

## Budget Provisos of Interest to Counties: 2024-25

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.** This proviso was amended to require that prior to receiving any of the funds allotted, county libraries must certify to the State Library that their county libraries do not offer any books or materials that appeal to the prurient interest of children younger than 17 in the children's, youth, or teen book sections and are only made available with explicit parental consent.

**35.11. DMH: 988 Call Centers.** The General Assembly amended the proviso to update fiscal year references regarding funds appropriated in this act for 988 call centers. The Department of Mental Health (DMH) is authorized to provide grants to call centers under a current network agreement with the 988 Suicide & Crisis Lifeline in the state. Call centers qualifying for the grants shall use the funds for costs associated with answering calls, chats, or texts to the 988 hotline. DMH shall provide a report on the use of the funds to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by June 30 of the current fiscal year. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and DMH may spend the funds for the same purposes.

**42.6. HFDA: SC Housing Statewide Assessment.** The General Assembly adopted the deletion of the existing proviso that provided \$100,000 be used by the Housing Finance and Development Authority (HFDA) for a statewide housing needs assessment prepared by the Darla Moore School of Business.

**42.7. HFDA: Collaboration.** The General Assembly adopted this new proviso directing the HFDA to collaborate with Habitat for Humanity to explore funding opportunities to increase and preserve the supply of affordable and workforce housing.

**49.24. PRT: Advertising Funds.** This new proviso directs the Department of Parks, Recreation, and Tourism in the current fiscal year to use a portion of advertising funds appropriated in this Act in *Section II. A. Advertising* to promote inland lakes for tourism and fishing, hunting opportunities throughout the state, and public and nonprofit-owned-and-administered trail systems in all areas of the state.

**55.15. DES: Water Recreational Resources.** The General Assembly adopted this new proviso that requires the Department of Natural Resources to transfer \$708,000 from the special water recreational resources fund to the Department of Environmental Services (DES) for the hydrology and aquatics nuisance species program.

**55.19. DES: Grant Authority.** The General Assembly adopted this new proviso that authorizes DES to make grants to nonprofits and governmental entities for environmental programs and directs DES to develop policies, procedures, and promulgate regulations.

**55.22. DES: Innovative Reusable Byproduct Pilot Program.** The General Assembly adopted this new proviso that establishes the Innovative Reusable Byproduct Pilot Program using funds appropriated to DES. The program is intended 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. DES is required to submit a program report to the General Assembly by June 30, 2025.

**55.24. DES: Dam Repair Assistance Fund.** The General Assembly adopted this new proviso to provide that, of the funds appropriated for system upgrades beginning with the FY 24-25 Appropriation Act, there is established within DES a Dam Repair Assistance Grant Program. The proviso outlines how the interest-bearing fund should be used for cost-sharing grants to correct dam deficiencies identified by DES for high- and significant-hazard dams regulated under the Dams and Reservoir Safety Act. A grant of up to 75% of the total cost to correct the dam deficiency identified by DES may be provided. DES may also use funds to administer and manage the grant program. DES shall draft policies, criteria, and guidance for the grant program by Oct. 15, 2024. This will be posted on the DES website.

**55.25. DES: Erosion Control.** The General Assembly adopted this new proviso to direct the Department of Health and Environmental Control (DHEC) and the new DES Office of Ocean and Coastal Resource Management to temporarily pause current enforcement actions that have been brought against property owners in “active beach” areas on the landward portions of the setback line to review the enforceability of such actions once new setback lines are established later this year. DES shall notify affected property owners of the results of the review. Upon request by an affected property owner, DES must initiate a new enforcement action applying the new baseline and setback lines. The result of the new enforcement action may be challenged and appealed by the property owner. If the affected property owner prevails in the new enforcement action, the DES shall compensate the property owner for all costs incurred to defend the original and new enforcement actions, penalties levied, and costs incurred by the property owner to remedy the original violation.

**55.26. DES: Beaches.** Pertaining to DES funds, this new proviso provides that “beaches” means those lands subject to periodic inundation by tidal and wave action so that no non-coastal vegetation is established; or such other definition that is established by statute. A determination by the agency that an area is considered “beach” pursuant to this provision is subject to immediate appellate review by the Administrative Law Court. The appellant shall issue notice of appeal within 30 days, which shall stay any enforcement action while waiting for a court decision. If the administrative law judge issues an order reversing the decision of the agency, as it relates to the agency's determination of “beaches,” then the administrative law judge shall issue attorney's fees and costs to the appellant. The agency may be solely responsible for the attorney's fees and costs; and any third-party litigants relying on such claims may be responsible for a portion of those fees at the discretion of the administrative law judge.

**55.28. DES: PFAS Pilot Program:** This new proviso establishes within DES a Per- and Polyfluoroalkyl Substances (PFAS) Removal Evaluation Fund to create and implement a PFAS Removal Evaluation Pilot Program. The purpose of the Pilot Program is to evaluate and facilitate the implementation of emerging technologies to remove PFAS compounds from industrial wastewater. DES must submit a progress report on the viability of the piloted technologies to the General Assembly no later than June 30, 2025.

**74.4. WCC: Workers' Compensation Hearings.** This new proviso requires every county to provide a space to conduct hearings for the Workers' Compensation Commission upon request of the Chairman of the Workers' Compensation Commission. This space must be in a secure existing facility and include all utilities.

**92D.1. SCOR: Catastrophic Weather Event.** The General Assembly amended the existing proviso updating fiscal year references and directing that improvements to real or personal property used as a residence—such as a mobile home or manufactured housing unit—damaged during the catastrophic weather event in October 2015, Hurricane Matthew in 2016, or Hurricane Florence in 2018, after the event and before June 30, 2025, are not to be considered improvements and may not be reassessed at a higher rate as a result of the assistance provided. This provision only applies

if, as a result of the catastrophic weather event, the improvements made to the property were funded by the U.S. Department of Housing and Urban Development Block Grant Disaster Recovery program implemented by the Office of Resilience, or its predecessor the Disaster Recovery Office. This provision also applies if, at the discretion of the county and using qualifications determined by the county, the improvements were made with the assistance of a volunteer organization active in disaster recovery, or a similar volunteer organization. Also, during the current fiscal year, the property tax value of an eligible property shall remain the same unless an assessable transfer of interest occurs. No refund is allowed on account of values adjusted as provided in this provision.

**99.2. RSIC: Unfunded Liability Study.** The General Assembly adopted the new proviso directing the Retirement System Investment Commission to undergo a study on alternative methods to reduce the state's unfunded liability in the pension system and to report any findings to the General Assembly.

**100.14. ADJ: Disasters Expenditure Status Report.** The General Assembly amended the existing proviso requiring the Emergency Management Division of the Office of the Adjutant General to prepare a quarterly report on the status of the expenditure of funds appropriated in the current fiscal year or in a previous fiscal year for a Federal Emergency Management Agency match for all open federally declared disasters (previously only the 2015 flooding, Hurricane Matthew, and the Pinnacle Mountain Fire). The quarterly report must include, but is not limited to, expenditure by category of work by state/local government and by county.

**103.6. RFAO: Revenue Forecast.** The General Assembly adopted a new proviso to allow the Revenue and Fiscal Affairs Office (RFA) to extend the delivery of the November revenue forecast.

**106.2. SEB: Suspend SCRS & PORS Employer Contribution Rate Increase.** The General Assembly deleted this existing proviso that suspends the increase in the employer contribution rate pursuant to Section 9-1-1085, relating to employer and employee contribution rates, and Section 9-11-225, relating to employer and employee contribution rates, for FY 23-24 and directs that the contribution rate for S.C. Retirement System (SCRS) and the Police Officers Retirement System (PORS) shall increase by 1% from the FY 22-23 rates set in Act 239 of 2022.

**108.6. PEBA: State Health Plan.** The General Assembly amended this proviso, relating to employer premium increases, to update the plan year reference and premium increase percentage to 11.8%.

**108.12. PEBA: COVID-19 Return to Work Extension.** The General Assembly deleted this existing proviso stating that the earnings limitation does not apply to retired SCRS or PORS members who return to covered employment to participate in the state's public health preparedness and response to COVID-19.

**108.16. PEBA: PORS and SCRS Return to Work.** The General Assembly adopted this existing proviso that states, for compensation earnings during the current fiscal year, the earnings limitation does not apply to a **PORS member** or an **SCRS member** if the member has not been engaged to perform services for a participating employer in the system or any other system provided in Title 9 for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least 12 consecutive months subsequent to retirement. The exemption under this provision does not apply unless the member first certifies to the system that they satisfy the requirements for the exemption. If a member inaccurately certifies that they satisfy the requirements for the exemption in this provision, the member is responsible for reimbursing the system for any benefits they were wrongly paid.

**117.82. GP: Civil Conspiracy and Defense Costs.** The General Assembly amended the existing proviso by striking the proviso in its entirety and inserting new language for the current fiscal year. It states that for any claim that has not reached a judgment, if a current or former state or local government employee is personally sued for civil conspiracy, the employee must be provided legal counsel by the governmental entity and/or their insurer upon the submission of an affidavit executed by the agency head or his designee that the employee was acting within the scope of employment or in good faith. No insurer that provides insurance for any governmental entity may exclude coverage for civil conspiracy. Prior to trial, the court must make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty or in good faith. If the court finds that the government employee was acting outside the scope of the employee's official duties or not in good faith, the government or their insurer shall not expend any funds to pay or defend the claim including funds for the employee's legal counsel. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties or in good faith. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

**117.115. GP: SCRS & PORS Trust Fund.** The General Assembly amended this existing proviso to update fiscal year references. This proviso directs that the funds allocated to Public Employee Benefit Authority (PEBA) for the SCRS or PORS Trust Funds be credited toward contributions due from participating employers in those systems for FY 2024-25; directs that no credits shall be issued for covered employees of special purpose districts, joint authorities, non-profits, hospitals, participating associations or service organizations as defined in Section 9-1-10(11)(e), relating to retirement systems definitions, and state employees whose salaries are paid with federal funds. The proviso excludes the S.C. Ports Authority, the S.C. Public Service Authority, and the Medical University Hospital Authority from this prohibition. It directs PEBA to collaborate with the Department of Administration, Executive Budget Office, and RFA to determine the amount of credit exclusion for federally funded state employees.

**117.117. GP: Opioid Abuse and Prevention Treatment Plan.** The General Assembly amended this existing proviso to delete references to DHEC and replace these references with the Department of Public Health (DPH). The Department of Alcohol and Other Drug Abuse Services and Department of Health and Human Services are directed to establish a coalition of state agencies, providers, and other related entities to coordinate opioid abuse prevention and treatment services throughout the state.

**117.126. GP: School Resource Officer Critical Needs.** The General Assembly amended this existing proviso to provide that any Class 1 Law Enforcement Officer who retired under PORS on or before Dec. 31, 2023, 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.

**117.131. GP: Offshore Oil.** The General Assembly amended this existing proviso to change references from DHEC to DES. The proviso prohibits funds appropriated or authorized to DES or to local government entities to be expended to approve a plan, permit, license application or other authorization for: (1) the transportation of unrefined or unprocessed oil or gas into the state's territorial waters or onto its lands, from offshore oil and gas production platforms and related infrastructure in the Atlantic Ocean; (2) for exploration, development, or production of unrefined or unprocessed oil or gas from within the state's territorial waters; and (3) for exploration, development,

or production of unrefined or unprocessed oil or gas in the Atlantic Ocean. It also provides definitions for development, exploration, production, and territorial waters of the state.

**117.142. GP: Employee Compensation.** The General Assembly amended this proviso to provide a \$1,125 base pay increase for state employees making \$50,000 or less and a 2.25% base pay increase for state employees making more than \$50,000.

**117.159. GP: Statewide Mobile Health Units.** The General Assembly amended this existing proviso to change the fiscal year reference to “current fiscal year” and change references from DHEC to DPH. The S.C. Center for Rural and Primary Healthcare is authorized to provide coordination and assistance to mobile health units in South Carolina. The proviso outlines the actions the center may take to increase access to health care and reduce health inequities in the state. It directs the center to be available to support implementation strategies and provide organization for and collaboration with mobile health units.

**117.178. GP: Polling Locations and Availability.** The General Assembly adopted this new proviso to direct that if a county library denies a request by the County Elections Board to use available space at the library as a polling location, then the county shall have a portion of its State Library, Aid to County Libraries funds withheld and directs the Executive Director of the State Election Commission to notify the State Library and legislative delegation of any refusal.