee, including information on prenatal care; all information and records maintained by any state, county, or local government agency, including, but not limited to, birth certificates, law enforcement investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and information and records of health agencies that provided services to the child or family. The meetings, information obtained by, reports prepared by, and statements made before the internal committees are confidential and protected from disclosure pursuant to the Freedom of Information Act, criminal and civil proceedings, and subpoenas as set forth in Sections 63-7-940 and 63-7-1990.

***Proviso 42.6: This proviso directs \$100,000 to be used for a comprehensive statewide housing needs assessment to include a statement by the authority on housing policies and recommendations for South Carolina and an evaluation and summary of housing conditions and trends in South Carolina broken down by geographic regions. A copy of the assessment must be provided to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by June 30, 2023.**

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. Fund recipients are 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

percent. 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 U.S. 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 50.24: This proviso establishes a pilot program within the Department of Commerce named the Public/Private Partnerships – Emergency Services Fund for the purpose of funding projects that increase a local government's emergency services capacity and capability. Every project must involve investment and participation by both private companies and local governments in order to be eligible for funding. The Department of Commerce will provide an annual update by January 15 of each year to the Chairmen of the Senate Finance Committee and Ways and Means Committee until all funds are expended. Any unexpended funds at the end of the fiscal year shall be carried forward and expended in the current fiscal year for the same purposes.**

Proviso 54.2: This proviso authorizes the Rural Infrastructure Authority to carry forward from prior fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal funds for financial assistance to local governments with water, wastewater, and sewer projects.

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 percent of funds collected in the prior fiscal year. If a county or municipality does not spend at least 90 percent 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.

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 60.13: This proviso provides for the distribution of Intake and Review Program funds. The proviso directs that \$135,000 be distributed to each circuit solicitor that establishes, maintains, and annually reports information and data regarding its Intake and Analysis Program.

Proviso 60.14: This proviso provides that the funds appropriated to the Prosecution Coordination Commission for drug court funding and distributed to the Offices of Solicitor shall be used for the purpose of operating drug courts and other diversion programs.

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 61.11: 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 63.8: This proviso authorizes the Department of Public Safety (DPS) to establish an “In-Car Video Camera Fund” to assist law enforcement agencies in purchasing and maintaining in-car video cameras and ongoing costs related to the maintenance and storage of data recorded by in-car video cameras. This proviso also directs the Public Safety Coordinating Council to oversee the funds and establish an application and disbursement of funds process that gives priority to law enforcement agencies who prioritize DUI enforcement activity.

Proviso 63.9: This proviso moves school resource officers from under the SDE to DPS and funds a resource officer for every school. DPS shall provide the funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer and school district superintendents must report the number of full- and part-time school resources officers quarterly.

***Proviso 63.10: This proviso establishes an advisory committee within DPS that is charged with creating an award nomination and recipient selection process for the Governor's Law Enforcement Officer of the Year Award. The committee must annually select a state law enforcement officer of the year, a county law enforcement officer of the year, and a municipal law enforcement officer of the year. Each winner will be recognized by the Governor and will receive \$10,000.**

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 73.6: The Office of Broadband Coordinator within the Office of Regulatory Staff shall coordinate and collaborate with stakeholders and serve as a central resource to collect and publish information regarding federal and state programs to fund broadband expansion.

Proviso 84.9: This proviso requires the South Carolina Department of Transportation (DOT) to maintain the project priority list on its website.

Proviso 84.14: 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 two-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 requirements 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 86.2: Authorizes County Transportation Committees to expend all cash balances brought forward from the previous year. A listing of cash balances shall be provided to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Executive Budget Office. The Executive Budget Office shall establish the expenditure authorization adjustments upon review of the listing provided.**

Proviso 92D.1: This proviso directs that improvements to real or personal property used as a residence, such as a mobile home or manufactured housing unit, resulting from damage caused by the catastrophic weather event in October 2015, Hurricane Matthew of 2016, or Hurricane Florence of 2018, after the event and before June 30, 2023, is not considered an improvement and may not be reassessed at a higher rate as a result of the improvement. Also directs that for the current fiscal year, an eligible property's tax value shall remain the same unless assessable transfer of interest occurs.

Proviso 93.7: 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 98.1: In order to conform to federal requirements local governments receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance with authorized purposes.

Proviso 98.7: This proviso deals with the reallocation of penalties and noncompliant expenditures of accommodation taxes. Before noncompliant expenditures and penalties withheld pursuant to Sections 6-4-35(B)(1)(a) and (b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State Treasurer that the time period for an appeal of the committee's

action to the Administrative Law Court has expired or that the action of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld must be reallocated annually after August first. Allocations withheld must be reallocated proportionately based on the most recent completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately then combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the General Fund of the State.

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 117.48 shall be followed if an amount due is specified. Proviso 117.48 is the assessment audit proviso. The requirements of 117.48 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 percent 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 percent 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 100.17: 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 apply 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 FY 2022-23.

Proviso 101.3: This proviso provides that funds appropriated to the Department of Veterans' Affairs for the Base Protection Plan may be allocated to items including, but not limited to, land acquisition, recreational purposes, educational purposes, and facilities for military personnel. Eligible recipients are counties and municipalities with federal military installations.

Proviso 102.1: This Proviso states that the funds appropriated for "County Boards of Voter Registration and Elections Board Members," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$13,500 per county. The County Treasurer shall use these funds only for the compensation of County Boards of Voter Registration and Elections Board Members. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for compensation of County Boards of Voter Registration and Elections Board Members shall be excluded from the agency's base budget. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections.

Proviso 102.2: 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 102.7: 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 102.8: If a county submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election Management System or if the request for reimbursement is submitted more than 30 days after the election is held, the State Election Commission may deduct a penalty of 10 percent of the amount submitted.

Proviso 102.10: This proviso provides that funds appropriated through the General Fund for the purpose of providing a match for federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds may accrue interest as per Section 254 (b) (1) of the Help America Vote Act. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections. These funds may also be used to reimburse local governmental entities for expenses incurred in the prior fiscal year associated with special primaries, runoffs, and general elections.

Proviso 103.2: Counties and municipalities are required to release GIS data to the Revenue and Fiscal Affairs Office to assist in election file merges. Counties that do not release GIS data may have 10 percent 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 103.4: 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 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 106.2: This proviso provides that the increase in the employer contribution rate imposed by § 9-1-1085 and § 9-11-225 for FY 2022-23, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during FY 2022-23, expressed as a percentage of earnable compensation, shall increase by 1 percent from FY 2021-22 rates as set in Act 94 of 2021.

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 increase 18.1 percent, and the subscriber premium will not increase.**

Proviso 108.12: This proviso provides that for FY 2022-23, the earnings limitation does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state's public health preparedness and response to the COVID-19 virus.

Proviso 108.13: This proviso provides that for the current fiscal year, a participating employer in the South Carolina Retirement System (SCRS) or Police Officers Retirement System (PORS) that is not a state agency or institution of higher learning may make employee and employer contributions for a period of not more than 90 working days during a furlough program that was implemented because of and took place during the COVID-19 Public Health Emergency.

***Proviso 108.18: This proviso extends the suspension of the earnings cap to retired members of the SCRS or PORS who return to work after not having been engaged to perform services for a participating employer in the system in any capacity for at least twelve consecutive months subsequent to retirement.**

***Proviso 108.19: This proviso provides that if a member of PORS chooses to engage in the Return-to-Work program, their twelve-month period spent not engaging in officer duties shall not cause a member to lose their license or be unable to perform the duties of a police officers. These officers also shall not be required to meet continuous training and education requirements of the South Carolina Law Enforcement Academy.**

Proviso 109.9: This proviso adds fire safety and emergency medical services to the proviso that allows Horry County to set aside up to one third of the total allocation of accommodation taxes returned to cover policing activities during events held in May and December that significantly

increase the burden of law enforcement and other first responders and require additional resources to ensure public safety during those events.

Proviso 109.11: States that if a taxpayer other than an individual files a written protest pursuant to § 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 allows the Department of Revenue to require a statement subject to penalties of perjury in order for certain applications for licenses or permits to be filed electronically.

Proviso 109.15: This proviso requires a county or municipal election commission to notify the Department of Revenue 60 days before a referendum on imposing a local sales tax or local option permit.

Proviso 113.2: For Fiscal Year 2022-23, one quarter of the amount appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with the four distributions together totaling the Fiscal Year 2022-23 Part IA appropriation for the Local Government Fund.

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 percent of the remaining Aid to Subdivisions allotment must be forwarded to the legislative delegation for its "administrative costs."

Proviso 113.5: 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 113.6: 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 § 44-6-146.

Proviso 113.7: 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 113.8: This proviso provides that in the current fiscal year, if a county has capital project sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used. A county may expend distributions received pursuant to the Aid to Subdivisions, State Treasurer section to meet the requirements of this provision.

Proviso 113.9: Due to the recent census and the shifting of population into the state and throughout the state, many rural counties who did not see a population growth as high as the 5.35 percent state average lost a substantial amount of their tax base. The General Assembly recognized this and put \$12 million into a Rural County Stabilization Fund in the budget. Under this proviso, any county that has a population growth, as determined by the 2020 Census, of less than 5.35 percent since the 2010 Census shall be eligible to receive monies from the fund as follows:

- (1) a baseline of \$300,000 to each eligible county;
- (2) an additional \$100,000 to eligible counties with a population between 50,000 and 99,999; and
- (3) an additional \$200,000 to eligible counties with a population of more than 100,000.

After disbursement of funds, any monies remaining shall be distributed to each eligible county on a pro rata basis. In the event the amount of funds in the Fund is not sufficient to provide monies to counties according to the above formula, the amounts distributed to counties shall be reduced on a pro rata basis. ***The amount of revenue distributed into the fund increased from \$10 million to \$12 million in the current fiscal year.***

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

Proviso 117.48: 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 117.50: This proviso provides that The Attorney General shall review the interpretation of the current policies of the Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments indicate may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding secure juvenile confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and Delinquency Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that also serve as forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is fair and equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any financial considerations.

Proviso 117.53: This Proviso states that any appropriation designated as the state share for a federally declared disaster may be carried forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the event of additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in any federally declared disaster. These funds may also be used during a Governor's state of emergency to augment existing state appropriations of the South Carolina Emergency Management Division (SCEMD). When these funds are used during a Governor's state of emergency, the allocation of those funds following the event will be determined by the Governor based on the recommendation of the Adjutant General and the Director of the South Carolina Emergency Management Division.

In the event there is a federally declared disaster and state match funds are unavailable, the State Fiscal Accountability Authority may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency Management Division.

Proviso 117.83: 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 of 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 117.94: 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 117.97: Counties are authorized to enter MOUs to provide recreational activities and projects that benefit the citizens of the respective counties.

Proviso 117.99: 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 117.101: 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 117.108: 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 117.111: There is established for the current fiscal year the South Carolina Sentencing Reform Oversight Committee. The oversight committee shall be composed of eleven members, two of whom shall be members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of the Senate Judiciary Committee or his designee; two of whom shall be members of the Senate, one appointed by the President of the Senate and one appointed by the Chairman of the Senate Finance Committee; two of whom shall be members of the House of Representatives, both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House Judiciary Committee or his designee; two of whom shall be members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Chairman of the House Ways and Means Committee; one of whom shall be appointed by the Chair of the Senate Judiciary Committee from the general public at large; one of whom shall be appointed by the Chair of the House Judiciary Committee from the general public at large; and one of whom shall be appointed by the Governor.

Proviso 117.115: 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 117.118: 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 FY 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 § 9-1-10(11)(e); and
- covered state employees who are funded with federal funds.

Proviso 117.120: From the funds appropriated and authorized to the Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services in the current fiscal year, the agencies shall establish a coalition of state agencies, providers and other related entities to combat the opioid epidemic in a collaborative manner and ensure that appropriate services and treatments are made available statewide. This initiative should include efforts to coordinate funding for the provision of treatment with an assessment of current programs and funding levels, to enhance available prevention, treatment and recovery services; expand provider capacity; and enable workforce development for substance use disorder services.

Proviso 117.126: This proviso authorizes state agencies, state institutions, and political subdivisions to obtain state and national criminal history background checks and investigations performed by 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 117.128: 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 § 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 117.129: Any Class I law enforcement officer who retired under the Police Officers Retirement System on or before December 31, 2017, may return to employment with a public school district as a critical needs School Resource Officer without affecting the monthly retirement allowance that they are receiving from the Police Officers Retirement System.

Proviso 117.131: Notwithstanding Proviso 117.149 (Employee Compensation), in the current fiscal year, the salary for each magistrate must be calculated using the same schedule and same circuit judge salary, at a minimum, as was in effect in FY 2018-19.

Proviso 117.146: This proviso exempts for the current fiscal year, local and state sales tax collection for material handling and construction materials on agribusiness facilities that invest at least \$100 million in the state.

Proviso 117.154: The General Assembly appropriated money to assist in the transportation of mental health patients into custody or admission to a public or private hospital, mental health clinic, or mental health facility. Under the proviso, the Director of DMH shall work with the State Fiscal Accountability Authority to develop and issue a Request for Proposals for an Alternative Transportation Program (Program) to provide transportation services for nonviolent individuals requiring immediate hospitalization. The second part of the proviso requires DMH to begin a pilot program and includes the requirements that must be a part of the Program.

Proviso 117.158: This proviso suspends § 11-11-156(C) of the Code of Laws for FY 2022-23. This section would require counties to provide an additional exemption credit with monies left over in the Homestead Exemption Fund at the end of a fiscal year. By suspending this section, counties will not be required to administer this one-time additional credit.

Proviso 117.160: This proviso provides, among other things, that no county election commission may accept or expend any funds other than public funds to prepare for or conduct elections.

***Proviso 117.165: Allows agencies and political subdivisions to utilize federal funds to implement cleaning, sanitization, and disinfection to meet the most current requirements issued by DHEC.**

***Proviso 117.167: Allows Procurement Services of the State Fiscal Accountability Authority to pilot test a job order contracting method on behalf of one or more governmental bodies or public procurement units by entering into job order contracts to acquire construction services when the exact time or exact quantity of future jobs are not known at the time of contract award.**

***Proviso 118.19 (67.1) – Airport Growth Response. This proviso allows for 20 percent of the \$53 million appropriated for statewide airport growth response to be made available to fund airport(s) in counties that do not currently have a public airport.**

Act No. 246

R. 254, S. 560

Effective Date: June 17, 2022

This Act establishes the Heirs' Property Study Committee, which will examine the issue of heirs' property in South Carolina. The study committee's duties are as follows: determine the amount of land in South Carolina that is subject to the heirs' property system, study the impacts of federal and state legislation on the partition of the land subject to heirs' property, analyze approaches and methods undertaken by other states to address heirs' property and study if those methods could be applied to South Carolina, and determine the costs heirs' property presents to the economic well-being of South Carolina and estimate the benefits of proactive measures taken to address heirs' property. Membership of the committee will consist of three members of the Senate and three members of the House of Representatives.

The members of the study committee shall seek support from governmental agencies and members of the private sector including, but not limited to, the Center for Heirs' Property Preservation, the South Carolina State Housing Finance and Development Authority, the Homebuilders Association of South Carolina, the Landowners Association of South Carolina, the South Carolina Association of Habitat for Humanity, the Affordable Housing Coalition of South Carolina, the Realtors Association of South Carolina, the Center for Heirs' Property Preservation, MASC and SCAC.

Appendix

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

ACT. NO. 125

R. 131, H. 4495

EFFECTIVE DATE: MARCH 14, 2022

This Act amends § 7-7-350 to revise the names of six voting precincts in Lancaster County and update the map number on which the names of these precincts may be found and maintained by the Revenue and Fiscal Affairs Office.

ACT NO. 129

R. 137, H. 4269

EFFECTIVE DATE: APRIL 4, 2022

This Act amends § 7-7-510 to merge the Monarch Box 1 precinct with the Monarch Box 2 precinct with the resulting combined precinct to be known as the Monarch precinct, to eliminate the East Buffalo voting precinct, and to update the official map number on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the Board of Voter Registration and Elections of Union County by the Revenue and Fiscal Affairs Office.

ACT NO. 131

R. 140, S. 1167

EFFECTIVE DATE: APRIL 11, 2022

This Act amends § 7-7-160 to update the official map number designated as P-21-22 on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the Board of Voter Registration and Elections of Cherokee County by the Revenue and Fiscal Affairs Office.

ACT NO. 140

R. 153, S. 1204

EFFECTIVE DATE: APRIL 25, 2022

This Act amends § 7-7-430 to update the official map number designated as P-73-22 on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the Board of Voter Registration and Elections of Oconee County by the Revenue and Fiscal Affairs Office.

Act No. 152

R. 180, S. 953

Effective Date: May 13, 2022

This Act amends § 7-7-360 to update the official map number designated as P-59-22 on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the Board of Voter Registration and Elections of Laurens County by the Revenue and Fiscal Affairs Office.

Act No. 153

R. 184, S. 1060

Effective Date: May 13, 2022

This Act amends § 7-7-40 to add Creek No. 85 and Community No. 86 voting precincts as shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document P-03-22 and as shown on certified copies of the official map provided by the office to the State Election Commission and the Board of Voter Registration and Elections of Aiken County.

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