



Acts That Affect Counties

2025

**Legislation passed during the
126th General Assembly**



**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**

FOREWARD

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 2025 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 2025 session. It is important to consult your county attorney when you have a question regarding the law.

Please note that 2025 was the first half of the two-year 126th General Assembly. Any legislation pending action when the 2025 session adjourned will retain its status as it existed when the General Assembly adjourned sine die. The General Assembly reconvenes in January of 2026.

The acts in this report are generally listed in ascending order by ratification number. Each new act is entitled by its assigned act number. Underneath and to the left of the act number are two different citations: the ratification number and a Senate or House bill number. Since the act number is permanent, citing to that number is the proper reference when drafting ordinances pursuant to an act, e.g. Act No. 1 of 2025. 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. 1—Organized Retail Crime

R. 5, H. 3523

Effective Date: March 7, 2025

This Act amends § 16-13-135 to establish the definition and offense of organized retail crime when two or more people conspire to commit theft of retail property from a retail establishment with the intent to sell, barter, exchange, or reenter such property back into the stream of commerce. Retail property is further defined as merchandise, property, money, negotiable documents, or other forms of credit intended to be sold in retail commerce.

The Act also establishes a graduated penalty schedule, with enhancements, based on the value of the stolen merchandise. For a first offense, convictions increase from a misdemeanor to a felony if the value is over \$10,000. Multiple offenses occurring within 90 days may be aggregated into a single count with the aggregated value used to determine the value of the property. For a second or subsequent offense, an individual must be charged with a felony.

Additionally, the Act provides that a person can be charged with the offense of organized retail crime of an aggravated nature and is guilty of a felony if, while committing the offense of organized retail crime, the person willfully and maliciously:

- damages, destroys, or defaces real or personal property valued in excess of \$2,000; or
- causes moderate bodily injury or great bodily injury to another person as defined in § 16-3-600.

Act No. 2—Utility Storm Damage Recovery

R. 7, S. 157

Effective Date: March 13, 2025

This Act amends § 58-27-1105 to allow electrical utilities, due to the widespread destruction of electrical utility infrastructure caused by Hurricane Helene, to include the cost of capital from the date of the storm through the issuance of storm recovery bonds for cost recovery to repair, restore, and rebuild that infrastructure. The cost of capital will be determined by the interest rate paid by the utility to borrow the funds necessary to cover the restoration and recovery efforts after Hurricane Helene, if the interest rate percentage does not exceed the utility's total weighted average cost of capital percentage established in the utility's most recent base rate case proceeding. The Act also defines the term "qualified independent third party" as the person or entity that may need to be designated and retained by the Public Service Commission (PSC) who has relevant expertise in accounting, finance, or utility regulation, sufficient to make professional judgements necessary to certify whether the sale of storm recovery bonds complies with the requirements of current law.

Finally, the Act amends § 58-27-1110 to allow electrical utilities to defer the review and approval of a financing order by the PSC to either a future base rate proceeding or a separate proceeding to be established at the request of the utility.

Act No. 3—Department of Behavioral Health and Developmental Disabilities

R. 10, S. 2

Effective Date: April 28, 2025

Section 1 of this Act adds § 44-12-10 et seq. to establish the Department of Behavioral Health and Developmental Disabilities (DBHDD) by merging previously separate agencies into three main component offices now referred to as the Office of Mental Health, the Office of Intellectual and Developmental Disabilities, and the Office of Substance Use Services in order to improve coordination, efficiency, and accountability. The DBHDD shall be led by a director who is appointed by the governor, with the advice and consent of the Senate,

and each of the three new offices will be managed by an office director, appointed by the DBHDD director. The director is authorized to perform several duties, including strategic planning, budget development, data sharing, and reporting to the governor and General Assembly.

Section 2 adds the DBHDD to the list of executive departments in § 1-30-10(A) of the Code.

Section 3 adds § 8-17-370 to exempt the director of the DBHDD and all employees that report directly to the director or Office directors from state employee grievance procedures.

Section 4 updates definitions in § 44-20-30 of the “SC Intellectual Disability, Related Disabilities, Head Injuries, and Spinal Cord Injuries Act” to align with the newly created Department structure.

Sections 5 through 11 formally create the Office of Intellectual and Developmental Disabilities and the Office of Substance Use Services transferring all related powers from the Department of Disability and Special Needs (DDSN) and the Department of Alcohol and Other Drug Abuse Services (DAODAS) to the new offices.

Sections 12 through 14 formally create the Office of Mental Health and transfer all powers from the Department of Mental Health (DMH) to the new office.

Section 15 adds § 1-30-150 to direct the Department of Health and Human Services (DHHS), the Department of Veterans’ Affairs (DVA), the Department of Administration (DOA), the Department of Public Health (DPH), the Department of Social Services (DSS), and the DBHDD to create a coordinated plan for disability services in community settings. Additionally, the Director of DPH must appoint an administrator of Community Living Integration charged with providing oversight in the assessment of the community integration planning in South Carolina. The administrator of Community Living will report to the DPH director and must select an Americans with Disabilities Coordinator to ensure compliance with federal provisions.

Section 19 appoints the current agency directors of DDSN, DMH, and DAODAS to serve as interim office directors for the newly created offices under the DBHDD.

ACT NO. 4—Law Enforcement/Judicial Privacy

R. 11, S. 126

Effective Date: January 1, 2026

This is cleanup legislation for Act 56 of 2023, the “Law Enforcement/Judicial Personal Privacy Protection Act.” “Eligible Requesting Party” for purposes of this Act means an active or former law enforcement officer or active or former judge. Section 1 amends § 30-2-500 to revise the definition of personal contact to include home address, personal cellular telephone number, or property tax map number, if applicable, of the eligible requesting party. “Disclosed records” means records accessible by a database or an image of an official record, which are placed on a publicly available website maintained by or operated on behalf of a state or local government agency. Disclosed records do not include records available for purchase or through an account, by registration or subscription, from a state or local government agency. Section 1 further amends § 30-2-510 to require that any personal contact information of an active or former law enforcement officer located on a disclosed record be restricted and must not be disclosed to the public if the eligible requesting party has filed a formal request with the agency. The law enforcement officer must specify which documents contain their personal information. Section 1 also adds § 30-2-515 to allow an eligible requesting party to petition the court for an order directing compliance with these provisions. A state or local government employee will not be liable for damage claims for any personal contact information on the public record.

Section 2 amends § 30-2-700 to mirror the definitions of personal contact information and disclosed records for active and former judges to the definitions in Section 1 for active and former law enforcement officers. Section 30-2-710 is amended to require that any personal contact information of an active or former judge located on a disclosed record must not be disclosed to the public if the eligible party has filed a formal request with the agency. The judge must specify which documents contain their personal information. Section 2 also adds § 30-2-715 to allow an eligible party to petition the court for an order directing compliance with these provisions. A state or local government employee will not be liable for damage claims for any personal contact information on the public record.

The personal contact information restriction does not apply to the following:

- a title insurer or its affiliate;
- a title insurance agent or agency;
- a licensed South Carolina attorney or a person appointed in writing by said attorney to receive the restricted information; or
- personal contact information included on a business filing or Uniform Commercial Code filing recorded with the South Carolina Secretary of State.
- the personal representative of a deceased eligible party; and
- a professional engineer, land surveyor, or their designee.

A state or local government agency that restricts or withholds information under this Act shall provide to a requestor a description of the restricted or withheld information and a citation to the applicable provision in the Act for a law enforcement officer or judge. Personal contact information provided under the provisions of this Act may be disclosed under subpoena, by order of the court, upon written consent of the eligible requesting party, or to another government agency. Personal contact information restricted from disclosed records must remain within the official records held or maintained by a state or local government agency, but not be included within an index or displayed on an image of an official record on a publicly available website maintained or operated on behalf of a state or local government agency. In the event that a home address or tax map number cannot be restricted from a disclosed record within an index or from being displayed on an image of the official record on a publicly available website maintained or operated on behalf of a state or local government agency, then the image of the official record shall not be displayed and the state or local government agency must restrict the home address or tax map number portion from the display within the index, regardless of the location of the index. In addition, an eligible requesting party's request to restrict information does not apply to a subsequent home address. The eligible requesting party is responsible for notifying through the designated form each state or local government agency of a subsequent home address of the eligible requesting party, and any documents filed after the original request to restrict personal contact information including, but not limited to, changes to the mortgage on a property, or any change in personal contact information.

Section 3 delays the effective date of Act 56 of 2023 from July 1, 2025, until January 1, 2026, and Section 5 makes the effective date of this Act January 1, 2026.

Section 4 of the Act requires the South Carolina Criminal Justice Academy to create the request form for law enforcement officers, and South Carolina Court Administration to create the form for judges. The agencies must coordinate to ensure that the request forms are uniform. In addition to filing the request form, the eligible requesting party must also submit a notarized affidavit affirming their current or former employment, along with employer contact information. In addition to the request form and affidavit, the Act also authorizes a governmental agency to require any information from the eligible requesting party it deems necessary.

Act No. 5—South Carolina Veterans’ Homes

R. 12, S. 218

Effective Date: April 28, 2025

This Act adds § 25-11-730, which deals with the transfer of South Carolina veterans’ homes from the Department of Mental Health to the DVA. It requires the DVA to adopt and implement criteria, policies, and procedures for admissions to and discharges from these veterans’ homes. Additionally, the Act requires the DVA to establish and collect fees for residency and services provided by the veterans’ homes. Finally, it enables the DVA to assign state and federal benefits to veterans’ homes.

Act No. 7—Family Court Judges

R. 18, H. 3529

Effective Date: April 28, 2025

This Act amends § 63-3-40(A) to increase the number of family court judges in the ninth, 11th, and 14th circuits. The Judicial Merit Selection Commission will not begin the nominating process for the judges until funding is appropriated by the General Assembly.

Act No. 8—Child Welfare Case Records

R. 19, H. 3654

Effective Date: April 28, 2025

Section 1 of this Act amends § 63-7-1990(B)(1) to allow the Department of Social Services (DSS) to grant case record access to the Guardian ad Litem Division of the Department of Children’s Advocacy (DCA) and county Guardian ad Litem staff. Section 2 of the Act amends §63-11-550(A) to enable appointed Guardians ad Litem to share information with DCA staff and updates references to DCA for alignment with current practices and procedures. Sections 3 and 4 of the Act amend §63-11-700 and 63-11-1340 to give DCA the authority to promulgate regulations and to employ a division director and a director of the Continuum of Care.

Act No. 10—Public Service Districts

R. 22, H. 3933

Effective Date: April 28, 2025

This Act amends § 33-36-1330(B) to update the process for appointing board members when a nonprofit corporation providing water and sewer services is converted into a public service district. The board will consist of seven members. The Act specifies that the Governor’s Office must appoint new members to staggered four-year terms based on recommendations from the relevant county legislative delegation.

Act No. 18—Electric Vehicle Charging Stations

R. 34, S. 275

Effective Date: May 8, 2025

Section 1 of this Act adds § 58-27-10 to establish the statutory definition of a “direct-current-fast-charging station” as well as the terms “electric vehicle” (EV) and “electric vehicle charging provider.”

Section 2 of this Act amends § 58-27-1060 to clarify that a person or corporation who uses an EV charging station to resell electricity to the public, for compensation, shall not be classified as an electrical utility if:

1. the person or corporation has procured the electricity from an electrical utility, a municipality, a consolidated political subdivision, the PSC, or an electric cooperative that is authorized to engage in the retail sale of electricity within the territory in which the electric vehicle charging service is provided;

2. the person or corporation furnishes electricity exclusively for the charging of plug-in electric vehicles; and
3. the charging station is immobile.

Section 2 also outlines that electrical utilities and other local governments must provide and appropriately charge for infrastructure that is required to serve the electric load for EV charging needs or to meet the requirements of any state and federal grant funding. Additionally, electrical utilities or local governments that provide, own, or maintain direct-current-fast charging stations for public use must offer fair, reasonable, and nondiscriminatory rates or services. Any revenue received from services other than those provided by the charging stations shall not be used for subsidizing investments in these types of EV charging stations that are owned and operated by utilities or local governments going forward. Local governments with existing “Level 2” charging stations are also permitted to continue offering free charging for public use.

Act No. 22—Abandoned, Derelict and Sunken Vessels

R. 38, S. 367

Effective Date: May 8, 2025

Section 1 of this Act adds § 50-21-200 et seq. to provide that it is unlawful for a person to cause or allow a vessel to become abandoned, derelict, or sunken. Such events shall be declared to be public nuisances that must be abated. This new article provides definitions of the above terms, as well as defining the individuals that are determined to be the “registered owner” of the vessel and the “responsible party.” Any person found to be in violation of the above-mentioned provisions is guilty of a misdemeanor. The individual is also liable for all costs arising from the removal of the vessel from the waters of the state, or adjacent public property. This new provision does not apply to a person that sinks a vessel pursuant to the Department of Natural Resources’ (DNR) program pertaining to artificial reefs. Magistrate courts are vested with jurisdiction for cases arising under this new article, and any fines collected must be used by DNR for the removal and disposal of abandoned, derelict, or sunken vessels.

The Act also provides DNR and local law enforcement agencies with procedures that must be followed when locating any wrecked or junked vessels containing visible identifiers such as a hull identification number, vessel registration number, or vessel name and home port. If DNR or a local law enforcement agency is unable to locate a visible identifier on a vessel, the locating agency must post an abandoned vessel notice and submit an abandoned vessel report within 24 hours.

The Act also requires DNR or local law enforcement agencies with jurisdiction to remove a derelict vessel notice, if within 14 days of the posting of the notice, a responsible party provides a bona fide plan of removal to DNR. However, if the vessel remains wrecked or junked 30 days from the date of posting the original notice, then another derelict vessel notice must be applied to the vessel, and no additional bona fide plan of removal may be submitted.

Sections 50-21-260 and 56-21-270 provide details regarding the removal of a vessel, cost recovery, and the possibility of civil actions that are in addition and supplemental to any rights of salvage under maritime law.

Act No. 23—School Meals

R. 39, S. 425

Effective Date: May 8, 2025

This Act adds § 59-63-795, requiring public school districts to annually identify students living in poverty and increase access to free breakfasts and lunches for them. It outlines eligibility criteria and related requirements for school districts and states that these requirements will be suspended if certain federal funding is discontinued.

Act No. 24—Redevelopment of Federal Military Installations

R. 42, H. 3333

Effective Date: July 1, 2025

This Act amends § 31-12-30(6) to redefine “redevelopment project” for purposes of federal military installations, to include certain affordable housing projects. The Act also amends § 31-12-210(F), relating to the issuance of obligations for redevelopment projects by a municipality, to provide that obligations must be issued not later than 35 years after the adoption of an ordinance by the municipality pursuant to Section 31-12-280.

Act No. 25—Property Interest

R. 43, H. 3432

Effective Date: May 8, 2025

This Act amends § 27-6-20 to increase the time a real property interest can vest from 90 years to 360 years. Section 2 of the Act amends § 27-6-40 to allow a court to reform the disposition of property in a manner that most closely approximates the transferor’s manifest plan of distribution up to 360 years. Section 3 adds § 62-7-504 relating to discretionary trusts to provide certain situations where a beneficiary of a trust will not be considered a settlor and have the ability to transfer the beneficiary’s interest in the trust. Section 4 amends § 62-7-505 regarding creditors’ claims against the grantor of a trust, to provide that certain amounts paid to taxing authorities may not be considered an amount that may be distributed to or for the grantor’s benefit. Section 5 adds § 62-7-508 to provide for reimbursement of state or federal income tax liabilities of a settlor or grantor of a trust using certain trust assets with some limitations and exclusions.

Act No. 26—Small Estates in Probate

R. 44, H. 3472

Effective Date: May 8, 2025

This Act amends §§ 62-3-1201, 62-3-1203, 62-3-1204, and 62-2-401 to increase the value limit of a small personal estate from \$25,000 to \$45,000, to allow more estates to go through summary administration in probate court.

Act No. 28—Streaming of School Board Meetings

R. 46, S. 77

Effective Date: May 12, 2025

This Act adds § 59-19-85 to enhance public access to school board meetings by requiring the livestreaming or electronic transmission of meetings. All public-school governing bodies, including charter schools and special schools, must ensure that meetings subject to the South Carolina Freedom of Information Act are open to the public and accessible via livestream, except during lawful executive sessions. The Act mandates the State Board of Education to adopt a model livestream meeting policy, with implementation required by January 1, 2026.

Act No. 30—Noncertified Teacher Pilot Program/Criminal Background Checks

R. 48, S. 79

Effective Date: May 8, 2025

Section 1 of this Act adds § 59-18-1115 to establish a five-year pilot program, effective May 1, 2025, which allows public school districts to hire non-certified teachers, limited to 10% of the total teaching staff. The Department of Education will submit annual reports starting November 1, 2026, with recommendations for improving or continuing the program. The status report due November 1, 2029, must include a recommendation regarding its continuation beyond June 30, 2030.

Section 2 adds § 23-3-90, detailing requirements for state agency requests for criminal history record checks, including fingerprint submissions to the FBI's Next Generation Identification (NGI) system, which the FBI can retain.

Act No. 31—South Carolina Military Affairs Advisory Council

R. 49, S. 89

Effective Date: May 12, 2025

This Act amends § 25-11-100 by renaming the South Carolina Military Base Task Force to the South Carolina Military Affairs Advisory Council and revising its mission. It expands the membership to include the chief executive officer of the Aiken Chamber of Commerce, the chairpersons of Aiken and Edgefield County Councils, and the mayor of North Augusta. Members of the Executive Committee must be recommended by the county legislative delegation before being appointed by the governor. The Advisory Council is required to meet at least once a year.

Act No. 32—Firefighter Registration Requirements

R. 50, S. 101

Effective Date: May 12, 2025

This Act amends §§ 40-80-10(B), 40-80-40(C), and 40-80-50 to clarify requirements related to registration of firefighters by the Office of the State Fire Marshal, which is under the administration of the SC Department of Labor, Licensing and Regulation. The Act now allows for firefighters from other states to be registered with the Office.

Act No. 33—Waste Tires

R. 51, S. 171

Effective Date: May 12, 2025

Section 1 of this Act adds Article 3 in Chapter 75, Title 39 to provide requirements and definitions pertaining to waste tires, manifests, and waste tire haulers. Waste tire haulers are required to register with the Department of Environmental Services (DES) and must display a hauler registration decal, issued by DES, on the rear of the transporting vehicle at all times. Waste tire haulers must also complete manifest documents when transporting waste tires and maintain them in an accessible location in the vehicle to be presented to authorities upon request. Haulers must also provide a completed manifest document to the generator or receiving facility of the tires at the time of transfer and must submit copies to DES within 60 days. Waste tire generators and facilities must maintain manifest records for three years and verify the accuracy of the information at the time of each transfer.

Article 5 in Chapter 75, Title 39 of the Code also adds new provisions relating to the prohibition of installing unsafe used tires. A used tire is considered “unsafe” if it shows certain visible deformations or damages including, but not limited to, improper repair, defaced or missing United States Department of Transportation (USDOT) tire identification numbers, or is a recalled tire whose sale is prohibited by federal law. These provisions do not apply to businesses selling used tires for retreading, vehicle dealers selling vehicles with used tires that are already mounted, or tires intended only for agricultural or off-road purposes. The article does not reduce liability for businesses operating under existing civil liability laws in Chapter 73 of Title 75 and does not create a private cause of action for negligence per se.

Section 2 of the Act amends § 44-96-170(E) and (F) to increase the tipping fee that a county may charge from \$150 per ton to \$400 per ton, for waste tires that are generated out-of-state, NON-USDOT tires, or tires that are submitted without proof of paying the \$2 advanced recycling fee. Additionally, a county may charge up to \$400

per ton for waste tires sold or used in the county when, by local ordinance, the county prohibits the acceptance of tires with documentation. When waste tires are accepted by a county, and proper documentation is provided, counties may charge a tipping of up to \$150 per ton.

Section 3 of the Act amends § 44-96-170(N) through (S) to provide for the use of fees pertaining to the sale of used tires. A fee of \$2 shall be imposed for each new and used tire with a USDOT number sold to consumers which also applies to unmounted tires on new retail vehicle sales. A wholesaler or retailer receiving new tires from unlicensed wholesalers is responsible for paying the fee. This fee shall not be collected on farm or agricultural tires, including tires designed for use in the production of farm products as defined in § 46-1-75(E) (1). The Office of Waste Reduction and Recycling under DES may provide grants from the Waste Tire Trust Fund (Trust Fund) to counties which have exhausted all funds received under § 44-96-170(N), to regions applying on behalf of those counties, and to local governments within those counties that assist in certain recycling related activities. Grants from the Trust Fund may also be awarded to businesses or manufacturers that generate or process waste tires to develop, create, or otherwise utilize waste tires for alternative productive uses or tire-derived products including, but not limited to, rubber modified asphalt.

The Act also requires DES to promote the recycling of waste tires by collaborating with the Department of Commerce to create a statewide waste tire management plan focused on market development in consultation with representatives from several stakeholder groups, including county governments.

Act No. 38—Failure to Stop

R. 57, H. 3127

Effective Date: May 12, 2026

This Act amends § 56-5-750 to increase penalties for failing to stop when signaled by law enforcement. Under § 56-5-750(A), drivers must stop for law enforcement vehicles using sirens or flashing lights. Attempts to evade these vehicles are prima facie evidence of a violation, and failure to see or hear the signals is not an excuse if conditions allow for visibility or audibility.

Additionally, Section 56-5-750(B) outlines the following penalties:

- (B)(1) For a first offense without great bodily injury or death, it's a misdemeanor punishable by a fine of at least \$500 or up to three years in prison, with a 30-day driver's license suspension.
- (B)(2) For a second or subsequent offense without great bodily injury or death, it's a felony punishable by up to ten years in prison, with a one-year driver's license suspension.
- (B)(3) Leading law enforcement on a high-speed chase is a felony and carries the same penalties as outlined above. A high-speed chase occurs when a driver increases speed or takes evasive actions to avoid being apprehended by police.

Furthermore, Section 56-7-750(C) states that if a violation causes great bodily injury, it is a felony punishable by up to 15 years in prison; if it causes death, it may result in a sentence of up to 30 years.

Act No. 40—Hands-Free Driving

R. 59, H. 3276

Effective Date: September 1, 2025

Section 1 of this Act to create the "South Carolina Hands-Free and Distracted Driving Act" to enhance the provisions of the state's current hands-free statute and to increase penalties.

Section 2 amends § 56-5-3890 to define a mobile electronic device to mean a cellular telephone, portable computer, GPS receiver, electronic game, or any substantially similar stand-alone electronic device used to communicate, display, or record digital content. It does not include a citizen's band radio, amateur radio, ham radio, commercial two-way radio or its functional equivalent, subscription-based emergency communication device, or prescribed medical device.

The Act makes it unlawful while operating a motor vehicle on any public highway of this State, to:

1. hold or support, with any part of the body, a mobile electronic device. This provision does not prohibit the use of an earpiece or device worn on a wrist to conduct voice-based communication;
2. read, compose, or transmit any text including, but not limited to, a text message, email, application interaction, or website information on a mobile electronic device;
3. watch motion including, but not limited to, a video, movie, game, or video call on a mobile electronic device.

This Act does not apply to a person operating a motor vehicle who is:

1. lawfully parked or stopped;
2. initiating a voice-based communication that is automatically converted by the device and sent as text, provided that the device is not held by the operator or supported with any part of the body by the operator;
3. reporting an accident, emergency, or safety hazard to a public safety official;
4. transmitting or receiving data as part of a digital dispatch system while performing occupational duties or while conducting network performance testing or testing required by the Federal Communications Commission;
5. a first responder while performing official duties;
6. using a mobile electronic device for the purpose of:
 - (a) navigation, listening to audio-based content, or obtaining traffic and road condition information in a manner that does not require the operator to type, provided that the device is not held by the operator or supported with any part of the body by the operator;
 - (b) using a mobile electronic device to initiate or end a cellular call in a manner that does not require the operator to type, provided that the device is not held by the operator or supported with any part of the body by the operator; or
 - (c) unlocking the device for a purpose listed in subitems (a) or (b), provided that the device is not held by the operator or supported with any part of the body by the operator; or
7. using equipment or services installed by the original manufacturer of the vehicle.

A person who violates these provisions is guilty of distracted driving and upon conviction:

- for a first offense, must be fined \$100, no part of which may be suspended; and
- for a second or subsequent offense, must be fined \$200, no part of which may be suspended, and must have two points assessed against his motor vehicle operating record. Only those offenses which occurred within three years of the last offense will be considered a prior offense.

The Act also shifts 25% of the fine and fee revenue that would otherwise flow to counties to the Department of Public Safety (DPS) for use to educate the public on the dangers of distracted driving. A distracted driving violation must not be reported to the driver's vehicle insurance provider. Also, a law enforcement officer may not stop a person for a violation of this law unless they have probable cause that a violation has occurred based on the officer's clear and unobstructed view of a person who is using a wireless electronic communication device. This Act preempts any local ordinances, regulations, and resolutions regarding people using mobile electronic devices while operating motor vehicles on South Carolina's public highways.

Section 3 amends § 56-1-720 by adding the offense of distracted driving second or subsequent offense to the list of traffic violations for purposes of the driver's license point system.

Section 4 requires the SC Department of Motor Vehicles (DMV) to place a sign at each interstate entrance ramp advising motorists of this Act. Section 5 states that for the first 180 days of the enactment of this legislation, a law enforcement officer may only issue a warning ticket.

Section 6 provides that at the end of each fiscal year, DPS shall report to the governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Transportation Committee, and the Chairman of the House Education and Public Works Committee the age, gender, and race of every driver issued a citation, as well as every instance that a citation is not issued following a traffic stop made pursuant to this act. The data must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies shall combine the data collected by county and the municipal law enforcement agencies.

Act No. 41—Energy Security Act

R. 60, H. 3309

Effective Date: See Below

This legislation enacts the South Carolina Energy Security Act to address the state's energy needs over the next decade. Section 8A of the Act adds § 6-29-1220 to the S.C. Code to establish statewide design and development standards that are only applicable for a county that has not adopted rural zoning or has not adopted ordinances establishing design and development standards for solar energy systems that require a footprint of more than 13 acres of land. The standards include requirements for a site plan, setbacks, and vegetation buffers, as well as height and other restrictions. Upon receipt of a completed solar energy system plan by a county, the county must set a date for a public hearing, send notice to neighboring property owners, and notify the public at least 30 days prior to the public hearing. DES is charged with enforcing these requirements. This Section takes effect on projects approved by a county on or after January 1, 2026.

Section 10 of the Act adds § 58-27-2700 et seq. to enable electric utilities to request an annual rate adjustment from the PSC, to establish baseline rates, to set adjustment requirements, and to add measures to ensure customer protection. This Section and all other sections take effect on May 12, 2025.

Act No. 42—Tort Reform and Liquor Liability

R. 61, H. 3430

Effective Date: See Below

Section 1 of this Act amends § 15-38-15, the South Carolina Contribution Among Tortfeasors Act, to set forth new requirements that must be met for the trier of fact to allocate fault to a nondefendant tortfeasor for purposes of apportioning damages. Section 3 of the Act adds Chapter 3 to Title 61 to require an individual employed as an alcohol server or manager to complete alcohol server training and to obtain an alcohol server certificate. Section 4 amends § 61-4-580(B) to enhance the penalties to a permittee or licensee who knowingly sells beer or wine to a person under 21 or to an intoxicated person. Section 8 amends § 61-2-145 to provide risk mitigation practices for licensees to reduce the required \$1 million annual aggregate limit of liability insurance. The Act takes effect January 1, 2026, applies only to causes of action or claims arising or accruing after January 1, 2026, and applies to all policies issued after that date. Section 5, which adds § 61-4-523 to require certain conditions to be met prior to the sale of beer and wine at collegiate sporting venues, takes effect on May 12, 2025.

Act No. 43—Oversight of County Veterans' Affairs Offices

R. 62, H. 3563

Effective Date: May 12, 2025

This Act amends § 25-11-50, requiring the secretary of the DVA to evaluate each county office no more than twice per year to assess service levels and procedural compliance. If deficiencies are found, the DVA will assist in creating a corrective action plan and re-evaluate the situation within six months. The secretary must submit a report of the final inspection results to the legislative delegation and the county administrator within 90 days of the completion of the inspection. Additionally, the secretary or their designee cannot remove a county officer for any reason.

Act No. 45—Durable Medical Equipment Sales Tax Exemption

R. 64, H. 3800

Effective Date: May 12, 2025

This Act amends § 12-36-2120(74) to exempt durable medical equipment (DME) and related supplies from sales tax. The DME must be purchased directly by funds of South Carolina or the United States under the Medicaid or Medicare programs, and the programs must prohibit the payment of sales or use tax. Finally, the items must be sold by a provider who holds a South Carolina retail sales license.

Act No. 49—Hospital Emergency Departments

R. 75, H. 4067

Effective Date: May 12, 2025

This Act adds § 44-7-268, requiring every hospital in South Carolina with an emergency department to maintain at least one physician physically present on-site when the department is open for business. This physician is responsible for the operations of the emergency department, regardless of the hospital's classification.

Act No. 50—Converting Circuit Courts

R. 76, H. 4160

Effective Date: May 12, 2025

This Act amends § 14-5-610, converting nine at-large circuit court seats to designated resident seats in the third, fifth, seventh, ninth, 11th, 12th, and 13th circuits.

Act No. 54—Juveniles on Military Installations

R. 69, H. 3910

Effective Date: May 13, 2025

This Act amends § 3-1-150 and adds § 63-3-510 to establish concurrent jurisdiction with the state and the United States for a military installation of the U.S. Department of Defense when a juvenile has committed a federal offense within the boundaries of the installation, if the U.S. Attorney waives exclusive jurisdiction and the federal violation is also a violation under state law. Family court has original exclusive jurisdiction for such offenses.

Act No. 59—Electronic Records Disclosure

R. 84, S. 74

Effective Date: May 22, 2025

This Act adds § 17-13-142 to authorize a court with appropriate jurisdiction to issue orders and warrants for production of stored wire, digital, or electronic transactional records or subscriber information. The Act also authorizes the attorney general to subpoena such records as part of an ongoing investigation for child pornography.

Act No. 60—Police Officers Retirement System

R. 85, S. 127

Effective Date: May 22, 2025

This Act amends § 9-11-10(17) and adds § 9-11-43, relating to the South Carolina Police Officers Retirement System, to include the Catawba Nation within the definition of employer.

Act No. 61—Fentanyl/Drug Induced Homicide

R. 87, S. 156

Effective Date: May 22, 2025

This Act adds § 16-3-80 to establish the offense of fentanyl-induced homicide where a person knowingly delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance as defined in §§ 44-53-190(B) and 44-53-210(c)(6) to another person if the individual dies after injection, inhalation, absorption, or ingestion of any amount of the substance. An individual that is convicted of the new offense is guilty of a felony. The Act also prohibits a defense from being established due to a decedent contributing to their own death by their purposeful, knowing, reckless, or negligent consumption of the fentanyl-related substance or by consenting to the administration of the fentanyl-related substance by another person, unless there exists clear and convincing evidence that the decedent intended to commit suicide. The person may, however, be arrested, charged, or prosecuted for any other applicable offense. The Act provides immunity for situations where a person knowingly ingests fentanyl along with another consenting person, and the fentanyl is found to be proximate cause of the death of the consenting person.

Act No. 63—IRS Conformity

R. 90, S. 507

Effective Date: May 22, 2025

This Act amends § 12-6-40, relating to application of federal Internal Revenue Code (IRC) to state tax laws, to update South Carolina's conformity to the IRC through December 31, 2024. This includes any expired provisions of the federal code that are extended, but not otherwise amended, by congressional enactment during 2025.

Act No. 64—Golf Carts

R. 92, H. 3292

Effective Date: May 22, 2025

Section 1 of this Act adds § 56-2-90 to detail regulations regarding the operation of golf carts on public highways in South Carolina. Golf cart owners must obtain a permit decal and registration certificate from the DMV upon the demonstration of proof of ownership, proof of liability insurance, and the payment of a \$5 administrative fee. The decal must be renewed every five years, or sooner if the owner of the golf cart has a change of address. Individuals operating a golf cart on a public road must be at least 16, hold a valid driver's license, and maintain

certain documentation on the golf cart such as the certificate of registration and proof of liability insurance. Each golf cart passenger that is under 12 must wear a fastened safety belt when operation occurs on the public streets or highways of this state.

Municipalities and the unincorporated areas of counties may regulate golf cart use by local ordinances. Such ordinances may provide stipulations such as:

1. limiting the hours, methods, and locations of operation, provided that golf carts may only be operated on a highway where the speed limit is 35 miles per hour or less;
2. permitting nighttime operations, provided that the cart has working headlights and taillights and remains on roads where the speed limit is 35 miles per hour or less; and
3. limiting their use to shoulders of roads and designated golf cart paths, if the path is separated from traffic lanes by a hard curb, parking space, or a distance of four feet or more.

In the absence of a municipal or county ordinance, a permitted golf cart may be operated only during daylight hours on secondary highways with a speed limit of 35 miles per hour or less, cross highways only at intersections, and must operate within four miles of the address on the registration certificate or within four miles of a point of ingress or egress of a gated community if the owner's registered address is within such a community

Act No. 65—Underground Facility Damage Prevention

R. 93, H. 3571

Effective Date: May 22, 2026

Section 1 of this Act amends §§ 58-36-20 through 58-36-120 to provide comprehensive revisions to the “Underground Facility Damage Prevention Act of 2011.” Definitions within the Act are expanded to clarify terms critical to excavation safety and damage prevention. Although local ordinances may regulate the permitting and inspection of utility work within the public right-of-way, state law will continue to preempt local ordinances regarding excavation marking and other methods used to identify underground facilities. SC811 must continue to operate a single state notification center and all operators, including any person or public utility that owns or operates an underground facility for commercial purposes, must join SC811 by January 1, 2026. The Act also outlines new requirements for excavators, operators, emergency excavations, and damage reporting.

Any party subject to an alleged violation under the Act may file a complaint with the Office of Attorney General (AG) within 45 days of the alleged violation. The AG is required to refer all complaints to SC811 for further investigation and mediation pursuant to § 56-36-50(L). If the AG determines that a prima facie case exists regarding a violation of the Act, a complainant may then file an action seeking the imposition of civil penalties in magistrate court, subject to the jurisdictional threshold, or in circuit court. Alternatively, in instances where the AG determines that a prima facie case has not been established, such determinations are still subject to review by the circuit court. Civil penalties for violations of the Act may be levied up to \$5,000 per standard violation and up to \$25,000 for severe violations resulting from willful damage, gross negligence, or a failure to join SC811. All penalties recovered in any action must be paid and remitted into the state's general fund.

Section 2 adds § 58-36-75 to establish protocols for large-scale excavation projects. A large project is defined as an excavation or demolition that exceeds the standard underground locating capabilities under § 58-36-70, is expected to last more than 90 days, and falls into one of the following categories:

1. highway infrastructure projects of more than one linear mile or covering over two square miles in an area with underground facilities;
2. development projects located in areas with underground facilities; or
3. utility infrastructure projects that are also more than one linear mile or covering over two square miles in an area with underground facilities.

If a project meets the threshold of a large project under this threshold, special procedures are triggered to streamline coordination and notification among all stakeholders involved in the project.

Act No. 67—Litter Control Officers

R. 95, H. 4247

Effective Date: May 22, 2025

Section 14 of this Act amends § 4-9-145(B)(1)(b) to update the census referenced in determining the number of litter control officers a county may have from the 2000 census to the most recent census.

Act No. 69—Appropriations and Budget Provisos

R. 97, H. 4025

Effective Date: July 1, 2025

The Appropriations Act generally contains several 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 IB provisos or temporary provisos. Many Part IB 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 passed, in this case FY 25-26.

Part 1A:

Part 1A contains the appropriation of recurring dollars. The FY 25-26 Appropriations Act includes, among other items of interest, **increased funding to the Local Government Fund (LGF) by \$14,566,488 statewide**. The budget also includes \$12 million for the Rural Stabilization Fund, the same amount that was allocated last year (see proviso 113.8).

Other funding of note in part 1A includes:

- \$66 million to cover a base pay increase for state employees (see proviso 117.141);
- \$106 million to cover all the state employees' and retirees' share of a projected 4.6% increase in premiums for the State Health Plan (see proviso 108.6);
- \$750,000 in recurring money for PTSD treatment for first responders;
- \$3 million in recurring money to Labor, Licensing, and Regulation for the V-SAFE Fund;
- \$3.784 million in recurring money for the Firefighter Cancer Benefit Plan;
- \$2 million in recurring and \$2.5 million in one-time money to the Department of Mental Health for the Alternative Transportation Program.
- \$1 million in recurring money to supplement the Councils of Governments;
- \$1.1 million in additional recurring funding for State Aid to County Libraries to raise the per pupil funding to \$2.75;
- \$21 million in recurring money and \$8.3 million in one-time money to DPS for the School Safety Program;

- \$2 million in recurring funds and \$6 million in one-time money to the Department of Parks, Recreation & Tourism (PRT) for destination-specific marketing grants as well as \$1.1 million in one-time money for regional promotions and \$9 million in one-time money for tourism development;
- \$5 million in one-time money to the Housing Finance and Development Authority for first-time homebuyers workforce housing;
- \$12 million in one-time money to the Rural Infrastructure Authority for the Rural Infrastructure Fund and \$15 million for the statewide water and sewer fund;
- \$80 million in one-time money and \$1 million in recurring money to the Department of Commerce for LocateSC site readiness and \$80 million in one-time money for airport enhancements;
- \$5.35 million in recurring money and \$5 million in one-time money to the Division of Aeronautics for airport safety and development;
- \$40 million in one-time money to the Office of Resiliency for the Disaster Relief and Resilience Reserve Fund;
- \$200 million in one-time money to the South Carolina Department of Transportation (SCDOT) for bridge modernization and \$35 million in one-time money for repairs needed due to Hurricane Helene;
- \$13.3 million in one-time money to the DNR for Disaster Relief Grant Matching;
- Over \$198 million in federal funds from Federal Emergency Management Agency (FEMA) to the South Carolina Emergency Management Division (SCEMD) for declared disaster relief (including Hurricane Helene) and \$10 million in total funding for the revolving loan fund;
- \$2.2 million in additional recurring money to DES for the air quality program and almost \$3.5 million in additional recurring money for the drinking water program;
- \$5.5 million in recurring money and \$25 million in one-time money to the Conservation Bank for grant funding;
- \$4 million recurring to DHHS in addition to \$10 million from the federal government for opioid treatment services;
- \$3 million in recurring money and \$700,000 in one-time money to the Election Commission for annual election costs and almost \$11 million in one-time money for statewide voting system upgrades;
- Almost \$13 million in new recurring money to the DVA for veteran homes;
- \$19.4 million in one-time money to the Attorney General's Office for the Crime Victim Assistance "SAVS" Program;
- \$4.2 million in recurring money to the Prosecution Coordination Commission for judicial circuit state support; and
- \$2.9 million in recurring money to the Commission on Indigent Defense for the Office of Circuit Public Defenders – Defense of Indigents.

***All non-recurring (one-time money) items will not be disbursed by the State Treasurer until February 20, 2026.**

Part 1B:

The following provisos of interest were **added or substantially amended by the General Assembly in this year's budget:*

27.1. LIB: Aid to Counties Libraries Allotment. The General Assembly amended this existing proviso that provides that the amount appropriated for "Aid to County Libraries" shall be allotted to each county on a per capita basis according to the official U.S. Census for 2020, as aid to the county library. No county shall be allocated less than \$150,000 under this provision, and the funds must be distributed in two equal installments. County libraries must also have an adopted policy in place that they do not offer books or materials that appeal to the prurient interest of children under 17 in the children's, youth, or teen book sections and are only made available with explicit parental consent. A failure to adopt such a policy will result in immediate withholding

of the allocation. If the local legislative delegation presents evidence that these requirements are not being met by a county library, the delegation may request a comprehensive review of the certification by the State Library. All remaining funds shall be withheld until the State Library verifies full compliance and issues a written determination of compliance to the delegation.

37.7. DAODAS: Real Property Sale Approval. This new proviso provides that no county drug and alcohol authority receiving state funds shall sell, transfer, or otherwise dispose of any real property owned by the authority without prior written approval from a majority of the local legislative delegation representing the county in which the property is located.

43.7. FC: Response to Declared Emergencies. This new proviso transfers up to \$3 million to the South Carolina Forestry Commission to help with the control and management of wildfires when declared as an emergency.

55.10. DES: Pollutants Remediation Fund. The General Assembly amended this existing proviso, dealing with polyfluoroalkyl or PFAS remediation, to change the allocation of funds. Previously, 60% of the funds were made available to private well owners and municipal, county, joint, or otherwise public drinking water systems serving 30,000 customers or fewer. The remaining 40% were made available to municipal, county, joint, or otherwise public drinking water systems serving more than 30,000 customers. The amended proviso now allows more than 60% to go to the smaller systems and up to 40% to the larger systems, at DES's discretion.

55.20. DES: Innovative Reusable Byproduct Pilot Program. This existing proviso established the Innovative Reusable Byproduct Pilot Program from funds appropriated to DES to determine whether innovations in manufacturing, food production, timber, and other similar industries can provide new opportunities to use byproducts that would otherwise require management as solid waste. The General Assembly amended the proviso requiring DES to annually submit a program report annually to the legislature by June 30.

55.26. DES: Permitting Timeframes. This new proviso requires DES to issue a decision on a completed application for a permit no later than 90 days after the date the application is received by the department. DES and the applicant may mutually agree in writing to extend this review period, and the department may not stop, stay, or otherwise alter the review period without a written agreement. The General Assembly further amended this proviso to exclude energy projects whose timeframes are set forth in the comprehensive energy legislation (See Act No. 41 of 2025).

62.25. SLED: PTSD Treatment Program. This new proviso allows coroners and deputy coroners to be eligible for the PTSD treatment program administered through the South Carolina Law Enforcement Division (SLED) and the South Carolina Law Enforcement Assistant Program.

63.8. DPS: School Resource Officers. The General Assembly amended this existing proviso, relating to the School Safety Program, to allow school districts in "Tier IV Counties" to contract with private companies to hire Class I law enforcement officers to serve as school resource officers.

67.17. DJJ: Capital Expenditure Charge. This new proviso requires local governments using the Department of Juvenile Justice (DJJ)'s juvenile detention services to pay a capital expenditure charge of \$125 per day per child not to exceed 25 days to DJJ to cover capital expenditures and investments in the facilities that house such juveniles. This charge is in addition to the per diem charge of \$50 that offsets operating expenses. If full funding is not received by the local governments, then the remainder of the funds due shall be transferred to DJJ from the Local Government Fund on behalf of local governments. The transfer to DJJ on behalf of the local government shall be deemed to have been distributed to the local government.

84.19. DOT: Waiver Valuations. This new proviso provides that for federal funds appropriated to SCDOT, cost estimates of \$20,000 or less for uncomplicated acquisitions of real property—defined as those involving unimproved strips of land with no damage, no changes in highest and best use, or no significant cost to cure—are considered waiver valuations as defined by the Federal Highway Administration and shall not be subject to the Uniform Standards of Professional Appraisal Practice. SCDOT must submit a detailed report on the waiver valuations to the Senate Transportation Committee and the House Education and Public Works Committee by June 30, 2026.

92D.1. SCOR: Catastrophic Weather Event. The General Assembly amended this existing proviso to update calendar year references, add Hurricane Helene in reference to the catastrophic weather events, and add the Office of Resilience's Rapid Rebuild Program to the listed offices for funding improvements.

96.4. SS: Cable and Video Service Certificates. This new proviso prohibits the Secretary of State from automatically denying the application or amending the application for a cable or video service certificate pursuant to Section 58-12-310 if a community does not indicate its unconditional consent to the state-issued certificate of franchise authority within 65 days.

100.17. ADJ: PPE Stockpile. The General Assembly amended this existing proviso to allow SCEMD to donate excess or expired personal protective equipment for nonmedical use to nonprofit charitable organizations if the materials cannot be sold.

100.24. ADJ: Public Assistance Program. This new proviso creates a public assistance program to support disaster recovery under SCEMD, in coordination with the Office of Resilience. This program may be used by local governments experiencing a disaster that is localized if the statewide damage does not meet the FEMA threshold of \$9 million. Cost reimbursement will be 75% of eligible costs.

102.1. ELECT: County Board of Voter Registration and Elections Compensation. The General Assembly amended this existing proviso to increase the compensation rate of board members from \$1,500 for each member to \$2,500 for each member and from \$13,500 per county to \$22,500 per county.

102.7. ELECT: Training and Certification Program. The General Assembly amended this existing proviso, relating to training and certification programs for County Boards of Voter Registration and Elections, to provide that all stipends that are withheld due to the failure of a member to attend a required training course must be paid if the member signed up for a course that was subsequently canceled.

108.6. PEBA: State Health Plan. The General Assembly amended this proviso, relating to employer premium increases, to provide for a 4.6% premium increase for employers.

113.10. AS-TREAS: Disgorging of Funds. The General Assembly adopted this new amendment to provide for a clawback of Local Government Funds from a municipality if the municipality, by ordinance, prohibits medical and mental health professionals from providing conversion therapy or reparative therapy to minors at any time during the fiscal year. Nothing in this proviso prohibits a medical or health professional from offering assistance to a minor struggling with gender identity so long as the assistance does not encourage gender transition.

117.141. GP: Employee Compensation. The General Assembly amended this existing proviso to provide a salary increase to state employees. Their salaries shall be increased to either the minimum of the new state pay grades established by the Department of Administration, or 2%, whichever is greater. Chief Justices and other judicial officers, as well as county auditors, county treasurers, shall also receive an annualized pay increase of 2 percent.

117.151. GP: Job Ordered Contracting Pilot Program. The General Assembly amended this existing proviso to provide that the Division of Procurement Services and the State Fiscal Accountability Authority may pilot test job order contracting methods at the request and on behalf of up to 22 governmental bodies (previously six) consisting of eight state agencies, 12 school districts, and two other political subdivisions to acquire construction services when the exact time or quantities of future jobs are not known at the time of contract award during the current fiscal year. An individual project using job orders may not exceed \$750,000 (previously \$500,000) and the sum of all individual job orders may not exceed \$6 million (previously \$4 million) per contract.

117.164. GP: Land Acquisition. The General Assembly amended this existing proviso to provide that for funds distributed to acquire interests in land for natural resource preservation or rural preservation, DNR, PRT, the Office of Resilience, the Forestry Commission, and the Conservation Bank must collaborate to maximize the most cost-effective options for purchasing property and providing the greatest public benefit. Budget requests must be submitted to the Executive Budget Office, which must prepare a report to the General Assembly by Aug. 15 each fiscal year.

117.191. GP: Fraud Mitigation. This new proviso requires state agencies that issue checks as a benefit to the public—rather than as payment for services rendered and that do not use the procurement process for such disbursements—to develop and implement measures to mitigate the risk of fraud. The agencies must also compile a report detailing fraud mitigation measures implemented, any incidents of fraud detected, and corrective actions taken. The report must be submitted to the General Assembly by Dec. 31 of the current fiscal year.

117.202. GP: Political Subdivision Reimbursement. This new proviso requires manufacturing property currently receiving the partial value exemption to continue to receive the exemption in FY 2025-26. The proviso also increases the reimbursement cap from \$170 million to \$300 million. To the extent that funds exceed the amounts necessary to make the full reimbursement for the property tax exemption are unavailable, then the balance in the Trust Fund for Tax Relief may be expended to make the reimbursements in full.

117.213. GP: Aid to Fire Districts Planning. This new proviso requires the Revenue and Fiscal Affairs Office (RFA), in conjunction with the Executive Budget Office, to develop and submit options to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 31, 2025, that address the Aid to Fire District open-ended status as defined by the Office of Comptroller General. The options must ensure that all collections are disbursed to fire districts as prescribed by statute and disbursements are not reliant upon budgetary surpluses. The Department of Insurance and the Office of the State Treasurer must also cooperate with any requests for information from RFA.

118.20. SR: Homestead Exemption Fund. Amends the existing proviso to direct over \$124 million in one-time money from the Homestead Exemption Fund to be distributed as a one-time, nonrecurring appropriation by Sept. 30, 2025, to the General Fund to provide income tax relief.

*** The following provisos of interest added in previous years remain in the FY 2025-26 budget.**

1.21. SDE: School Districts and Special Schools Flexibility. 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.

1.90. SDE: Incentive Prohibition. 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.

1.46. SDE: School District Property. Suspends § 59-19-250 which requires the consent of a governing board of a county for school trustees to sell or lease school property.

33.9. DHHS: Medicaid Eligibility Transfers. 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. The director of the DHHS must provide by November 1 to the governing authority and the legislative delegation of each county 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.

33.21. DHHS: Rural Health Initiative. 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. DHHS will also use teaching hospitals, such as the Medical University of South Carolina, to ensure rural physician coverage in counties with a demonstrated lack of adequate health care access.

43.6. FC: Firefighting Equipment and Response Carry Forward. 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.

47.3. DNR: Proportionate Funding. 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.

49.1. PRT: Tourism and Promotion. This proviso lays out the required allocations for the appropriations to PRT for Regional Promotions and Tourism.

49.2. PRT: Destination Specific Tourism Marketing: 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.

49.10. PRT: PARD. This proviso authorizes PRT to expend restricted funds for the Parks and Recreation Development Fund (PARD). The department is allowed to reimburse PARD grantees from current year funds for prior year expenditures.

49.16. PRT: Destination Specific Tourism. This proviso states 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.

50.13. CMRC: Regional Economic Development Organizations. 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.

50.19. CMRC: Development – Funding for Rural Infrastructure. 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 U.S. Census 2017, a county with a poverty rate in excess of 20%. Once a project is committed, the funds may be used to finish that specified project, even if the county does not remain an eligible county in subsequent years. Of the money 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.

54.5. RIA: Statewide Water and Sewer Fund. 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.

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

58.2. ALC: County Office Space for Judges. 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.

59.14. AG: State Crime Victim Compensation. 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.

60.5. PCC: Solicitor's Office – County Funding Level. 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.

60.8. PCC: Establish Victim/Witness Program. This proviso directs how the money appropriated to the Victim/Witness Program must be allocated. The proviso also 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.

60.11 PCC: Caseload Equalization Funding. Of the money allocated for Caseload Equalization, the first \$10,350,00 must be distributed at an amount of \$225,000 per county. The remaining \$12,006,872 must be distributed based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

61.1. INDEF: Defense of Indigents Formula. This proviso allocates the money appropriate for “Defense of Indigents” and provides that 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.

61.11. INDEF: Optional Courts and Indigent Representation. 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.

62.17. SLED: Criminal Record Search Fees. SLED may charge a fee of \$8 for a criminal record search for local park and recreation volunteers through a commission, municipality, or county.

62.21. SLED: Drug Lab Electronic Mandatory Reporting System. 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.

62.22. SLED: Mandatory Meth Lab Reporting. 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.

63.7. DPS: In-Car Camera Funding. This proviso authorizes the DPS to establish an “In-Car Video Camera Fund” to assist law enforcement agencies in purchasing and maintaining in-car video cameras and ongoing costs related to the maintenance and storage of data recorded by in-car video cameras. 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.

63.9. DPS: Governor’s Law Enforcement Officer of the Year Award. 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.

65.19. CORR: Quota Elimination. This proviso provides that counties shall be required to provide to the South Carolina Department of Corrections (SCDC) 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 (SCDC) to more expeditiously accept and

process newly sentenced inmates who are awaiting transfer from local jails. This proviso is also intended to provide a solution to SCDC not accepting its prisoners from local jails in a timely manner, and it recognizes that SCDC must comply with its statutory obligations.

65.24. CORR: Credited Jail Time; DNA Sample Collection. Prior to this proviso, local jails were required to transport inmates sentenced to time served (in excess of 90 days) to SCDC so they can be booked into SCDC's system prior to release. This proviso allows counties, through a written agreement with SCDC, to transmit the booking records to SCDC electronically so that inmates sentenced to time served may be released directly from the local jail. SCDC 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.

67.13. DJJ: Raise the Age. DJJ 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.

84.8. DOT: Project Priority List. This proviso requires SCDOT to maintain the project priority list on its website.

84.13. DOT: CTC Donor Bonus. This proviso authorizes SCDOT 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 (CTCs) outlined in § 12-28-2740(H). Section 12-28-310(D) is the phased-in two-cent per year motor fuel increase, which is directed in statute to the Infrastructure Maintenance Trust Fund.

86.1. CTC: Increased Funding. This proviso provides that the requirement of § 13 of Act 40 of 2017 for increased funding to the CTCs 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.

86.2. CTC: Expenditure Authority Limitation. Authorizes CTCs 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.

93.7. DOA: First Responder Interoperability. The 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.

101.3. VET: Military Enhancement Fund Allocation. This proviso provides that funds appropriated to the DVA for the Military Enhancement Fund 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.

102.2. ELECT: Election Managers & Clerks Per Diem. 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.

102.8. ELECT: Penalty for Late Submission of Reimbursable Expenses. 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, unless the Commission finds good reason for the late submission.

103.2. RFAO: Election File Merge. Counties and municipalities are required to release GIS data to the RFA 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.

103.4. RFAO: E911 PSAPs. RFA is to ensure that any new plans or proposed amendments to existing E911 plans maintain comprehensive coverage for the full Public Safety Answering Points (PSAPs) area as well as improve cost effectiveness. The proviso further states that no new plans or amendments may be considered by RFA that do not include the written agreement of all jurisdictions affected by the new plan or proposed change.

105.4. SFAA-AUD: Annual Audit of Court Fees and Fines Reports. Section 14-1-210 allocates \$350,000 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 CPAs or accounting firms to conduct the audits.

108.1. PEBA: Magistrates Health Insurance. 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.

108.11. PEBA: Non-State Agency Furloughs. This proviso provides that for the current fiscal year, a participating employer in the South Carolina Retirement System (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.

108.14. PEBA: PORS and SCRS Return to Work. 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 after retirement.

108.15. PEBA: PORS Return to Work. 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 be required to meet continuous training and education requirements of the South Carolina Law Enforcement Academy.

109.9. DOR: Public Safety Events. A few years ago the General Assembly added fire safety and emergency medical services to this proviso. The proviso 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.

109.11. DOR: Notification of Protest. 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 (DOR) shall notify any affected county and school district of the written protest.

109.12. DOR: Electronic Filing. This proviso allows the DOR to require a statement subject to penalties of perjury for certain applications for licenses or permits to be filed electronically.

109.13. DOR: Referendum Notification. This proviso requires a county or municipal election commission to notify the DOR 60 days before a referendum on imposing a local sales tax or local option permit.

109.14. DOR: Manufacturing Property Tax Reduction: In the current fiscal year, property owned by or leased to any utility, including solar farms, is not allowed the property tax reduction percentage for manufacturing property.

113.3. AS-TREAS: Salary Supplements. 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.

Of the amount appropriated in Part IA, Section 113 for Aid County-Magistrates, a salary supplement of \$10,000 per full-time magistrate and \$2,500 per part-time magistrate shall be provided. Magistrate salaries will remain decoupled from the circuit court judge salaries and the salary supplement shall not disqualify each magistrate for salary increases that they might otherwise receive from county funds in the future.

113.4. AS-TREAS: Legislative Delegations. 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, 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."

113.5. AS-TREAS: Transparency – Political Subdivision Appropriation of Funds. This proviso provides that 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.

113.6. AS-TREAS: Agricultural Use Exemption. 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.

113.7. AS-TREAS: Excess Sales Tax Collections. 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.

113.8. AS-TREAS: Rural County Stabilization Fund. Due to the 2020 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 5.35% 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.

117.20 GP: Travel – Subsistence Expenses & Mileage. The mileage reimbursement rate for state employees is the current rate established by the Internal Revenue Service.

117.48. GP: Assessment Audit/Crime Victim Funds. 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.”

117.93. GP: Prohibits Local Government Fund Public Funded Lobbyists. 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.

117.95. GP: Recreational Activities. Two counties are authorized to enter memorandums of understanding to provide recreational activities and projects that benefit the citizens of both counties.

117.97. GP: Data Breach Notification. An agency of this state, including counties, must disclose any breach of 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.

117.98. GP: Remittance of Court Fee and Fine Money. 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.

117.105. GP: Refugee Resettlement Program. 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.

117.112. GP: Funds Exempt from Budget Reduction Calculations. 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.

117.115. GP: SCRS & PORS Trust Fund. 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.

117.123. GP: Criminal History Investigations. 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.

117.125. GP: Immigration Compliance Report. 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

Dec. 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.

117.126. GP: School Resource Officer Critical Needs. Any Class I law enforcement officer who retired under the PORS on or before Dec. 31, 2022, 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 PORS. The Law Enforcement Training Council must develop guidelines and curriculum for these officers to be recertified and must not require recertification through basic training for those that have been inactive for a year or more.

117.128. GP: Magistrates Compensation. 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 FY 2018-19.

117.138. GP: Agribusiness Processor. 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.

117.147. GP: Homestead Exemption Fund. Suspends for FY 2025-26, Section 11-11-156(C) of the Code of Laws, relating to remaining balances of the Homestead Exemption Fund at the end of a fiscal year.

117.150. GP: Disinfection and Cleaning. Allows agencies and political subdivisions to utilize federal funds to implement cleaning, sanitization, and disinfection to meet the most current requirements issued by DPH.

Act No. 91—Joint Resolution: Surface Water Study Committee

R. 20, H. 3814

Effective Date: April 28, 2025

This Joint Resolution modifies the original directive of the Surface Water Study Committee that was established by Proviso 117.184 in Act 226 of 2024. The Committee, originally tasked with studying surface water, is now authorized to study groundwater conditions and other water-related issues in South Carolina. The deadline for the Committee to report its findings to the General Assembly is also changed from March 1, 2025, to March 2, 2026. Proviso 117.184 remains in effect, but provisions of this resolution will control any instances where conflicts exist.

Special Purpose District Legislation

Act No. 76—Charleston County Aviation Authority

R. 40, S. 522

Effective Date: May 8, 2025

This Act updates Sections 2 and 3 of Act 1235 of 1970 to rename the Charleston County Airport District as the Charleston Regional Airport District and the Charleston County Aviation Authority as the Charleston Regional Aviation Authority.

Act No. 83—Greenville Airport Commission

R. 31, S. 213

Effective Date: May 8, 2025

This Act amends Act 919 of 1928 regarding the Greenville Airport Commission by increasing their borrowing cap to \$20 million.

Act No. 86—Greater Greenville Sanitation District

R. 73, H. 4003

Effective Date: May 13, 2025

This Act amends Act 1543 of 1968 to say that the Greater Greenville Sanitation Commission cannot provide garbage, refuse or trash collection services outside its district boundaries. However, after June 30, 2026, it may continue to provide these services to municipalities it was serving under intergovernmental agreements as of January 1, 2025. The Act also allows exceptions for existing intergovernmental agreements, permits the Commission to develop specific properties with use restrictions, and modifies annexation authority by increasing the percentage of freeholders required for annexation petitions from 51% to 66%.

Local Legislation Affecting Certain Counties

Act No. 81—Darlington Forfeited Land Commission

R. 24, H. 4088

Effective Date: April 28, 2025

This Act repeals Act 668 of 1934 which created the Darlington Forfeited Land Commission.

Act No. 82—Florence/Darlington Technical College Millage

R. 9, H. 3952

Effective Date: See Below

This Act amends Act 571 of 1965 and requires the operating millage for the budget of Florence-Darlington Technical College to be approved by the Darlington County Council instead of the county board of education. Darlington County Council is also authorized to make any necessary adjustments to the budget. This Act takes effect on March 13, 2025, and applies for fiscal year 2025-2026.

Act No. 84—Blue Ridge Community

R. 14, S. 384

Effective Date: April 28, 2025

This Act amends Act 108 of 2021 by changing the boundary of the Blue Ridge Community in Greenville County and prohibiting the installation of cluster septic systems in the community.

Act No. 89—Lexington County School District Property Tax Relief Act Extension

R. 25, H. 4187

Effective Date: April 28, 2025

This Act extends Section 3(A) of Act 378 of 2004, concerning the 1% special sales and use tax from the Lexington County School District Property Tax Relief Act, for an additional seven years.

Act No. 90—Catawba Indian Reservation

R. 4, H. 3438

Effective Date: March 7, 2025

This Joint Resolution signifies the General Assembly's approval of Ordinance Number 3421 adopted on Sept. 7, 2021, by the York County Council to expand the Catawba Indian Reservation.

Act No. 92— Joint Resolution: Heritage Preserves

R. 8, S. 363

Effective Date: March 13, 2025

This Joint Resolution approves amendments to Regulation 123-204 of DNR, designated as Document Number 5329 relating to "Specific Properties," to close access and landing, including intertidal areas, at Deveaux Bank in Charleston County between March 15 and Oct. 15th of each year to protect the nesting habitat of sea and shorebirds. Deveaux Bank is also closed to public access year-round above the high tide line to protect birds and other wildlife during sensitive periods. The amendment to the existing regulation is due to the significant impacts that Deveaux Bank experienced during recent storm events, including Hurricane Idalia in 2024.

School District Legislation

Act No. 77—Charleston County School District

R. 23, H. 4014

Effective Date: April 28, 2025

This Act abolishes the individual districts of the Charleston County School District and their boards of trustees effective July 1, 2025. From that date, all powers and duties of the districts' boards will be transferred to the Board of Trustees of the Charleston County School District.

Act No. 80—Clarendon County School District

R. 6, H. 3792

Effective Date: March 7, 2025

This Act amends Act 106 of 2021 to change how the results of elections for members of the Clarendon County School District Board of Trustees are determined. It also requires the Board of Trustees to submit its proposed budget to the Clarendon County Council for approval annually, on or before May 31.

Act No. 87—Laurens County School District 55

R. 68, H. 3878

Effective Date: May 13, 2025

This Act amends Act 779 of 1988, stating that starting with the 2026 school district elections, the seven defined single-member election districts for the Board of Trustees of Laurens County School District 55 will be outlined on the official map S-59-55-25, filed with the RFA Office. The Office will provide a certified copy of this map to the school district and the Laurens County Board of Voter Registration and Elections.

Act No. 88—Laurens County School District 56

R. 67, H. 3877

Effective Date: May 13, 2025

This Act modifies Act 779 of 1988, to update the demographic information used to elect members of the seven election districts for the Board of Trustees of Laurens County School District 55.

Precinct Legislation

Act No. 9—Clarendon County Voting Precincts

R. 21, H. 3932

Effective Date: April 28, 2025

This Act amends § 7-7-190 to divide an existing precinct in Clarendon County and update the map number with the RFA Office. The Board of Voter Registration and Elections of Clarendon County will determine the polling places for the new precincts, pending approval from a majority of the Clarendon County Legislative Delegation. The precinct boundaries are shown on the official map filed as document P-27-25.

Act No. 52—Lancaster County Voting Precincts

R. 79, H. 4307

Effective Date: May 12, 2025

This Act amends § 7-7-350 by combining certain precincts in Lancaster County and updating map numbers. The precinct boundaries are shown on maps filed with the Clerk of Court and the State Election Commission, documented as P-57-25. The Board of Voter Registration and Elections of Lancaster County will establish the polling places for these precincts, subject to approval from the Lancaster County Legislative Delegation.

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2025

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126th General Assembly



SOUTH CAROLINA
ASSOCIATION OF COUNTIES