

# ACTS THAT AFFECT COUNTIES

2023



**SOUTH CAROLINA  
ASSOCIATION OF COUNTIES**

## FOREWARD

**2023 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 2023 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 2023 session. It is important to consult your county attorney when you have a question regarding the law.

2023 was the first half of the two-year 125th General Assembly. Any legislation pending action when the 2023 session adjourned will retain its status as it existed when the General Assembly adjourned sine die. The General Assembly reconvenes in January of 2024.

The acts in this report are generally listed in ascending order by act 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 2023. Underneath and to the right of the act number is the effective date of the act.

The **Table of Contents** 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.

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## **Act No. 2—Construction Contract Extensions**

**R. 4, S. 361**

**Effective Date: March 20, 2023**

This Act amends § 57-5-1630, relating to the extension of construction contracts awarded by the Department of Transportation. Currently, construction contracts may not be extended to include work not contemplated in the original reward unless approved in advance by the Department of Transportation Commission, except under special circumstances. This Act provides that the commission is not required to provide preapproval of construction contract extensions. However, the commission must ratify any contract extensions at the next commission meeting

## **Act No. 3—Appropriations, Project Connect**

**R. 6, H. 3604**

**Effective Date: March 20, 2023**

This Act authorizes the General Assembly to appropriate funds for infrastructure as a part of the economic development deal that brings a Scout Motors manufacturing plant (Project Connect) to South Carolina. The infrastructure funds shall be appropriated as follows: (1) \$1,204,834,516 from the FY 2021-2022 Contingency Reserve Fund as recognized by the Board of Economic Advisors within five days for the effective date of the Act; and (2) \$86,248,470 from the FY 2022-23 Projected General Fund Surplus as forecasted by the Board of Economic Advisors within five days of the close of the state's books for Fiscal Year 2022-23 or by November 1, 2023, whichever occurs first. The Act allows for funds to be carried forward into subsequent fiscal years for the same purpose as originally awarded, committed, or authorized. However, earnings and interest on accounts created under this Act must be credited to the state's general fund.

The Department of Commerce is appropriated \$1,091,082,986 for funding to Project Connect for the following purposes: (1) bridge to support rail spur construction; (2) land acquisition; (3) required site improvements and mitigation; (4) road access and improvements; (5) soil stabilization; (6) training center; (7) water and wastewater infrastructure; and (8) any such other purpose as is necessary and recommended by the Department of Commerce for Project Connect. Such other purpose is subject to review and comment by the Joint Bond Review Committee.

The Act also appropriates \$200 million in a loan to the Department of Commerce for Project Connect to go towards additional soil stabilization. The loan must be paid back in full in a manner prescribed by the sponsor and the Department of Commerce. All payments and interest shall be returned to the state's general fund upon receipt. This loan is not eligible for forgiveness.

The expenditures contained in this Act are supplemental to the expenditures for receiving entities as contained in Act 239 of 2022, the General Appropriations Act for Fiscal Year 2022-2023, and future expenditure authorizations enacted by the General Assembly. The provisions of this Act terminate on fulfillment of their terms.

For oversight, the Department of Commerce shall send a project status report to the Joint Bond Review Committee on a quarterly basis until all funds are expended and upon certification by the Secretary of Commerce that all project obligations have been met.



## **Act No. 5—Constitutional Amendment Ratification, General Reserve Fund**

**R. 1, S. 381**

**Effective Date: February 28, 2023**

This Act ratifies an amendment to Section 36(A), Article III of the Constitution of South Carolina, 1895, as a result of the adoption of Joint Resolution 1106 of 2022 and a favorable referendum in the 2022 General Election. The Act increases the required General Reserve Fund contribution percentage beginning FY 2023-24 from 5% of General Fund revenue of the most recently completed fiscal year by 0.5 percentage points each applicable fiscal year until it reaches 7%. Additionally, the Act increases the Capital Reserve Fund from 2% of General Fund revenue to 3% each fiscal year.

## **Act No. 6—ARPA Expenditure Authorization**

**R. 10, S. 604**

**Effective Date: April 20, 2023**

This Act authorizes the expenditure of federal funds disbursed to the state in the American Rescue Plan Act of 2021 (ARPA). It appropriates up to \$586,633,226 to the Rural Infrastructure Authority ARPA Water and Sewer Infrastructure Account for the purposes described in Act 244 of 2022. Only existing grant applications, as of January 1, 2023, may be considered in determining disbursements. Of this money appropriated, \$100 million must be available for projects designated by the Secretary of Commerce as being significant to economic development. These projects may be funded at up to \$20 million per project with no local match requirement. If any disbursement is disallowed by federal law, regulation, or order, then the recipient or subrecipient shall promptly return the disbursed funds to the disbursing entity.

The expenditures contained in this Act are supplemental to any expenditures received by a receiving entity in the General Appropriations Act for FY 2022-23, and any future expenditures enacted by the General Assembly through December 31, 2026. Earnings and interest on accounts must be credited to the account and any balance at the end of the fiscal year carries forward to the succeeding fiscal year for the same purpose.

Notwithstanding Section 14 of Act 244 of 2022, the funds in the ARPA Resilience Account also may be used to mitigate the potential release of contamination associated with the USS Yorktown, an asset of the Patriots Point Development Authority. The Office of Resilience must make an initial funding request for Phase I and Phase II. No funds may be expended toward either phase until the Joint Bond Review Committee has provided review and comment, including an estimate of costs and project scope. The Office of Resilience is authorized to engage and reimburse the services of other state agencies in the development of both phases of the project.

## **Act No. 7—Fair Play Welcome Center**

**R. 9, S. 490**

**Effective Date: April 25, 2023**

This Act authorizes the Department of Parks, Recreation and Tourism (PRT) to expend money received from Act 94 of 2021 towards the current Fair Play Welcome Center project in addition to the projects listed in Section 118.18(B)(41)(g) of that Act.

## **Act No. 8—Educational Scholarship Trust Fund Program**

**R. 16, S. 39**

**Effective Date: June 3, 2023**

This Act amends Title 59 of the S.C. Code of Laws by adding § 59-8-110 et seq., to create an education scholarship program administered by the South Carolina Department of Education (SCDE) to provide scholarship funding to qualifying elementary and secondary students to pay for eligible education expenses, including funding for these students to attend private and church supported schools if they so choose. The

scholarship amount per pupil is \$6,000 unless an increased or decreased limit is authorized in the annual general appropriations act. Further, the Act establishes the Education Scholarship Trust Fund (ESTF) at SCDE and requires the State Treasurer's Office (STO) to transfer the per pupil amount to the ESTF from funds appropriated to the program. Based upon the number of students allowed to participate in the program and an estimated \$6,000 per pupil each year, the scholarship funding would total up to \$30 million in school year 2024-25. This could potentially jump to \$90 million in school year 2026-27 when the number of eligible students allowed to participate in the program reaches the maximum amount.

The Act tasks SCDE with various reporting requirements and collaboration with the Education Oversight Committee to develop a parental satisfaction survey about the program and to report its findings to the General Assembly annually. SCDE is authorized to deduct an amount from the fund to cover the costs of overseeing the accounts and administering the program up to a limit of 2% in subsequent years. Initial funding to establish the program is contingent upon appropriations.

### **Act No. 10—Probate Courts, Guardianship Proceedings for Minors**

**R. 18, S. 341**

**Effective Date: May 8, 2023**

This Act amends the definition of guardianship proceeding in § 62-5-101(11) of the S.C. Probate Code to include a formal proceeding to determine if a minor, within 180 days of turning 18, is an incapacitated individual or to determine if an order for appointment has been sought or issued for the minor within 180 days of turning 18. Section 3 of the Act adds § 62-5-303(C) to allow a person to initiate a guardianship proceeding by filing a summons and petition for guardianship of a minor up to 180 days prior to the date the child reaches 18, if the petitioner anticipates the minor will require a guardian upon attaining the age of 18. Section 2 of the Act amends § 62-5-201 to specify that the probate court system does not have jurisdiction over the care, custody, and control of a minor other than for the appointment of a guardian through the aforementioned guardianship proceeding.

### **Act No. 16—Disclosure of Execution Team Members' Identities**

**R. 25, S. 120**

**Effective Date: May 12, 2023**

This Act amends § 24-3-580 by creating a Freedom of Information Act exemption to prohibit the disclosure of the identities of any person or entity involved with the administration, planning, or execution of a death sentence and provides a criminal penalty for violation.

Additionally, the Act exempts the acquisition of drugs, medical supplies, and equipment intended for use in administering the death penalty from specific procurement, regulatory, and licensing requirements.

This Act also requires the Comptroller General and State Treasurer to work with the Department of Corrections (SCDC) to ensure certain financial records relating to an execution are kept in a de-identified condition to ensure the absolute confidentiality of persons or entities involved in the planning or execution of a death sentence. Finally, the Act requires SCDC to comply with federal regulations regarding the importation of execution drugs and provides that members of the General Assembly must not offer nor provide drugs, medical supplies, or medical equipment to execute a death sentence.

## **Act No. 18—Election Protest Deadlines**

**R. 23, S. 92**

**Effective Date: May 16, 2023**

This Act adds § 7-17-110 to extend the election protest filing deadline if it falls on a legal holiday. Specifically, if the deadline falls on a legal holiday, it is extended to the next regular business day that is not a legal holiday. The “next regular business day” means a day that is not a Saturday, Sunday, or a legal holiday.

## **Act No. 19—Sexually Violent Predators Act**

**R. 26, S. 146**

**Effective Date: May 16, 2023**

This Act amends Title 44, Chapter 48 by modifying certain provisions related to the disposition of persons deemed to be sexually violent predators and, among other things, providing mechanisms by which a person convicted of a sexually violent offense may petition for evaluation or reconsideration by the court for commitment to the Sexually Violent Predator Treatment Program within the Department of Mental Health (DMH).

This Act amends §§ 44-48-30 et seq., relating to the Sexually Violent Predator Act, by adding several definitions, establishing effective dates for the granting of supervised reentry, requiring multidisciplinary teams to determine whether there is probable cause to believe a person is a sexually violent predator, providing for the use of court-appointed qualified evaluators and establishing certain timelines for evaluations. The Act allows for the use of independent, qualified evaluators in certain circumstances, requires courts to conduct a nonjury hearing before the release of a person found incompetent to stand trial, establishes certain benchmarks for additional reviews of mental conditions, establishes certain requirements regarding evaluators in proceedings on petitions for release and allows access to sealed court records by the Attorney General and other counsel of record.

The Act also adds § 44-48-115 and § 44-48-180 to provide the right to challenge commitment to the Sexually Violent Predator Treatment Program based on ineffective assistance of counsel and to give priority status to sexually violent predator cases for purposes of scheduling court proceedings.

Finally, the Act amends § 24-21-32 to make inmates determined to be sexually violent predators ineligible for reentry supervision.

## **Act No. 20—State Health Facility Licensure Act**

**R. 27, S. 164**

**Effective Date: May 16, 2023**

This Act renames Article 3, Chapter 7, Title 44 as the “State Health Facility Licensure Act” and amends §§ 44-7-110, 44-7-120, 44-7-130, 44-7-150, and 44-7-320, all relating to the regulation of health care facilities in the state. Specifically, the Act eliminates the requirement of obtaining a Certificate of Need (CON) from the Department of Health and Environmental Control (DHEC), with the exception of nursing homes and ambulatory surgical facilities with more than eight operating rooms.

The Act also adds § 44-7-161 to require that the Medical University of South Carolina (MUSC) appear before the Joint Bond Review Committee and obtain approval from the State Fiscal Accountability Authority (SFAA) prior to obtaining a CON or licensure for acquiring a hospital facility.



Additionally, the Act adds § 44-7-266 to require ambulatory surgical facilities to provide free indigent care after two years in operation; amends § 44-7-170 to list the circumstances under which certain facilities are exempt from obtaining a CON; and amends § 44-7-190 to require the prioritization of timely access to health care services.

Finally, the Act amends § 44-7-210, relating to the timeline for the CON application process, and §§ 44-7-210 and 44-7-220 to shorten the time required for CON administrative and judicial proceedings and to address frivolous appeals.

## **Act No. 22—Structured Settlement Payments**

**R. 29, S. 259**

**Effective Date: See Below**

This Act amends Title 15, Chapter 50 to regulate settlement companies and require them to be registered in order to protect payees from high-interest rate settlements. It also adds a list of criteria to be considered for court approval of a structured settlement transferred to a settlement company.

Section 9 through Section 16 takes effect on January 1, 2024. All other sections take effect on July 1, 2023, and apply to registration applications for settlement companies filed with the Secretary of State on or after January 1, 2024.

## **Act No. 23—Homeless Youth Definition**

**R. 30, S. 342**

**Effective Date: May 16, 2023**

This Act adds § 63-1-45 to the South Carolina Children's Code to define "unaccompanied homeless youth," "homeless child or youth," and "youth at risk of homelessness," for purposes of developing an accurate statewide count of homeless children and youth in this state.

## **Act No. 24—Restrictions on Raising or Lowering Motor Vehicles**

**R. 31, S. 363**

**Effective Date: November 12, 2023**

This Act amends § 56-5-4445 to prohibit motor vehicle modifications that result in the front fenders being raised or lowered four or more inches greater than the height of the rear fenders and to provide penalties for violations. For a period of 180 days after the effective date of this Act, only warning tickets may be issued for a violation of the Act's provisions.

## **Act No. 27—Certificates of Ascertainment of Appointment of Electors**

**R. 34, S. 405**

**Effective Date: May 16, 2023**

This Act amends § 7-19-70 of the 1976 Code, relating to certificates of ascertainment of appointment of electors, to require the Governor to transmit to the Archivist of the United States a certificate of ascertainment of appointment of electors at least six days before the meeting of the electors. The Act also amends § 7-19-90, to revise the time fixed for the meeting and § 7-19-100, relating to the disposition of certificates of ascertainment of appointment of electors, to require that two sets of the certificates must also be sent to the Executive Director of the State Election Commission and the Archivist of the United States.

## **Act No. 29—Department of Insurance, Hurricane Damage Mitigation Program**

**R. 36, S. 500**

**Effective Date: May 16, 2023**

This Act amends § 38-75-485 of the 1976 Code, relating to the South Carolina Hurricane Damage Mitigation Program. It amends the limit for grants administered through the Hurricane Damage Mitigation Program within the Department of Insurance (DOI). The Hurricane Damage Mitigation Program and accompanying advisory committee through DOI may administer two classes of grants. A Resilient Mitigation Award may be awarded for applicable roof retrofits meeting certain guidelines and may not exceed \$7,500 for a nonmatching grant or \$6,000 for a matching grant. A Sustainable Mitigation Award may be awarded for qualifying roof retrofits, window replacement, or opening protection retrofits and may not exceed \$5,000 for a nonmatching grant or \$4,000 for a matching grant. The Sustainable Mitigation Award may also be awarded for qualifying hurricane shuttering and protective barrier systems and may not exceed \$3,000 for both matching and nonmatching grants. The Act also amends § 38-3-110 and § 38-73-1085, relating to duties of the director of the DOI, to allow the director to provide information regarding factors that may affect premium rates and private passenger premium rates. Section § 38-61-80 is amended to require notice to the director by the insurer of their intent to withdraw from the market. Finally, the Act amends § 38-1-20 relating to the definition of “surplus lines insurance,” to include a reference to commercial motor vehicle liability.

## **Act No. 31—Craft Beer Economic Development Act**

**R. 38, S. 566**

**Effective Date: May 16, 2023**

This Act amends § 61-4-1515 to the Code, relating to the sale of beer by breweries, to provide that certain beer sold for on-premises consumption must be produced by the brewery on its permitted premises or transferred to the brewery and to delete the requirement that sales to consumers must be held in conjunction with a tour.

## **Act No. 33—SC Children’s Code, Child Welfare**

**R. 40, S. 612**

**Effective Date: May 16, 2023**

This Act amends § 63-7-10 of the 1976 Code, relating to the South Carolina Children’s Code, to revise stated child welfare services principles and require certain reporting. The Act specifies that the timeframes for child welfare intervention do not impact or remove jurisdiction or authority from the court or the Department of Social Services (DSS), and the failure to meet timeframes does not constitute grounds for dismissal of any judicial or administrative proceeding. The Act also amends § 63-7-920, relating to investigations and case determination, to provide guidelines for investigating and reporting in the case of a report of suspected child abuse or neglect.

## **Act No. 36—DHHS and Child Development Services Repeal**

**R. 44, H. 3231**

**Effective Date: May 16, 2023**

This Act repeals §§ 44-6-300, 44-6-310, and 44-6-320 of the 1976 Code, relating to the responsibility of the Department of Health and Human Services to establish and expand child development services.

## **Act No. 38—Tobacco Preemption**

**R. 46, H. 3681**

**Effective Date: See Below**

This Act adds § 44-95-45 to the 1976 Code to provide that political subdivisions of this state may not enact any laws, ordinances, or rules pertaining to ingredients, flavors, or licensing of cigarettes, electronic smoking devices, e-liquid, vapor products, or tobacco products. Section 3 provides that such laws, ordinances, and rules enacted by a political subdivision prior to December 31, 2020, are not subject to the preemption imposed by this Act. Sections 5 through 10 of the Act amend §§16-17-500 et seq., relating to the prevention of youth access to tobacco and other nicotine products, to change the definition of “tobacco product” and add definitions for “tobacco retail establishment” and “tobacco retailer,” and to prohibit minors from entering a tobacco retail establishment. The Act also changes certain penalties for tobacco retailer violations and requires tobacco retailers to secure and display a tobacco retail sales license from the Department of Revenue. Finally, Section 12 of the Act adds § 12-36-511 to require retailers to provide the Department of Revenue with certain tobacco-related information in their retail license applications. Sections 2, 3, and 4 of this Act take effect on May 16, 2023. The other provisions of the Act take effect 90 days after May 16, 2023.

## **Act No. 40—Military Temporary Remote School Enrollment Act**

**R. 48, H. 3797**

**Effective Date: May 16, 2023**

This Act adds § 59-63-33 to the Code to provide that public school students comply with school enrollment requirements if their parents are transferred to or are pending transfer to military installations in this state while on active duty pursuant to official military orders. The Act also requires school districts to accept applications for enrollment and course registration from such students by electronic means. Finally, the Act requires that parents of such students provide proof of residence after arrival.

## **Act No. 43—Narcotic Treatment Programs**

**R. 51, H. 3870**

**Effective Date: May 16, 2023**

This Act adds § 40-43-72 to the Code to authorize the permitting and operation of narcotic treatment programs, to establish certain requirements for narcotic treatment programs and their associated pharmacists and practitioner agents, and to require the South Carolina Board of Pharmacy to fulfill certain obligations. The Act also amends § 44-53-720, to extend the allowable uses of methadone to narcotic treatment programs.

## **Act No. 46—Internal Revenue Code Conformity**

**R. 56, H. 4017**

**Effective Date: May 16, 2023**

This Act amends § 12-6-40 of the 1976 Code, relating to application to the federal Internal Revenue Code to state tax laws, so as to update the reference to the Internal Revenue Code to the year 2022 and to provide that if the Internal Revenue Code sections adopted by this state are extended, then these sections are also extended for South Carolina income tax purposes.

## **Act No. 51—Auto Dealers and Driver’s License Reinstatement Fees**

**R. 72, S. 549**

**Effective Date: See Below**

This Act amends numerous sections of Title 56 of the 1976 Code, relating to driver’s license reinstatement fees, driver’s license suspensions, operating uninsured motor vehicles, proof of insurance, temporary license plates and adds sections to the Code to create a quality assurance program for motor vehicle dealers. The Act also amends sections dealing with dealer or wholesaler licenses, including motorcycle and recreational vehicle wholesaler or dealer licenses. All sections of the Act take effect within 12 months of May 18, 2023.

## **Act No. 55—Driver’s License, Suspended Due to DUI**

**R. 64, S. 36**

**Effective Date: See Below**

Section 1 of this Act amends § 56-1-286 of the 1976 Code, relating to suspension or denial of issuance of license or permit to persons under 21 who drive motor vehicles with a certain amount of alcohol concentration. This section would allow persons under 21 who are serving a suspension or are denied a license or permit to enroll in the ignition interlock device program or request a contested case hearing before the Office of Motor Vehicle Hearings. The remaining sections of the Act lay out the requirements for the ignition interlock device program. The majority of the Act, including Section 1, takes effect on May 19, 2024.

## **Act No. 56—Law Enforcement and Judicial Personal Information Privacy Protection Act**

**R. 65, S. 252**

**Effective Date: July 1, 2024**

This Act adds § 30-2-500 et seq. to the Code to give law enforcement officers the option of making personal contact information held by state or local governments confidential and not subject to disclosure, with limited exceptions. Section 2 of the Act provides that the South Carolina Criminal Justice Academy shall create a form for use by law enforcement officers when requesting nondisclosure of personal contact information and to specify requirements for the form. Section 3 of the Act enacts the “Judicial Personal Privacy Protection Act,” to give active or former members of the judiciary the option of making contact information held by state or local governments confidential and not subject to disclosure, with limited exceptions. Finally, Section 4 of the Act provides that the South Carolina Court Administration shall create a form for use by active and former members of the judiciary when requesting nondisclosure of personal contact information and to specify requirements for the form.

## **Act No. 57—Development of Workforce Housing**

**R. 66, S. 284**

**Effective Date: May 19, 2023**

Sections 1 and 2 of this Act amend §§ 6-1-530 and 6-4-10 of the 1976 Code, relating to use of revenue from local and state accommodations tax, to provide that the development of workforce housing is one of the purposes for which accommodations taxes may be used. However, a county or municipality may not expend or dedicate more than 15% of its annual accommodations tax revenue for this purpose, and the county or municipality must use the revenue to promote home ownership. Section 3 of the Act amends § 6-4-15, to provide that the development of workforce housing is one of the purposes for which bonds may be issued. Section 4 of the Act adds § 6-4-12 to the Code to require a local government to prepare a housing impact analysis before using state accommodations tax revenue for workforce housing. The impact analysis must be submitted as part of their ordinance to the members of the legislative body of the local government, the Department of Revenue, and the Tourism Expenditure Review Committee before the ordinance is considered by the legislative body. The Department of Revenue may not disburse any state accommodations taxes to the local government for purposes of development of workforce housing unless and until the local government has provided the housing impact analysis to the

parties required. Section 6 of the Act amends § 6-1-510 to the Code to provide a definition of workforce housing for purposes of local accommodations tax revenue.

Section 7 of the Act amends § 6-29-510(D)(6) of the Code to require that local planning commissions must solicit input for their planning analysis from homebuilders, developers, contractors, and housing finance experts. Section 8 of the Act creates a Land Development Study Committee to examine current and prospective methods to plan for and manage land development in South Carolina. The study committee is comprised of three members of the Senate appointed by the President of the Senate and three Members of the House of Representatives appointed by the Speaker of the House. The study committee shall seek assistance from governmental agencies and members of the private sector including among those listed, the South Carolina Association of Counties. The study committee must provide a report to the General Assembly by December 31, 2023, at which time the study committee shall dissolve. Finally, Section 9 of the Act requires the Director of the Department of Parks, Recreation and Tourism, in consultation with the Secretary of Commerce and the Commissioner of Agriculture to issue a report to the General Assembly detailing the effects on tourism and workforce housing resulting from the Act before the beginning of the 2030 legislative session. The provisions of the Act are set to sunset December 31, 2030.

### **Act No. 58—Veterans’ Trust Fund Reorganization**

**R. 67, S. 317**

**Effective Date: May 19, 2023**

This Act amends § 25-21-20, relating to the establishment of the Board of Trustees for the Veterans’ Trust Fund of South Carolina, so as to reduce the number of board members from 19 to 11, to provide for appointment of those members by the Governor with advice and consent of the Senate, to provide requirements for the appointment of members, and to establish a four-year term. Among the requirements set forth in the Act, the board must consist of seven members selected at large, two members currently serving as county veterans’ affairs officers, and two members who represent veterans’ service organizations. Of the seven members appointed at large, three must come from a rural county and of the 11 appointed members, at least six must be United States Armed Forces veterans.

### **Act No. 59—Crisis Stabilization Units**

**R. 68, S. 343**

**Effective Date: May 19, 2023**

This Act amends § 44-7-130, relating to definitions in the State Health Facility Licensure Act, so as to include all short-term residential stabilization and intensive crisis services in the definition of crisis stabilization unit facilities and to change the age of the individuals served to five and older.

### **Act No. 60—DHEC Restructuring**

**R. 70, S. 399**

**Effective Date: See Below**

Sections 1, 3, and 4 of this Act amend § 44-1-20 and add § 48-6-10 to the 1976 Code, relating to the restructuring of the Department of Health and Environmental Control (DHEC). The Act creates the Department of Public Health to assume the health-related functions of DHEC and creates the Department of Environmental Services to assume the environmental-related functions of DHEC. Section 5 of the Act amends § 49-3-10 to transfer the former Water Resources Division of the Department of Natural Resources (DNR) to the Division of Water in the newly created Department of Environmental Services.

Section 8 of the Act adds § 25-11-710 et seq. to the Code to allow the Department of Veterans’ Affairs, in mutual agreement with the authorities of the United States Veterans Administration, to establish and operate South



Carolina veterans homes to provide treatment for South Carolina veterans who require long-term care. The Department of Veterans' Affairs may apply for and accept gifts, grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes. Section 8 will go into effect July 1, 2024, for the veterans homes for which DMH has a service contract with a third-party provider as of May 1, 2023. The provisions contained in Section 8 relating to South Carolina Veterans Homes go into effect on July 1, 2025, for the veterans homes for which the DMH does not have a service contract with a third-party provider as of May 1, 2023.

Section 12 of the Act amends § 1-23-600(H)(1) of the Code, to allow the current process of contested case hearings or the removal of an automatic stay of decisions on environmental permits issued by the Department of Environmental Services to remain in place.

Sections 2, 13 and 14 of the Act require the Department of Administration to perform certain functions to affect the restructuring of DHEC outlined in Sections 1, 3, and 4, including the analysis of the programs, services, and populations served by the predecessor agencies and the preparation of reports summarizing the analysis, and making recommendations as to the appropriate structure and operation of the restructured state agencies.

The Act takes effect on July 1, 2024, except that the provisions of Section 2 and Section 13, relating to the Department of Administration's duties, take effect on May 19, 2023.

### **Act No. 61—Alcohol Sales at Airports**

**R. 71, S. 459**

**Effective Date: May 19, 2023**

This Act amends the Code of Laws by adding § 55-9-235, so as to provide for the sale and consumption of liquor by the drink throughout the Transportation Security Administration-screened portion of Charleston International Airport, Columbia Metropolitan Airport, Florence Regional Airport, Greenville-Spartanburg Airport, Hilton Head Island Airport, or Myrtle Beach International Airport, upon written approval of the respective airport authority.

### **Act No. 66—Coroners as First Responders**

**R. 83, H. 3691**

**Effective Date: May 19, 2023**

Section 1 of this Act amends the Code of Laws by adding § 17-5-135 to allow coroners, deputy coroners, or coroners' designees to possess and administer opioid antidotes under certain circumstances. Section 2 of this Act adds § 44-130-90 to provide procedures for the administration of opioid antidotes and for the reporting of their use. Finally, Section 4 of the Act adds § 17-5-150 to the Code to provide that coroners and deputy coroners are considered public safety officers if killed in the line of duty.

### **Act No. 67—Statewide Education and Workforce Development Act**

**R. 84, H. 3726**

**Effective Date: May 19, 2023**

This Act adds § 41-30-110 et seq. to the Code of Laws creating the Office of Statewide Workforce Development (OSWD) at the Department of Employment and Workforce (DEW) to coordinate workforce development efforts throughout the state in order to maximize available resources, enhance transparency, and actively foster a customer centric workforce development system that is readily accessible and easily understandable. The OSWD is charged with monitoring the compliance of each state and local government agency, nonprofit group, and quasi governmental group that is appropriated state funds or is authorized to expend federal funds related to workforce development.

All functions, powers, and duties of the Department of Commerce relating to the former Education and Economic Development Coordinating Council are transferred to DEW to provide for a reconstituted and expanded Coordinating Council for Workforce Development made up of representatives from pertinent state agencies, legislative committees, K-12 public education, higher education, technical and comprehensive education, and private sector employers ranging from large scale industries to small businesses.

An annual report detailing all funding used for workforce development projects must be submitted to the Governor, the Speaker of the House, the President of the Senate, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee by November 1 each year.

Section 3 of the Act amends § 41-31-160 to revise requirements for employers to make Unemployment Trust Fund contribution and wage reports to DEW by expanding reporting requirements to include more employers and providing for more detailed reports that include Standard Occupational Classification codes and total number of hours worked that must be submitted electronically unless a hardship is shown to have occurred.

Section 4 of the Act also amends § 41-31-615 to provide employers with the option of receiving electronic notices from DEW regarding certain requests such as the determination of insured status.

Finally, Section 5 of the Act repeals Article 13 and 15 of Chapter 1, Title 13 of the Code of Laws to delete the original provisions outlining the duties of regional education centers and the Coordinating Council of Workforce Development.

## **Act No. 70—Fetal Heartbeat and Protection from Abortion Act Amendments**

**R. 88, S. 474**

**Effective Date: May 25, 2023**

This Act amends various sections of Chapter 41 of Title 44 of the Code of Laws relating to the “Fetal Heartbeat and Protection from Abortion Act.” Section 2 of the Act declares that life begins with a fetus’s first heartbeat and would prohibit anyone from knowingly providing drugs to a pregnant female to cause an abortion prior to the detection of a fetal heartbeat, except in emergency situations.

Licensed physicians who fill out appropriate paperwork may perform an abortion under the following exceptions:

1. when pregnancy results from rape or incest;
2. when the mother is a minor and the physician receives permission from a legal guardian as long the probable gestational age is not more than 12 weeks;
3. when a fatal fetal anomaly exists; or
4. to prevent the death or irreversible impairment of a major bodily function of the pregnant woman.

A physician who performs or induces an abortion on a pregnant woman based upon the rape or incest exception must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than 24 hours after performing or inducing the abortion and may be made orally, or otherwise, so as to include the name and contact information of the pregnant woman making the allegation. The physician must also notify the pregnant woman that a report of the allegation will be made to the sheriff and shall make written notations in the woman’s medical records that such reporting procedures were followed.

Physicians who violate any prohibitions against performing or inducing an abortion, including intimidating a pregnant woman into having an abortion, may be prosecuted for committing a felony, and would face up to five years imprisonment in addition to fines up to \$5,000. In addition to disciplinary actions by the State Board of Medical Examiners, physicians are also subject to civil liability for statutory, actual, and punitive damages. Pregnant women are shielded by this Act from being held criminally or civilly liable when a physician violates any prohibitions against performing or inducing an abortion.

Section 3 of this Act provides that funds appropriated or authorized by the state may not be used by any political subdivision to purchase fetal tissue or fetal remains obtained from an abortion, nor may any political subdivision accept donated fetal remains.

Section 4 of this Act also adds § 63-17-325 to provide for updated child support guidelines. The biological father of a child would be responsible for paying 50% of the birth mother's pregnancy expenses from the time of conception, in addition to having to pay child support, which would be calculated from the date of conception. Further, if the pregnancy was the result of rape or incest, then the biological father would also be responsible for 100% of the expenses incurred by the mother for mental health counseling as a result of the rape or incest.

### **Act No. 71—Municipal Audits**

**R. 63, S. 31**

**Effective Date: June 7, 2023**

This Act amends § 5-7-240 of the Code of Laws to allow municipalities with less than \$500,000 in total revenues to provide a compilation of financial statements in place of an annual audit report. The compilation of financial statements must be provided annually if the municipality has a court system, or every three years if the municipality does not have a court system.

This Act also amends § 14-1-208 to increase the limit that municipalities may retain from court fines and fees that are collected from \$1,000 to \$2,000 in order to pay for expenses associated with the preparation of the Uniform Supplement Schedule Form that is required to be submitted with an audit or compiled finance statement.

Section 3 of this Act also amends § 4-90-150 to give counties flexibility in providing their annual audit report to the state before their allotment of the Local Government Fund (LGF) could be withheld. The annual audit report must still be provided to the State Treasurer by January 1 of each year. However, upon showing proper cause as determined by the State Treasurer, a county will receive an automatic 90-day extension. To be considered, a request for an extension must be signed by the chair of the council prior to the deadline for filing.

### **Act No. 72—Trafficking in Fentanyl**

**R. 97, H. 3503**

**Effective Date: June 15, 2023**

This Act amends § 44-53-190 and § 44-53-370 of the 1976 Code of Laws to create the felony offense of trafficking in fentanyl. The Act also adds § 44-53-379 to make it illegal for a person convicted of trafficking in fentanyl to possess a firearm.

## **Act No. 73—Youthful Offenders, Eligibility**

**R. 85, H. 3890**

**Effective Date: See Below**

This Act amends § 22-5-920(B) of the 1976 Code to allow certain youthful offenders to apply for expungement of records related to arrest and conviction for a driving under suspension offense and disturbing schools offense as provided for in § 16-17-420 that occurred before May 17, 2018. This Act takes effect on June 7, 2023, and applies retroactively to convictions before the effective date of this Act.

## **Act No. 75—Death Benefits for Law Enforcement Killed in the Line of Duty**

**R. 91, S. 108**

**Effective Date: May 11, 2023**

This Act amends § 9-1-1770(D) of the 1976 Code and would require a lump sum payment of \$75,000 to be paid to the beneficiary of a first responder whose death was a natural and proximate result of an injury by external accident or violence incurred in the line of duty as long as certain criteria are met. The payment will be increased to \$150,000 if the first responder is killed in the line of duty and the death is a result of an unlawful and intentional act of another person or an accident as long as certain criteria are met.

Section 3 of the Act adds § 42-7-90 to the Code to define first responder for purposes of the benefit as an emergency medical services provider or volunteer officer, a fire department worker or volunteer worker, a coroner, or a deputy coroner directly engaged in examining, treating, or directing persons during an emergency.

Finally, the Act specifies that payments to the beneficiaries of full-time first responders will be paid by the Public Employee Benefit Authority (PEBA) through the Preretirement Death Benefit Program under either the Police Officers Retirement System (PORS) or the South Carolina Retirement System (SCRS). Payments made to the beneficiaries of volunteer first responders will be paid from the State Accident Fund.

## **Act No. 83—Bond Reform**

**R. 98, H. 3532**

**Effective Date: See Below**

This Act amends several provisions in Chapter 15, Title 17 of the 1976 Code. It adds § 17-15-270 to create a new felony charge for a person who is out on bond for a violent crime and commits another violent crime. The new charge carries up to a five-year penalty that can run concurrently with the punishment for the initial offense. The Act amends § 17-15-15 to require a full cash bond to be paid by persons who have been charged with certain crimes. The Act also adds § 17-15-35 to allow a judge to require electronic monitoring for person that is out on bond. Electronic monitoring may only be done by a monitoring agency approved by the State Law Enforcement Division. Sections 4 and 5 of the Act take effect six months after June 20, 2023. Section 11 of the Act takes effect on July 1, 2024. All other provisions of the Act take effect June 20, 2023.

## **Act No. 84—Appropriations and Budget Provisos**

**R. 102, H. 4300**

**Effective Date: July 1, 2023**

The Appropriations Act generally contains a number of temporary statutory provisions, which are referred to as provisos. Temporary provisos are effective only for the fiscal year addressed in the budget act and appear in Part IB of the Act, hence the label Part I provisos or temporary provisos. Many Part I provisos are adopted every year as part of the budget process with little or no changes, while others are truly temporary in nature and only appear for one or two years. The effective date of all Part IB provisos is the fiscal year in which the act has been passed, which in this case is Fiscal Year 2023 -2024.

### Part 1A:

Part 1A contains the appropriation of recurring dollars. This year the General Assembly increased funding to the LGF by \$13,212,234 statewide. This represents full funding to the LGF under the statutory formula. The budget also includes \$12 million for the Rural Stabilization Fund, the same amount that was allocated last year.

Other funding of note in part 1A includes:

- \$155 million to cover a \$2,500 base pay increase for state employees making under \$50,000 and a 5% base pay increase for state employees making over \$50,000;
- \$121.5 million for the state's share of the 3.7% increase in premiums under the State Health Plan, including expanded well visits, prescribed contraceptives for dependents, and annual gynecological visits for women;
- \$40.1 million to cover the state's share of the 1% retirement contribution increase;
- \$12 million to the Rural County Stabilization Fund;
- \$345,000 to registers of deeds (This represents increased funding for FY23-24);
- \$690,000 to coroners (This represents increased funding for FY23-24);
- \$690,000 to clerks of court (This represents the same funding as FY22-23);
- \$690,000 to sheriffs (This represents the same funding as FY22-23);
- \$690,000 to probate judges (This represents the same funding as FY22-23);
- \$1,063,214 to county auditors (This represents the same funding as FY22-23);
- \$1,063,213 to county treasurers (This represents the same funding as FY22-23);
- \$1.5 million for magistrate salary increases (This represents increased funding for FY 23-24);
- \$1.5 million to the Councils of Governments;
- \$1.6 million to coroners to fund the local Child Fatality Review Team program;
- \$750,000 for post-traumatic stress disorder treatment for first responders;
- \$3 million to Labor, Licensing and Regulation for the V-SAFE Fund;
- \$12 million for destination specific tourism grants;
- \$3.894 million in recurring funds for Aid to Fire Districts – Statutory Funding Requirement for insurance premiums under § 23-9-410;
- \$2.5 million in additional money for tourism promotions;
- \$25 million in additional money to the Conservation Bank for grant funding;
- \$3.784 million for the Firefighter Cancer Benefit Plan; and
- \$5 million to the DMH for an alternative transportation program.

### Part 1B:

*\*Items marked in **bold** with an asterisk are new provisos and language in **bold** indicates language substantially amending or adding to previous provisos.*

**\*Proviso 1.100: Prohibits school districts, or any of their schools, from using state funds to offer students any monetary incentive or inducement to receive a COVID-19 vaccination.**

Proviso 1.21: This is the school district flexibility proviso. Section 59-21-1030, the Education Improvement Act local effort requirement, is suspended for the current fiscal year. There is no corresponding suspension of the Education Finance Act local effort requirement.

Proviso 1.47: 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 was increased from \$100,000 to \$150,000 in FY22-23.

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 DHHS to use appropriated funds to incentivize the development of primary care access in rural and underserved areas by leveraging federal funds that are available. The department will also use teaching hospitals, such as MUSC, to ensure rural physician coverage in counties with a demonstrated lack of adequate health care access.

Proviso 34.6: Each county is required to provide all operating expenses of the local health department other than salaries, fringe benefits, and travel in an amount at least equal to that appropriated for operations for each county in FY 1981. A reduction in the local health department funding level may be made in the event any county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations.

**\*Proviso 34.64: Authorizes DHEC to make grants to nonprofit organizations and governmental entities for public health and environmental programs. Directs the department to develop policies and procedures and promulgate regulations.**

**\*Proviso 34.65: Of the funds appropriated for dam safety beginning with the General Appropriations Act for Fiscal Year 2023-24, there is established within DHEC the Dam Safety Emergency Fund. The fund shall be utilized for emergency actions to protect life or property under § 49-11-190(D). The department shall deposit up to \$250,000 of appropriated funds into the fund at the beginning of each fiscal year. Fund balances shall be carried forward from each prior fiscal year into the current fiscal year and used for the same purpose. Expenses recovered from dam owners under § 49-11-190(D) shall be deposited into the fund.**

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 34.52: 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 43.6: Authorizes the Forestry Commission to carry forward any unspent funds appropriated for firefighting equipment into the current fiscal year and to spend these funds for the same purpose.**

Proviso 47.3: This proviso directs that a proportionate share of funds, at \$25,000 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 \$25,000 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 49.1: This proviso lays out the required allocations for the appropriations to PRT for Regional Promotions and Tourism.

Proviso 49.2: This proviso states that the minimum grant awarded by the Destination Specific Tourism Program is \$250,000. Each state dollar must be matched with two dollars of private funds. The proviso also puts restrictions on how PRT must award the grants.

Proviso 49.10: This proviso extends Parks and Recreation Development funds which were scheduled to expire in Fiscal Year 2021-22.

**Proviso 49.16: Amended to state that non-recurring funds appropriated to the Destination Specific Tourism Marketing grant program shall not be subject to a match requirement during the current fiscal year.**

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 1. The Department of Commerce will post these reports on their website.

Proviso 50.21: This proviso authorizes the Department of Commerce to use the Rural School District and Economic Development Closing Fund for economic development, water and sewer infrastructure, and school building infrastructure. The fund must be used to facilitate economic development and infrastructure improvements in counties that contain a school district that has been defined by the Department of Education as having a poverty rate greater than or equal to 86%. The counties in which these funds will be spent must meet each of the following criteria: (1) one of the top 12 counties in South Carolina with the highest population decline (by percentage) since 2010; (2) one of the top 12 counties with the highest average unemployment rate for 2018; and (3) according to the US Census 2017 - a county with a poverty rate in excess of 20%. 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 million 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 54.5: The Rural Infrastructure Authority shall use the funds allocated for the Statewide Water and Sewer Fund to assist qualified infrastructure projects not eligible for the Rural Infrastructure Fund. The authority will utilize the same procedures and guidelines established for the Rural Infrastructure Fund to select qualified projects for the Statewide Water and Sewer Fund.

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

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

Proviso 59.15: A county or municipality may retain carry forward victim service fine and fee funds, but no more than the greater of \$25,000 or 10% of funds collected in the prior fiscal year. If a county or municipality does not spend at least 90% of these funds during the fiscal year that the funds are received then they are to remit any unspent funds that are greater than the allowed carried forward funds, to the State Victim Assistance Program 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 60.11: Increases the amount appropriated and authorized for Caseload Equalization. The proviso will have the first \$10,350,000 distributed at an amount of \$225,000 per county. The remaining \$12,006,872 shall be distributed based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.**

Proviso 61.1: No county shall be permitted to contribute less money for indigent defense than the amount the county contributed the prior fiscal year and not less than was contributed as of July 1, 2020.

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: The State Law Enforcement Division (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 three 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 and 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. 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 South Carolina Department of Education 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 law enforcement agencies must report the number of full- and part-time school resources officers quarterly.

Proviso 63.10: This proviso establishes an advisory committee within DPS 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 provides that counties shall be required to provide to the Department of Corrections (DOC) **all available** medical history and screening records, booking reports, and other documents **required** to assist the department in its intake processing **at least one day prior** to the date for transfer of an inmate. Counties are not required to perform additional medical screening at the time of transfer. **Counties shall not be allowed to have an inmate admitted to the department until after the sentencing order and medical history and screening records in their possession are transferred to the department.** This proviso is intended to provide funding to expand the capabilities of 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 reception and evaluation centers at the Kirkland and MacDougall Housing Units. This proviso is also 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 DMH, DSS, 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 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 2 cent per year motor fuel increase, which is directed in statute to the Infrastructure Maintenance Trust Fund.

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

Proviso 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 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, 2024, are 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 an 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 100.16: This proviso authorizes the Emergency Management Division (EMD) to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that is eligible under the FEMA Public Assistance Program for Hurricane Irma and Florence.

The proviso also directs EMD 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 EMD to use \$500,000 authorized by Proviso 100.21 in Act 264 of 2018 for grants for non-profit entities. These funds were allowed to be carried forward and used for the same purpose in Fiscal Year 2023-24.



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 102.2: This proviso sets the per diem for managers and clerks of state and county elections at \$75 for a day of work. The per diem for training and paperwork is \$60.

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 to the Commission for payment more than 30 days after the election is held, the State Election Commission may deduct a penalty of 10% of the amount submitted.

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% 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 certified public accountants or accounting firms to conduct the audits.

**Proviso 106.2: This proviso provides that the increase in the employer contribution rate imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year 2023-24, respectively, are suspended. The employer contribution rate for the (SCRS) and the (PORS) during Fiscal Year 2023-24, expressed as a percentage of earnable compensation, shall increase by 1% from Fiscal Year 2022-23 rates as set in Act 239 of 2022.**

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 PEBA.

**Proviso 108.6: The employer premium contributions to the State Health Plan will increase 3.7%, and the subscriber premium will not increase.**

Proviso 108.12: This proviso provides that for Fiscal Year 2023-24, the earnings limitation does not apply to retired members of the SCRS or the PORS 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 SCRS or 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 108.16: This proviso extends the suspension of the earnings cap to retired members of the SCRS and the 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 12 consecutive months subsequent to retirement.

Proviso 108.17: This proviso provides that if a member of PORS chooses to engage in the Return-to-Work program, their 12-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 Section 12-60-2120 (appeal of property tax assessment), the Department of Revenue 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 60 days before a referendum on imposing a local sales tax or local option permit.

Proviso 109.16: In the current fiscal year, property owned by or leased to any utility, including solar farms, are not allowed the property tax reduction percentage for manufacturing property.

Proviso 113.3: Directs that salary supplements for county clerks of courts, probate judges, coroners, sheriffs, and registers of deeds be distributed to each county treasurer quarterly and directs that the amounts for county auditors and county treasurers be equally distributed to each county auditor and treasurer as a salary supplement in addition to the salary and other benefits presently provided by the county. The proviso also:

- States the intent of the General Assembly that county appropriations for these salaries are not reduced as a result of the appropriation;
- Exempts these funds from any across the board cut; and
- Authorizes a county governing body to reduce expenditures in the operation of these offices without any required corresponding reduction in the county's State Aid to Subdivision distribution and directs that any reduction in the officials' budgets must be made in consultation with the affected official.

**The proviso also provides for salary increases for magistrates. Full-time magistrates will receive a \$10,000 increase in their base salary. Part-time magistrates will receive a \$2,500 increase in their base salary. These salaries will remain decoupled from the circuit court judge salaries. The salary supplement shall not disqualify each magistrate for salary increases that they might otherwise receive from county funds in the future.**

Proviso 113.4: Counties are required to provide office space and appropriations for the operation of the county legislative delegation office in the amount determined by the legislative delegation. If a county council

fails to appropriate the demanded funding level, then the shortfall must be deducted from the county's Aid to Subdivisions allocation and an additional 25% of the remaining Aid to Subdivisions allotment must be forwarded to the legislative delegation for its "administrative costs."

Proviso 113.5: Any appropriation made by a county or city to an entity must appear as a separate and distinct line item in the budget. The proviso requires the county or city to require any entity that receives an appropriation from the local government to provide a detailed description of the purposes for which the appropriation was used. This proviso also states that a political subdivision may not accept any funds from organizations as defined in Agenda 21, adopted by the United Nations in 1992 at its Conference on Environment and Development, without posting certain information regarding the funding on the political subdivision's website for 10 days.

Proviso 113.7: A 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% 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 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.

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 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 117.83: 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 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 117.96: Two counties are authorized to enter memorandums of understanding to provide recreational activities and projects that benefit the citizens of both counties.

Proviso 117.98: 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 117.100: 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 117.107: 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 117.114: This proviso states that the General Reserve Fund, Capital Reserve Fund, Debt service, the LGF, and Tax Relief Trust Fund shall be excluded from the calculation of any across the board base reduction mandated by the DOA, Executive Budget Office or the General Assembly and shall not be subject to any such reduction.

Proviso 117.117: 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 SCRS Trust Fund and the PORS Trust Fund shall be credited towards the contributions due from participating employers in SCRS and PORS.

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

No credits shall be issued for:

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

Proviso 117.125: 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 on to 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 117.127: This proviso requires SLED to publish an Immigration Compliance Report (ICR). SLED may conduct investigations necessary to ensure the accuracy of information provided by counties and municipal governments within the ICR. The ICR shall contain a list of county and municipal governments that SLED has certified to be compliant with sections 17-13-170(E) and 23-3-1100, as well as compliance with any federal laws related to the presence of an unlawful person in the United States in the previous fiscal year. The ICR must be provided to the General Assembly, the Governor, and the State Treasurer by December 31 of the current fiscal year. The State Treasurer shall withhold any remaining disbursement from the LGF to any county or municipality that is not certified as compliant in the ICR.

Proviso 117.128: Any Class I law enforcement officer who retired under PORS 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 117.130: Notwithstanding Proviso 117.144 (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 Fiscal Year 2018-19.

Proviso 117.141: 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 117.147: 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 SFAA 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. **The proviso was amended this year to allow DMH to amend the contract to add additional counties to the program.**

Proviso 117.151: This proviso suspends Section 11-11-156(C) of the Code for Fiscal Year 2023-24. 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 117.154: 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 117.155: Allows Procurement Services of the SFAA 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.

## **Act No. 87—Economic Development, Certain Permit Extensions**

**R. 78, H. 3209**

**Effective Date: May 19, 2023**

This Act provides for the extension of certain permits, certificates and other governmental approvals affecting economic development within the state. For development approvals that are current and valid at any point between January 1, 2020, and December 31, 2023, the running of the clock regarding the period of validity and any associated vested rights are suspended.

This Act does not apply to development agreements entered into pursuant to § 6-31-10 (the “South Carolina Local Government Development Agreement Act”), permits relating to approvals of stormwater management plans that are granted by a local government or DHEC, and 401 Water Quality Certification Permits that are issued by DHEC.

## **Act No. 88—SC Housing Tax Credit**

**R. 76, S. 739**

**Effective Date: May 19, 2023**

This Act provides a one-time authorization of South Carolina Housing Tax Credits in an amount necessary but not exceeding \$29,806,029, comprised of \$12,889,152 remaining available from the one-time authorization of South Carolina Housing Tax Credits provided in Section 1.B.1 of Act 202 of 2022, and a total of \$16,916,877 remaining available for allocations for the tax year ending December 31, 2023, pursuant to § 12-6-3795.

The Act also authorizes an amount necessary, but not exceeding \$25 million from the undesignated balance held in the South Carolina Housing Trust Fund established pursuant to Article 4, Chapter 13, Title 31 of the South Carolina Code, as one-time funding, and shall not be considered as South Carolina Housing Tax Credits.

No later than June 30, 2023, the State Housing Finance and Development Authority must develop a plan to allocate the South Carolina Housing Tax Credits and nonrecurring, one-time funding made available pursuant to this Act as supplemental financial support to certain multifamily housing projects that had by March 31, 2023, received a tentative allocation of South Carolina Housing Tax Credits pursuant to Act 202 of 2022. The plan, and any project allocations proposed thereunder, must be submitted to the Joint Bond Review Committee for review and comment prior to awarding any South Carolina Housing Tax Credits or nonrecurring, one-time funding made available pursuant to this Act.

## **Act No. 92—Barnwell County School Districts, Consolidation**

**R. 11, S. 654**

**Effective Date: April 25, 2023**

This Act consolidates the three school districts in Barnwell County by July 1, 2024, and creates the Barnwell County School District, which shall consist of the entire geographic area encompassed by the three present school districts as they existed on the effective date of this Act. This Act also provides instructions for purposes of determining the 2024 property tax millage levy of the Barnwell County School District upon its creation. Beginning in 2026, the Barnwell County School District is vested with total fiscal autonomy.

## APPENDIX—VOTING PRECINCTS

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

### Act No. 12

**R. 20, S. 593**

**Effective Date: May 8, 2023**

This Act amends § 7-7-440 to redesignate the precinct lines in Orangeburg County shown on official maps on file with the Revenue and Fiscal Affairs Office and as shown on copies provided to the State Election Commission and the Board of Voter Registration and Elections of Orangeburg County by the office and designated as P-75-23A.

### Act No. 14

**R. 22, H. 4099**

**Effective Date: May 8, 2023**

This Act amends § 7-7-350 to remove two existing precincts in Lancaster County, add two new precincts, and redesignate the map number on which the voting precincts in Lancaster County may be found on file with the Revenue and Fiscal Affairs Office.

### Act No. 48

**R. 58, H. 4177**

**Effective Date: July 1, 2023**

This Act amends § 7-7-490 to delete certain voting precincts in Spartanburg County, add new precincts, and redesignate the map number on which these precincts may be found on file with the Revenue and Fiscal Affairs Office.

### Act No. 50

**R. 60, H. 4350**

**Effective Date: May 16, 2023**

This Act amends § 7-7-160 to redesignate the official map number designated P-21-23 for Cherokee County 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. 52

**R. 73, S. 564**

**Effective Date: May 18, 2023**

This Act amends § 7-7-330 to add one precinct in Jasper County and to redesignate the map number on which the names of these precincts may be found and maintained by the official map number designated P-53-23 on file with the Revenue and Fiscal Affairs Office.

### Act No. 53

**R. 75, S. 639**

**Effective Date: May 18, 2023**

This Act amends § 7-7-530 to add new precincts in York County and to redesignate the map number on which the names of these precincts may be found and maintained by the official map number designated P-91-23A on file with the Revenue and Fiscal Affairs Office.

## **Act No. 82**

**R. 101, H. 4217**

**Effective Date: January 1, 2024**

This Act amends § 7-7-110 to add new precincts in Beaufort County, remove precincts, and to revise the name of certain precincts. The Act also redesignates the map number on which these precincts may be found and maintained by the official map designated P-13-23 on file with the Revenue and Fiscal Affairs Office.

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## NOTES

## NOTES



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